

1 Minutes of the regular monthly meeting of the Planning Commission of the County of Henrico,
2 Virginia, held in the Board Room of the County Administration Building in the Government
3 Center at Parham and Hungary Springs Roads, Beginning at 9:00 a.m. Wednesday, September
4 22, 2004.

5

6 Members Present: Mrs. Lisa D. Ware, C.P.C., Chairperson (Tuckahoe)
7 Mr. Ernest B. Vanarsdall, C.P.C., Vice Chairperson (Brookland)
8 Mr. C. W. Archer, C.P.C. (Fairfield)
9 Mr. E. Ray Jernigan, C.P.C. (Varina)
10 Mr. John Marshall (Three Chopt)

11

12 Member Absent: Mr. James B. Donati, Jr., (Varina) Board of Supervisors
13 Representative

14

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

26

27 **Mr. James B. Donati, Jr., the Board of Supervisors Representative, abstains on all cases**
28 **unless otherwise noted.**

29

30 Mrs. Ware - Good morning. Welcome to the Planning Commission meeting for plans
31 of developments and subdivisions, September 22, 2004. I'll turn the meeting over to our
32 secretary, Mr. Silber.

33

34 Mr. Silber - Thank you, Madam Chairman. It looks like we have all of our Planning
35 Commissioners present this morning, with the exception of Mr. Donati who has not arrived
36 yet, but we do have a quorum. With that, the first item of business would be to handle any
37 deferrals or withdrawals that are on the Commission's agenda this morning. Ms. News, will
38 you walk us through those please.

39

40 Ms. News - Okay. Good morning, Madam Chairman, members of the Commission,
41 Mr. Secretary. We have five requests for deferrals and withdrawals that we are aware of. The
42 first one is found on Page 4 in your agenda, The applicant is requesting deferral to your
43 November 17, 2004, meeting. This is in the Three Chopt District.

44

44 **PLAN OF DEVELOPMENT (Deferred from the July 28, 2004 Meeting)**

45

POD-47-04
Retail Buildings – Town
Center @ Twin Hickory –
Nuckols Road

Will Goode, P.E. for Twin Hickory (E&A), LLC.: Request for approval of a plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct two (2) one-story retail buildings totaling approximately 12,600 square feet, and associated parking. The 1.61-acre site is located at the southwest intersection of Old Nuckols Road and Nuckols Road in the Town Center @ Twin Hickory Shopping Center on parcel 745-773-9641. The zoning is B-2C, Business District (Conditional). County water and sewer. **(Three Chopt)**

46

47 Mrs. Ware - Is there any opposition to the deferral of POD-47-04, Retail Buildings –
48 Town Center @ Twin Hickory in the Three Chopt District? No opposition. Mr. Marshall.

49

50 Mr. Marshall - Madam Chairman, I move that POD-47-04 be deferred to the November
51 17 meeting, at the request of the applicant.

52

53 Mr. Vanarsdall - Second.

54

55 Mrs. Ware - The motion was made by Mr. Marshall and seconded by Mr. Vanarsdall.
56 All in favor say aye...all opposed say nay. The motion passes.

57

58 Pursuant to the applicant's request, the Planning Commission deferred POD-47-04, Retail
59 Buildings – Town Center @ Twin Hickory Nuckols Road, to its November 17, 2004, meeting.

60

61 Mrs. News - The second request is on Page 18 of your agenda, the applicant is
62 requesting deferral until your October 27, 2004, meeting.

63

64 **PLAN OF DEVELOPMENT**

65

POD-69-04
Townes @ Bickerstaff –
Bickerstaff Road

Bay Design Group for Prospect Homes: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct 33 two-story residential townhouse units for sale. The 5.07-acre site is located at the corner of Bickerstaff Road and Okano Road on parcel 804-708-1236. The zoning is R-5, General Residence District. County water and sewer. **(Varina)**

66

67 Mrs. Ware - Is there any opposition to the deferral of POD-69-04, The Townes @
68 Bickerstaff? No opposition. Mr. Jernigan.

69

69 Mr. Jernigan - Madam Chairman, I make a motion to defer POD-69-04 to the October
70 27, 2004 meeting, by request of the applicant.

71

72 Mr. Vanarsdall - Second.

73

74 Mrs. Ware - The motion was made by Mr. Jernigan and seconded by Mr. Vanarsdall.
75 All in favor say aye...all opposed say nay. The motion passes.

76

77 Pursuant to the applicant's request, the Planning Commission deferred POD-69-04, Townes @
78 Bickerstaff, to its October 27, 2004, meeting.

79

80 Ms. News - The next request is on Page 20 of your agenda. The applicant has
81 requested a deferral until your October 27, 2004, Meeting.

82

83 **SUBDIVISION**

84

Hillcrest Farms
(September 2004 Plan)

Bay Design Group for Barbara A. Moss and Prospect Homes: The 63.82-acre site proposed for a subdivision of 114 single-family homes is located on the north line of Creighton Road approximately 300 feet east of the intersection of Cedar Fork Road on part of parcels 813-733-7603, 817-732-6992, 815-733-7603 and 815-733-2040. The zoning is R-2A, One-Family Residence District (Conditional) and R-2, One-Family Residence District. County water and sewer. **(Fairfield) 114 Lots**

85

86 Mrs. Ware - Is there any opposition to the deferral of subdivision Hillcrest Farms
87 (September 2004 Plan)? No opposition. Mr. Archer.

88

89 Mr. Archer - Madam Chairman, I move deferral of subdivision Hillcrest Farms to the
90 October 27, 2004 meeting, by request of the applicant.

91

92 Mr. Vanarsdall - Second.

93

94 Mrs. Ware - The motion was made by Mr. Archer and seconded by Mr. Vanarsdall.
95 All in favor say aye...all opposed say nay. The motion passes.

96

97 Pursuant to the applicant's request, the Planning Commission deferred subdivision Hillcrest
98 Farms (September 2004 Plan), to its October 27, 2004, meeting.

99

100 Ms. News - The next request is on Page 39 of your agenda. The applicant has
101 requested a deferral until your October 27, 2004, Meeting.

102

103

103 **SUBDIVISION**

104

Fairlawn Subdivision
(September 2004 Plan)

TIMMONS Group for The Tetra Company: The 14.04-acre site proposed for a subdivision of 56 single-family homes is located along undeveloped Meadow Lane between Hanover Road and Airport Road on parcels 827-721-4474 and 828-721-1721. The zoning is R-4A, One-Family Residence District, (Conditional) and R-4, One Family Residence District. County water and sewer. **(Varina) 56 Lots**

105

106 Mrs. Ware - Is there any opposition to the deferral of Fairlawn Subdivision
107 (September 2004 Plan)? No opposition. Mr. Jernigan.

108

109 Mr. Jernigan - Madam Chairman, with that, I will move for deferral of Fairlawn
110 Subdivision to the November 17, 2004 meeting, by request of the applicant.

111

112 Mr. Vanarsdall - Second.

113

114 Mrs. Ware - The motion was made by Mr. Jernigan and seconded by Mr. Vanarsdall.
115 All in favor say aye...all opposed say nay. The motion passes.

116

117 Pursuant to the applicant's request, the Planning Commission deferred subdivision Fairlawn
118 Subdivision (September 2004 Plan) to its November 11, 2004, meeting.

119

120 Ms. News - The final request is on Page 46 of your agenda. The applicant has
121 requested a deferral to until your October 27, 2004, meeting.

122

123 **LANDSCAPE PLAN**

124

LP/POD-34-03
Parc Place @ Short Pump
Town Center

McKinney and Company for SBRD No. 4 LP: Request for approval of a landscape plan as required by Chapter 24, Sections 24-106 and 106.2 of the Henrico County Code. The 8.87-acre site is located at 11736 West Broad Street on parcel 739-763-1874. The zoning is B-3C, Business District (Conditional) and WBSO (West Broad Street Overlay District). **(Three Chopt)**

125

126 Mrs. Ware - Is there any opposition to the deferral of landscape plan, LP/POD-34-03,
127 Parc Place @ Short Pump Town Center? No opposition. Mr. Marshall.

128

129 Mr. Marshall - Madam Chairman, I move that landscape plan LP/POD-34-03 be
130 deferred to the October 27, 2004 meeting, at the request of the applicant.

131

132 Mr. Vanarsdall - Second.

133

134 Mrs. Ware - The motion was made by Mr. Marshall and seconded by Mr. Vanarsdall.
135 All in favor say aye...all opposed say nay. The motion passes.

136

137 Pursuant to the applicant's request, the Planning Commission deferred the landscape plan for
138 LP/POD-34-03, Parc Place @ Short Pump Town Center, to its October 27, 2004, meeting.

139

140 Mr. Marshall - Madam Chairman, I have one deferral.

141

142 Mrs. Ware - All right.

143

144 Mr. Marshall - It's on Page 22, the Kain subdivision.

145

146 **SUBDIVISION**

147

Kain Estates
(September 2004 Plan)

Bay Design Group for Carolyn H. Leake, Trustee, and The Breeden Company, Inc.: The 175.442-acre site proposed for a subdivision of 113 single-family homes is located on the south line of Kain Road approximately 1,800 feet east of the Goochland-Henrico County boundary on parcels 734-769-4535, 733-770-2133, and 732-770-5049. The zoning is A-1, Agricultural District. Individual well and septic tank/drainfield.
(Three Chopt) 113 Lots

148

149 Mrs. Ware - Is there anyone in the audience in opposition to the deferral of Kain
150 Estates (September 2004 Plan).

151

152 Mr. Marshall - I move that subdivision Kain Estates be deferred until October 27, 2004,
153 at the request of the Commission.

154

155 Mr. Vanarsdall - Second.

156

157 Mrs. Ware - The motion was made by Mr. Marshall and seconded by Mr. Vanarsdall.
158 All in favor say aye...all opposed say nay. The motion passes.

159

160 The Planning Commission deferred subdivision Kain Estates (September 2004 Plan), to its
161 October 27, 2004, meeting.

162

163 Mr. Jernigan And, Madam Chairman, I have two that have just come up.

164

165 Mrs. Ware - Okay.

166

167 Mr. Jernigan - On Page 36, Majestic Meadows.

168

168 **SUBDIVISION**

169

Majestic Meadows
(September 2004 Plan)

Engineering Design Associates for Reginald H. Nelson, IV and Phyllis Marie Nelson: The 180.94-acre site proposed for a subdivision of 130 single-family homes is located at 9421 Osborne Turnpike at the northeast corner of the intersection of Osborne Turnpike and Kingsland Road on parcel 808-672-3167. The zoning is A-1, Agricultural District. Individual well and septic tank/drainfield. **(Varina) 130 Lots**

170

171 Mr. Jernigan - I would like to defer Majestic Meadows to the November 11, 2004,
172 meeting.

173

174 Mrs. Ware - Is there any opposition to the deferral of Majestic Meadows subdivision?
175 No opposition. Mr. Jernigan.

176

177 Mr. Jernigan - Madam Chairman, with that, I will move for deferral of subdivision
178 Majestic Meadows, to the November 17, 2004, by request of the Commission.

179

180 Mr. Vanarsdall - Second.

181

182 Mrs. Ware - The motion was made by Mr. Jernigan and seconded by Mr. Vanarsdall.
183 All in favor say aye...all opposed say nay. The motion passes.

184

185 The Planning Commission deferred subdivision Majestic Meadows (September 2004 Plan), to
186 its November 17, 2004, meeting. Mr. Marshall abstained.

187

188 Mr. Marshall - For the record, Madam Chairman, note my abstention.

189

190 Mrs. Ware - Okay. So noted.

191

192 Mr. Jernigan - And the next case is on Page 6. Lee Conner Realty.

193

194 **PLAN OF DEVELOPMENT (Deferred from July 28, 2004)**

195

POD-60-04
Lee Conner Realty Office
Building - 245 East
Williamsburg Road

Engineering Design Associates for Lee Conner Realty Associates: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a two-story, 5,280 square foot office building and associated parking. The 0.94-acre site is located at 245 E. Williamsburg Road (U.S. Route 60), approximately 500 feet east of the intersection of Williamsburg Road (U.S. Route 60) and Raines Avenue on parcel 828-715-6950. The zoning is B-1, Business District. County water and sewer. **(Varina)**

196 Mrs. Ware -

Is there any opposition to the deferral of POD-60-04, Lee Conner Realty

197 Office Building? No opposition. Mr. Jernigan.

198

199 Mr. Jernigan - Madam Chairman, with that, I will move for deferral of case POD-60-04
200 to the October 27, 2004 meeting, by request of the Commission.

201

202 Mr. Vanarsdall - Second.

203

204 Mrs. Ware - The motion was made by Mr. Jernigan and seconded by Mr. Vanarsdall.
205 All in favor say aye...all opposed say nay. The motion passes.

206

207 The Planning Commission deferred POD-60-04, Lee Conner Realty Office Building, to its
208 October 27, 2004, meeting. Mr. Marshall abstained.

209

210 Mr. Jernigan - That's all I have.

211

212 Mr. Marshall - Note my abstention.

213

214 Mrs. Ware - So noted, Mr. Marshall.

215

216 Mr. Silber - Are there any other deferrals from the Commission? Seeing none, next
217 on the agenda would be the Expedited Agenda. These are items that are on the Planning
218 Commission's agenda that at this point in time have no known issues. The staff has reviewed
219 the plan. All the issues have been resolved to the staff's satisfaction. The applicant is
220 agreeable to the conditions placed on the agenda and the Planning Commissioner from that
221 district is comfortable with the request for the plan. They are placed on the Expedite Agenda
222 assuming that there is no opposition. If there is opposition, it would be pulled off of the
223 agenda and heard in the order that it is found on the agenda. So, we have a number of
224 expedited items this morning. Ms. News, if you can explain those to us please.

225

226 Ms. News - Yes, sir, Mr. Secretary. We have 15 items on the Expedited Agenda.
227 The first is found on Page 3 of your agenda. This is in the Three Chopt District. A transfer of
228 approval for POD-10-92, the Valcom Building.

229

230 **TRANSFER OF APPROVAL**

231

POD-10-92
Valcom Building
4120 Cox Road

Robert E. Hazelton for Grace Holdings, LLC: Request for
transfer of approval as required by Chapter 24, Section 24-106
of the Henrico County Code from The Whitlock Group to
Grace Holdings, LLC. The 1.65-acre site is located along the
west line of Cox Road at 4120 Cox Road within the Lakepointe
Shopping Center on parcel 748-761-5133. The zoning is B-2C,
Business District (Conditional). County water and sewer.
(Three Chopt)

232

233 Mrs. Ware - Is there any opposition to hearing POD-10-92, Valcom Building in the

September 22, 2004

234 Three Chopt District on the Expedited Agenda? No opposition. Mr. Marshall.

235

236 Mr. Marshall - Madam Chairman, I move that transfer of approval for POD-10-92
237 Valcom Building be approved with condition No. 1.

238

239 Mr. Vanarsdall - Second.

240

241 Mrs. Ware - The motion was made by Mr. Marshall and seconded by Mr. Vanarsdall.
242 All in favor say aye...all opposed say nay. The motion passes.

243

244 The Planning Commission approved the transfers of approval for POD-10-92, Valcom
245 Building, subject to the new owners accepting and agreeing to be responsible for continued
246 compliance with the conditions for the original approval, and the following additional
247 condition:

248

249 1. The site deficiencies, as identified in the inspection report dated September 9, 2004,
250 shall be corrected by December 22, 2004.

251

252 Ms. News - Next we have on Page 8 of your agenda, POD-27-90, Wyndham
253 Foundation Nature Trail in the Three Chopt District.

254

255 **PLAN OF DEVELOPMENT RECONSIDERATION**

256

POD-27-90

Wyndham Foundation Nature
Trail

John E. McDonald for Wyndham Foundation, Inc. Request
for approval of a revision to a previously approved plan of
development, as required by Chapter 24, Section 24-106 of the
Henrico County Code, to delete a nature trail from Wyndham
Foundation common area. The 20-acre site is located parallel to
the Chickahominy River and part of Millrace Creek on parcel
743-781-6506. The zoning is C-1, Conservation District.
County water and sewer. **(Three Chopt)**

257

258 Mrs. Ware - Is there any opposition to hearing POD-27-90, Wyndham Foundation
259 Nature Trail in the Three Chopt District on the Expedited Agenda? No opposition. Mr.
260 Marshall.

261

262 Mr. Marshall - Madam Chairman, I move that plan of development for reconsideration
263 POD-27-90, Wyndham Foundation Nature Trail, be approved with condition No. 1 as noted in
264 the report.

265

266 Mr. Vanarsdall - Second.

267

268 Mrs. Ware - The motion was made by Mr. Marshall and seconded by Mr. Vanarsdall.
269 All in favor say aye...all opposed say nay. The motion passes.

270 The Planning Commission approved the reconsideration for POD-27-90, Wyndham Foundation

271 Nature Trail, subject to the standard conditions, the original conditions approved with this case
272 and the following additional condition:

273

274 1. The Foundation shall post a removal bond in the amount of \$20,000 within 30 days and
275 shall remove all trail markers and all structures deemed hazardous by the Department of
276 Public Works within one year.

277

278 Ms. News - On Page 10 of your agenda in the Brookland district is POD-65-04,
279 Shrader Office Condos. There is an addendum item on Page 1 of your addendum, which
280 indicates that the revised plan, which was in your original packet. The review has been
281 completed and the proffered buffer has been preserved and staff can recommend approval.

282

283 **PLAN OF DEVELOPMENT**

284

POD-65-04 Shrader Office Condos – Shrader Road	Balzer and Associates for F. Cristiano Attems and Gibson Property Company, LLC: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct two (2) one-story medical office buildings totaling 19,700 square feet. The 2.11-acre site is located on the north side of Shrader Road approximately 180 feet west of Hungary Spring Road on parcel 765-752-2564. The zoning is 0-2C, Office District (Conditional). County water and sewer. (Brookland)
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285

286 Mrs. Ware - Is there any opposition to hearing POD-65-04, Shrader Office Condos in
287 the Brookland District on the Expedited Agenda? No opposition. Mr. Vanarsdall.

288

289 Mr. Vanarsdall - Madam Chairman, I recommend POD-65-04, Shrader Office Condos, be
290 approved with the standard conditions for developments of this type and the conditions listed
291 on the agenda Nos. 23 through 30. And, what was on the addendum, they merely
292 recommended approval.

293

294 Mr. Marshall - Second.

295

296 Mrs. Ware - The motion was made by Mr. Vanarsdall and seconded by Mr. Marshall.
297 All in favor say aye...all opposed say nay. The motion passes.

298

299 The Planning Commission approved POD-65-04, Shrader Office Condos, subject to the
300 standard conditions attached to these minutes for developments of this type, the annotations on
301 the plans and the following additional conditions:

302

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

305

305

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

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

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

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

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

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

325 30. Refuse collection and parking lot cleaning shall occur between the hours of 8:00 p.m.
326 and 8:00 a.m.

327

328 Ms. News - The next request is on Page 12 of your agenda. This is also located in
329 the Brookland District, POD-66-04, The Townes @ Hunton Park, Section D. There is also an
330 addendum item on Page 1. There was a revised plan in your original packet, which showed
331 the townhouses shifted away from wetlands and preserving the 25-foot buffer on Hunton Park
332 Boulevard and staff can now recommend approval.

333

334 **PLAN OF DEVELOPMENT**

335

POD-66-04
The Townes @ Hunton Park,
Section D
(Rev. POD-50-02)

Foster and Miller, P.C. for Hunton RTH Development Corp.: Request for approval of a revised plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code to construct 34, three-story townhouse units. The 7.522-acre site is located along the north line of Hunton Park Boulevard approximately 300 feet east of Abbots Cross Lane (private) on parcel 765-774-0172. The zoning is RTHC, Residential Townhouse District (Conditional). County water and sewer. **(Brookland)**

336

337 Mrs. Ware - Is there any opposition to hearing POD-66-04, The Townes @ Hunton
338 Park, Section D, in the Brookland District on the Expedited Agenda? No opposition. Mr.
339 Vanarsdall.

340

341 Mr. Vanarsdall - Madam Chairman, I move POD-66-04, The Townes @ Hunton Park,
342 Section D, be approved with the standard conditions for developments of this type, the
343 annotations on the plans and the additional conditions listed on the agenda Nos. 23 through 30.

344

345 Mr. Marshall - Second.

346

347 Mrs. Ware - The motion was made by Mr. Vanarsdall and seconded by Mr. Marshall.
348 All in favor say aye...all opposed say nay. The motion passes.

349

350 The Planning Commission approved POD-66-04, The Townes @ Hunton Park, Section D
351 (POD-50-02 Revised), subject to the standard conditions attached to these minutes for
352 developments of this type, the annotations on the plans and the following additional conditions:

353

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

356 24. The proffers approved as a part of zoning case C-69C-01 shall be incorporated in this
357 approval.

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

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

364 27. The pavement shall be of an SM-2A type and shall be constructed in accordance with
365 County standard and specifications. The developer shall post a defect bond for all
366 pavement with the Department of Planning - the exact type, amount and implementation
367 shall be determined by the Director of Planning, to protect the interest of the members
368 of the Homeowners Association. The bond shall become effective as of the date that
369 the Homeowners Association assumes responsibility for the common areas.

370 28. Insurance Services Office (ISO) calculations must be included with the plans and
371 contracts and must be approved by the Department of Public Utilities prior to the
372 issuance of a building permit.

373 29. Approval of the construction plans by the Department of Public Works does not
374 establish the curb and gutter elevations along the Henrico County maintained right-of-
375 way. The elevations will be set by Henrico County.

376 30. The subdivision plat for The Townes @ Hunton Park, Section D, shall be recorded
377 before any building permits are issued.

378

379 Ms. News - The next request is on Page 24 of your agenda. This is also located in
380 the Fairfield District, POD-70-04, SunTrust Bank - Glen Lea Branch.

381

382

383

384

384 **PLAN OF DEVELOPMENT**

385

POD-70-04
SunTrust Bank – Glen Lea
Branch –Mechanicsville
Turnpike

Resource International, Ltd. for SunTrust Real Estate Corporation: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a new entrance and revised parking for an existing bank. The 0.276-acre site is located at the southwest corner of the intersection of Rescue Avenue and Mechanicsville Turnpike (U.S. Route 360) on parcel 802-735-7608. The zoning is B-1, Business District. County water and sewer. **(Fairfield)**

386

387 Mrs. Ware - Is there any opposition to hearing POD-70-04, SunTrust Bank, in the
388 Glen Lea Branch, in the Fairfield District on the Expedited Agenda?

389

390 Person In Audition - I have opposition.

391

392 Mrs. Ware - All right. We have opposition on this case. We will take this case off of
393 the Expedited Agenda and put it back in the regular order.

394

395 **THIS CASE HAD OPPOSITION AND WAS REMOVED FROM THE EXPEDITED**
396 **AGENDA AND HEARD LATER DURING THE MEETING (SEE PAGE 31)**

397

398 Ms. News - Next on Page 28 of your agenda, in the Varina District, we have
399 subdivision Ivy Springs, Section B (September 2004 Plan).

400

401 **SUBDIVISION**

402

Ivy Springs, Section B
(September 2004 Plan)

Foster and Miller, P.C. for Charles R. Johnson, D.F. Trust and Viking Builders: The 2.772-acre site proposed for a subdivision of 10 single-family homes is located on the east line of Ivy Avenue, approximately 1,500 feet north of the intersection of Ivy Avenue and Washington Street on parcel 825-727-8663. The zoning is R-3 One-Family Residence District. County water and sewer. **(Varina) 10 Lots**

403

404 Mrs. Ware - Is there any opposition to hearing subdivision Ivy Springs, Section B, in
405 the Varina District on the Expedited Agenda. No opposition. Mr. Jernigan.

406

407 Mr. Jernigan - Madam Chairman, I move for conditional approval of subdivision Ivy
408 Springs subject to the annotations on the plans, the standard conditions for subdivisions served
409 by public utilities and the additional conditions listed on the agenda Nos. 12, 13, and 14.

410

411 Mr. Vanarsdall - Second.

412

412 Mrs. Ware - The motion was made by Mr. Jernigan and seconded by Mr. Vanarsdall.
413 All in favor say aye...all opposed say nay. The motion passes.

414

415 The Planning Commission granted conditional approval to Ivy Springs, Section B (September
416 2004 Plan) subject to the standard conditions attached to these minutes, for subdivisions served
417 by public utilities, and the following additional conditions:

418

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

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

422 14. Any future building lot containing a BMP, sediment basin or trap and located within the
423 buildable area for a principal structure or accessory structure, may be developed with
424 engineered fill. All material shall be deposited and compacted in accordance with the
425 Virginia Uniform Statewide Building Code and geotechnical guidelines established by a
426 professional engineer. A detailed engineering report shall be submitted for the review
427 and approval by the Building Official prior to the issuance of a building permit on the
428 affected lot. A copy of the report and recommendations shall be furnished to the
429 Directors of Planning and Public Works.

430

431 Ms. News - Next on Page 32 of your agenda, in the Varina District, we have
432 subdivision Britton Oaks, Section 2 (September 2004 Plan).

433

434 **SUBDIVISION**

435

Britton Oaks, Section 2
(September 2004 Plan)

Engineering Design Associates for Pruitt Properties, Inc. and Loftis Real Estate and Development, Inc.: The 7.85-acre site proposed for a subdivision of five single-family homes is located on the northern line of Charles City Road, approximately 1,500 feet east of the intersection of Charles City Road and Beulah Road on parcel 829-700-0713. The zoning is A-1, Agricultural District. Individual well and septic tank/drainfield (**Varina**) **5 Lots**

436

437 Mrs. Ware - Is there any opposition to hearing subdivision Britton Oaks, Section 2, in
438 the Varina District on the Expedited agenda. No opposition. Mr. Jernigan.

439

440 Mr. Jernigan - Madam Chairman, I move for conditional approval of subdivision
441 Britton Oaks, Section 2, subject to the annotations on the plans, the standard conditions for
442 subdivisions not served by public utilities and the additional conditions listed on the agenda
443 Nos. 11, 12, 13 and 14.

444

445 Mr. Vanarsdall - Second.

446

447 Mrs. Ware - The motion was made by Mr. Jernigan and seconded by Mr. Vanarsdall.
448 All in favor say aye...all opposed say nay. The motion passes.

449 Mr. Marshall - Madam Chairman, note my abstention.

450

451 Mrs. Ware - So noted, Mr. Marshall.

452

453 The Planning Commission granted conditional approval to Britton Oaks, Section 2 (September
454 2004 Plan) subject to the standard conditions attached to these minutes, for subdivisions not
455 served by public utilities, and the following additional conditions. Mr. Marshall abstained.

456

457 11. Each lot shall contain at least one acre.

458 12. The detailed plant list and specifications for the landscaping to be provided within the 25-
459 foot-wide planting strip easement along Charles City Road shall be submitted to the
460 Department of Planning for review and approval prior to recordation of the plat.

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

463 14. Any future building lot containing a BMP, sediment basin or trap and located within the
464 buildable area for a principal structure or accessory structure, may be developed with
465 engineered fill. All material shall be deposited and compacted in accordance with the
466 Virginia Uniform Statewide Building Code and geotechnical guidelines established by a
467 professional engineer. A detailed engineering report shall be submitted for the review
468 and approval by the Building Official prior to the issuance of a building permit on the
469 affected lot. A copy of the report and recommendations shall be furnished to the
470 Directors of Planning and Public Works.

471

472 Ms. News - Next on Page 40 on your agenda, in the Varina District, we have
473 subdivision King's Landing (September 2004 Plan).

474

475 **SUBDIVISION**

476

King's Landing
(September 2004 Plan)

TIMMONS Group for Paul H. Sweeney, Jr. and Rogers-Chenault, Inc.: The 45.90-acre site proposed for a subdivision of 11 single-family homes is located at 4201 New Market Road, (State Route 5) approximately 1,450 feet east of Long Bridge Road. The zoning is A-1, Agricultural District. Individual well and septic tank/drainfield. **(Varina) 11 Lots**

477

478 Mrs. Ware - Is there any opposition to hearing subdivision King's Landing in the
479 Varina District on the Expedited Agenda?

480

481 Person In Audience I have opposition.

482

483 Mrs. Ware - There is opposition and we will take this off of the Expedited Agenda
484 and hear it in the order of the agenda. Thank you.

485

486 **THIS CASE HAD OPPOSITION AND WAS REMOVED FROM THE EXPEDITED**
487 **AGENDA AND HEARD LATER DURING THE MEETING (SEE PAGE 62).**

488 Ms. News - Next on Page 41, in the Varina District, we have subdivision Fair Oaks
489 Park (September 2004 Plan).

490

491 **SUBDIVISION**

492

Fair Oaks Park
(September 2004 Plan)

Alley, Sadler and Alley, Inc. for Groome Brothers Realty Company, Inc., James and Debra Norby and Bruce W. Taylor: The 2.55-acre site proposed for a subdivision of two (2) single-family homes is located between Early Street and Mary Street, approximately 1,900 square feet east of the intersection of Mary Street and Hanover Road on parcels 829-719-5041 and 4304. The zoning is A-1, Agricultural District. County water and sewer. **(Varina) 2 Lots**

493

494 Mrs. Ware - Is there any opposition to hearing subdivision Fair Oaks Park in the
495 Varina District on the Expedited Agenda? There is no opposition. Mr. Jernigan.

496

497 Mr. Jernigan - Madam Chairman, I move for conditional approval of subdivision Fair
498 Oaks Park, subject to the annotations on the plan, the standard conditions for subdivisions
499 served by public utilities and the conditions listed on the agenda Nos. 12 and 13.

500

501 Mr. Vanarsdall - Second.

502

503 Mrs. Ware - The motion was made by Mr. Jernigan and seconded by Mr. Vanarsdall.
504 All in favor say aye...all opposed say nay. The motion passes.

505

506 The Planning Commission granted conditional approval to subdivision Fair Oaks Park
507 (September 2004 Plan) subject to the standard conditions attached to these minutes for
508 subdivisions served by public utilities, the annotations on the plan and the following additional
509 conditions:

510

511 12. Each lot shall contain at least one acre.

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

514

515 Ms. News - Next on Page 42 on your agenda, in the Tuckahoe District, we have
516 subdivision Gayton Oaks (September 2004 Plan). There is an addendum item on Page 6 of
517 your addendum and the addendum indicates that the applicant has agreed to eliminate the
518 common area and incorporate the area of common area into Lot 1 and then provide a 25-foot
519 planting strip along Gayton Road, which would eliminate all the common area in the
520 subdivision. These conditions in the addendum reflect that change.

521

521 **SUBDIVISION**

522

Gayton Oaks
9200 Gayton Road
(September 2004 Plan)

Hulcher and Associates for River of Life Church Trustees and J. M. Zeigler, Inc.: The 6.22-acre site proposed for a subdivision of 17 single-family homes is located along the north line of Gayton Road at the corner of Mapleton and Bowden Roads on parcel 749-743-6042. The zoning is R-3, One-Family Residence District. County water and sewer. **(Tuckahoe) 17 Lots**

523

524 Mrs. Ware - Is there any opposition to hearing subdivision Gayton Oaks in the
525 Tuckahoe District on the Expedited Agenda? Being no opposition, I move for conditional
526 approval of subdivision Gayton Oaks, subject to the annotations on the plans, the standard
527 conditions for subdivisions served by public utilities and the following additional conditions
528 Nos. 12, 13, 14, deletion of No. 15 and revised No. 16.

529

530 Mr. Jernigan - Second.

531

532 Mrs. Ware - The motion was made by Mrs. Ware and seconded by Mr. Jernigan. All
533 in favor say aye...all opposed say nay. The motion passes.

534

535 The Planning Commission granted conditional approval to subdivision Gayton Oaks
536 (September 2004 Plan) subject to the standard conditions attached to these minutes for
537 subdivisions served by public utilities, the annotations on the plan and the following additional
538 conditions:

539

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

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

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

546 15. The details for the landscaping to be provided within the 25-foot-wide planting strip
547 easement along Gayton Road shall be submitted to the Department of Planning for
548 review and approval prior to recordation of the plat.

549

550 Ms. News - Next on Page 42 on your agenda, in the Varina District, we have
551 subdivision Oakland Trace (September 2004 Plan).

552

552 **SUBDIVISION**

553

Oakland Trace
1831 Darbytown Road
(September 2004 Plan)

QMT Corporation for Darbytown Partners, LLC: The 8.6-acre site proposed for a subdivision of 13 single-family homes is on the southwest corner of Oakland and Darbytown Roads on parcel 802-707-6551. The zoning is R-2AC, One-Family Residence District, (Conditional) and C1-C, Conservation District (Conditional). County water and sewer. **(Varina) 13 Lots**

554

555 Mrs. Ware - Is there any opposition to hearing subdivision Oakland Trace in the
556 Varina District on the Expedited Agenda? No opposition. Mr. Jernigan.

557

558 Mr. Jernigan - Madam Chairman, I make motion to conditionally approve Oakland
559 Trace subdivision, subject to the annotations on the plans, the standard conditions for
560 subdivisions served by public utilities and the following additional conditions Nos. 12 through
561 15.

562

563 Mr. Vanarsdall - Second.

564

565 Mrs. Ware - The motion was made by Mr. Jernigan and seconded by Mr. Vanarsdall.
566 All in favor say aye...all opposed say nay. The motion passes.

567

568 The Planning Commission granted conditional approval to subdivision Oakland Trace
569 (September 2004 Plan) subject to the standard conditions attached to these minutes for
570 subdivisions served by public utilities, the annotations on the plan and the following additional
571 conditions:

572

573 12. The detailed plant list and specifications for the landscaping to be provided within the 25-
574 foot-wide planting strip easement along Oakland Road shall be submitted to the
575 Department of Planning for review and approval prior to recordation of the plat.

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

578 14. The proffers approved as part of zoning case C-17C-04 shall be incorporated in this
579 approval.

580 15. Prior to requesting the final approval, a draft of the covenants and deed restrictions for
581 the maintenance of the common area by a homeowners association shall be submitted to
582 the Department of Planning for review. Such covenants and restrictions shall be in form
583 and substance satisfactory to the County Attorney and shall be recorded prior to
584 recordation of the subdivision plat.

585

586 Ms. News - Next on Page 44 on your agenda, in the Brookland District, we have a
587 lighting plan, LP/POD-1-04, Glenside Commons.

588

588 **LIGHTING PLAN**

589

LP/POD-1-04
Glenside Commons
(Glenside Drive and
Bethlehem Road)

KBS, Inc. for Larry Page: Request for approval of a lighting plan as required by Chapter 24, Sections 24-106 of the Henrico County Code. The 3.62-acre site is located at the northwest corner of the intersection of Bethlehem Road and Glenside Drive on parcel 768-747-2537. The zoning is O-2C, Office District (Conditional) **(Brookland)**

590

591 Mrs. Ware - Is there any opposition to hearing LP/POD-1-04, Glenside Commons in
592 the Brookland District on the Expedited Agenda? No opposition. Mr. Vanarsdall.

593

594 Mr. Vanarsdall - I move LP/POD-1-04, Glenside Commons, be approved with the
595 annotations on the plans and the standard conditions for lighting plans. This is for lighting
596 only and not landscaping.

597

598 Mr. Marshall - Second.

599

600 Mrs. Ware - The motion was made by Mr. Vanarsdall and seconded by Mr. Marshall.
601 All in favor say aye...all opposed say nay. The motion passes.

602

603 The Planning Commission approved the lighting plan for LP/POD-1-04, Glenside Commons,
604 subject to the standard conditions attached to these minutes for lighting plans and the
605 annotations on the plans.

606

607 Ms. News - Next on Page 47 of your agenda, in the Three Chopt District, we have a
608 landscape and lighting plan, LP/POD-48-03, Dominion Chevrolet Parking Deck.

609

610 **LANDSCAPE AND LIGHTING PLAN**

611

LP/POD-48-03
Dominion Chevrolet Parking
Deck - West Broad Street

Daniel and Company, Inc. for The Linhart Company, Inc.: Request for approval of a landscape and lighting plan as required by Chapter, Section 24-106 of the Henrico County Code. The .67-acre site is located at 12050 West Broad Street on parcel 734-764-5375. The zoning is B-3C, Business District, (Conditional). **(Three Chopt)**

612

613 Mrs. Ware - Is there any opposition to hearing LP/POD-48-03, Dominion Chevrolet
614 Parking Deck in the Three Chopt District on the Expedited Agenda? No opposition. Mr.
615 Marshall.

616

617 Mr. Marshall - Madam Chairman, I move LP/POD-48-03, Dominion Chevrolet Parking
618 Deck, be approved with the annotations on the plans and the standard conditions for landscape
619 and lighting plans and additional condition No. 6.

620

621 Mr. Vanarsdall - Second.

622

623 Mrs. Ware - The motion was made by Mr. Marshall and seconded by Mr. Vanarsdall.

624 All in favor say aye...all opposed say nay. The motion passes.

625

626 The Planning Commission approved the landscape and lighting plan for LP/POD-48-03,
627 Dominion Chevrolet Parking Deck – W. Broad Street, subject to the standard conditions
628 attached to these minutes for landscape and lighting plans, the annotations on the plans and the
629 following additional condition:

630

631 6. A six-foot-high screen fence shall be constructed as indicated on the plan and a cut
632 sheet for the fence shall be submitted for staff review and approval prior to
633 construction.

634

635 Ms. News - Next on Page 49 of your agenda, in the Fairfield District, we have a
636 landscape and lighting plan, LP/POD-68-03, Brook Run Shopping Center – Parcel 4A.

637

638 **LANDSCAPE AND LIGHTING PLAN**

639

POD-68-03 Brook Run Shopping Center – Parcel 4A	TIMMONS Group for New Richmond Properties, LLC: 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 0.83-acre site is located at Brook Run Shopping Center, Brook Road (U. S. Route 1), on parcel 784-748-8322. The zoning is B-3C, Business District (Conditional). (Fairfield)
---	--

640

641 Mrs. Ware - Is there any opposition to hearing LP/POD-68-03, Brook Run Shopping
642 Center in the Fairfield District on the Expedited Agenda? No opposition. Mr. Archer.

643

644 Mr. Archer - Madam Chairman, I move approval of LP/POD-46-03, Brook Run
645 Shopping Center – Parcel 4A, subject to the annotations on the plans and the standard
646 conditions for landscape and lighting plans.

647

648 Mr. Vanarsdall - Second.

649

650 Mrs. Ware - The motion was made by Mr. Archer and seconded by Mr. Vanarsdall.
651 All in favor say aye...all opposed say nay. The motion passes.

652

653 The Planning Commission approved the landscape and lighting plan for LP/POD-68-03, Brook
654 Run Shopping Center – Parcel 4A, subject to the standard conditions attached to these minutes
655 for landscape and lighting plans and the annotations on the plans.

656

657 Ms. News - The final item is on Page 50 of the agenda in the Three Chopt District.
658 We have a landscape plan, LP/POD-72-03, Hickory Grove, Section II.

659 **LANDSCAPE PLAN**

660

LP/POD-72-03

Hickory Grove- Section II –
Shady Grove Road

Koontz-Bryant, P.C. for Carol Gacra: Request for approval of a landscape plan as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code. The 5.26-acre site is located at 11501 Old Nuckols Road on parcel 744-773-8230. The zoning is RTHC, Residential Townhouse District (Conditional). **(Three Chopt)**

661

662 Mrs. Ware - Is there any opposition to hearing LP/POD-72-03, Hickory Grove,
663 Section II, in the Three Chopt District on the Expedited Agenda? No opposition. Mr.
664 Marshall.

665

666 Mr. Marshall - Madam Chairman, I move approval of LP/POD-72-03, Hickory Grove,
667 Section II, subject to the annotations on the plans and the standard conditions for landscape
668 plans.

669

670 Mr. Vanarsdall - Second.

671

672 Mrs. Ware - The motion was made by Mr. Marshall and seconded by Mr. Vanarsdall.
673 All in favor say aye...all opposed say nay. The motion passes.

674

675 The Planning Commission approved the landscape plan for LP/POD-72-03, Hickory Grove,
676 Section II, subject to the standard conditions attached to these minutes for landscape plans and
677 the annotations on the plans.

678

679 Mr. Marshall - Madam Chairman, I have one item that's not on the Expedited Agenda
680 but I'm going to ask the Commission if we can act on it now. It's an Alternative Fence Height
681 Plan.

682

683 Mrs. Ware - What page is that on, Mr. Marshall?

684

685 Mr. Marshall - It's on Page 48. The engineer had initially been told incorrectly that it
686 would be on the Expedited Agenda and he has a conflict later in the day.

687

688 Mr. Silber - So, you would like LP/POD-59-03 alternative fence height plan to be
689 considered at this time?

690

691 Mr. Marshall - Yes.

692

693 Mr. Silber - With the Commission's approval, we will pull it forward and act on it.
694 Mr. Kennedy, if you can come up and tell us about this plan.

695

695 **ALTERNATIVE FENCE HEIGHT PLAN**

696

LP/POD-59-03

The Villas @ Innsbrook –
Nuckols Road

Higgins and Gerstenmaier, CLA, for Atack/Kornblau Coles Investments, L.C.: Request for approval of an alternative fence height plan as required by Chapter 24, Sections 24-95(1)6c and 24-102.2 of the Henrico County Code. The 7.89-acre site is located at 1081 Nuckols Road on parcel 751-766-9555. The zoning is R-5C, General Residence District (Conditional). **(Three Chopt)**

697

698 Mrs. Ware - Is there any opposition to LP/POD-59-03, The Villas @ Innsbrook in the
699 Three Chopt District? No opposition. Mr. Kennedy.

700

701 Mr. Kennedy - Good morning, Madam Chairman, members of the Commission.
702 Alternative fence height is required because there is a fence in the front yard that is being
703 proposed. The fence would exceed 42 inches and an alternative fence height is required. They
704 are proposing a gated community so there is a wrought iron fence with a six-foot-high wrought
705 iron fence with eight-foot brick post is proposed along Nuckols Road. There are also two sign
706 walls that are proposed at the entrance. The sign walls will be approximately seven feet in
707 height. So, those are the two items that required an alternative fence height. There is a
708 landscape plan provided for your information. Along the fence, there will be inkberry plants
709 planted along the outside, a hedgerow, those inkberry plants are approximately three feet in
710 height. There will also be some crape myrtles and some pleached hollies that they are
711 providing along the fence along Nuckols Road. The rest of the landscape plan is being
712 returned to staff for final approval per the Commission's original approval, but it is provided
713 there for your information.

714

715 Mrs. Ware - Are there any questions from the Commission for Mr. Kennedy? So this
716 goes along the road, straight across?

717

718 Mr. Kennedy - Yes, straight across the road. So, it would basically be a metal picket
719 fence, which has the appearance of wrought iron, with brick columns.

720

721 Mrs. Ware - Nothing solid?

722

723 Mr. Kennedy - Nothing solid.

724

725 Mrs. Ware - Okay.

726

727 Mr. Marshall - Madam Chairman, I move approval of alternative fence height plan,
728 LP/POD-59-03, The Villas @ Innsbrook, subject to the annotations on the plan and the
729 standard conditions for landscape and lighting plans.

730

731 Mr. Vanarsdall - Second.

732

733 Mrs. Ware - The motion was made by Mr. Marshall and seconded by Mr. Vanarsdall.
 734 All in favor say aye...all opposed say nay. The motion passes.
 735 The Planning Commission approved the alternative fence height plan for LP/POD-59-03, The
 736 Villas @ Innsbrook – Nukols Road, subject to the standard conditions attached to these minutes
 737 for landscape and lighting plans and the annotations on the plan.

738
 739 Mr. Silber - I think we can move on now. Next on the agenda would be the
 740 conditional subdivision extensions. There is no action required on these this morning. These
 741 are simply for informational purposes only. There are two though. One is The Cottages @
 742 CrossRidge, Section 2 Revised and Section 3 (September 2002 Plan) and the second one is
 743 Eagle’s Nest (September 2003 Plan).

744
 745 **FOR INFORMATIONAL PURPOSES ONLY**

Subdivision	Magisterial District	Original No. of Lots	Remaining Lots	Previous Extensions	Year(s) Extended
The Cottages @ Crossridge, Section 2 Revised and Section 3 (September 2002 Plan)	Brookland	92	14	1	3 years (9-26-07)
Eagle’s Nest (September 2003 Plan)	Varina	77	72	0	1 year (9-28-05)

747
 748 Mr. Silber - Mr. Wilhite, do you have anything to share with the Commission on
 749 these two subdivisions?

750
 751 Mr. Wilhite - Just that, the Cottages at CrossRidge will be extended for three years by
 752 the Director of Planning, and Eagle’s Nest in the Varina District would be a one-year
 753 extension. We are still waiting on a written request that we are expecting today. If you have
 754 any questions I’ll try to answer.

755
 756 Mrs. Ware - Are there any questions? Thank you, Mr. Wilhite.

757
 758 Mr. Silber - Next on the agenda is a Provisional Use Permit, which was deferred
 759 from the September 9, 2004, meeting. This is P-8-04 Omnipoint Communications.

760
 761 **VARINA:**
 762 ***Deferred from the September 9, 2004 Meeting:***
 763 **P-8-04 Omnipoint Communications CAP Operations LLC:** Request for a Provisional Use
 764 Permit under Sections 24-95(a) and 24-122.1 of Chapter 24 of the County Code in order to
 765 construct a 140-foot communications tower, on part of Parcel 833-716-9203, containing 2,500
 766 square feet, located between I-64 and Old Williamsburg Road, 2,000 feet west of Drybridge
 767 Road. The existing zoning is M-1C Light Industrial District (Conditional). The Land Use
 768 Plan recommends Planned Industry. The site is in the Airport Safety Overlay District.

769 Mrs. Ware - Is there any opposition to P-8-04 Omnipoint Communications in the
770 Varina District? No opposition. Good morning, Mr. Coleman.

771

772 Mr. Coleman - Good morning. The applicant is requesting to construct a 140-foot-tall
773 tower on the Richmond Auto Auction Property on Old Williamsburg Road. The parcel is
774 zoned M-1C and designated plan industry on the 2010 Land Use Plan. The site is within the
775 Airport Safety Overlay District also. Overall, this site may not be objectionable for a tower
776 and this tower will not required obstruction marking and lighting. If the applicant were to
777 address the remaining issues with this request, staff could be more supportive of this
778 application. These include: Although, the proposed tower meets required setbacks the tower's
779 drop zone overlaps A-1 property to the east. The applicant should submit a communication
780 tower Acknowledgement of Impact Form. Approved proffers for the site requires vinyl clad
781 fencing. This requirement needs to be added to the construction plans. Staff also discourages
782 the use of barbwire. An inconsistency was noted between height measurements stated on the
783 application and on the elevations. This concludes my presentation and I'll be happy to answer
784 any questions you may have.

785

786 Mrs. Ware - Are there any questions for Mr. Coleman from the Commission?

787

788 Mr. Jernigan - Tom, let me ask you. On the Impact form, Mr. Moss didn't sign it.

789

790 Mr. Coleman - Correct.

791

792 Mr. Jernigan - Mr. Givens met with him last night and he said he was okay with it but
793 he has not signed the form. Legally, how do we stand on that? I know that we will have to
794 defer this, but Mr. Moss hasn't contacted me either. Does he have to sign the form or can he
795 give us a verbal?

796

797 Mr. Coleman - No. I think the Planning Commission can take whatever information
798 they want into deciding on their decision on this application. That form is not required.

799

800 Mr. Silber - Mr. Jernigan, Mr. Coleman is correct. The form is not required. It is a
801 form that we have compiled and requests that applicants submit when it is in close proximity to
802 A-1 and within the fall zone. You may recall, we had a similar situation recently where the
803 applicant did not submit the acknowledgement form at the Planning Commission level, and it
804 went on to the Board of Supervisors and it continued to be an issue. They were not able to get
805 the form signed and that request I believe was even deferred further, it might be withdrawn.
806 We would like to have the form submitted before the Planning Commission acts on it, it's not a
807 requirement, but we would like to have that.

808

809 Mr. Coleman - And, Mr. Silber, if I might add. In the other application the adjacent
810 property owner objected to the tower, also.

811

812 Mr. Jernigan - Do what now?

813

814 Mr. Silber - In the other situation they objected to the tower location.

815

816 Mr. Jernigan - Well, Mr. Moss didn't call me, which you told Mr. Givens he was, and
817 I haven't heard from him as of yet. So, actually I don't have a choice on this case, we are
818 going to have to defer this to the zoning case, two weeks. What's the day of the next zoning
819 meeting?

820

821 Mr. Silber - It's October 14.

822

823 Mr. Jernigan - Ed, we are going to have to clear this up, so what I'm going to do...
824 Madam Chairman, I'm going to make a motion to defer Provisional Use Permit case P-8-04 to
825 the October 14, 2004, meeting, by request of the Commission.

826

827 Mr. Vanarsdall - Second.

828

829 Mrs. Ware - The motion was made by Mr. Jernigan and seconded by Mr. Vanarsdall.
830 All in favor say aye...all opposed say nay. The motion passes.

831

832 Mr. Jernigan - Get him to call me, so we can get this cleared up. Okay. Thank you.

833

834 The Planning Commission deferred the Provisional Use Permit case P-8-04 Omnipoint
835 Communications CAP Operations LLC, to its October 14, 2004, meeting.

836

837 Mr. Silber - Okay, next on the agenda, Page 14, POD-67-04, Westerre Commons
838 Office Condominiums.

839

840 **PLAN OF DEVELOPMENT AND TRANSITIONAL BUFFER DEVIATION**

841

842

POD-67-04
Westerre Commons Office
Condominiums -
(POD-87-99 Rev.)

Jordan Consulting Engineers for Retlaw 100, LLC, Walter T. Brashier and Westerre Commons, LLC: Request for approval of a plan of development and transitional buffer deviation as required by Chapter 24, Section 24-106 and 24-106.2 of the Henrico County Code, to construct 10, one-story, office condominiums totaling 99,840 square feet. The 10.09-acre site is located on the northern line of I-64, southeast of the intersection of Cox Road and Westerre Parkway, on part of parcels 748-758-5169 and 748-759-6017. The zoning is B-2C, Business District (Conditional) and O-3C, Office District (Conditional). County water and sewer. **(Three Chopt)**

843

844 Mrs. Ware - Is there any opposition to POD-67-04, Westerre Commons Office
845 Condominiums? No opposition. Hello, Mr. Wilhite.

846

846 Mr. Wilhite - Good morning. Back in 1999, POD-87-99 originally approved two, six-
847 story office buildings on this site. Since that time, the POD has expired. There is currently a
848 rezoning case going through the process right now. C-45C-04 was heard by the Planning
849 Commission on September 9, 2004, and it will be before the Board of Supervisors at its first
850 meeting in October to adjust the zoning lines on this site and also to amend the proffers. Staff
851 has looked at the proposed plan and has looked at both sets of proffers, the existing proffers on
852 the site, and the proposed ones. And from staff's review, this project meets both sets of
853 requirements.

854

855 There is a request for a transitional buffer deviation that needs to be acted upon. In this
856 particular case, the transitional buffer that is required adjacent to the business portion of the
857 site would be relocated and provided with development of the remaining parcels at this site.
858 Staff is in agreement with that and would recommend it. Staff can recommend approval of this
859 project.

860

861 Mrs. Ware - Are there any question for Mr. Wilhite from the Commission?

862

863 Mr. Marshall - Do we need two separate motions or do it all in one, Mr. Secretary?

864

865 Mr. Silber - If you do it in one motion I think you need to explain that it includes two
866 parts.

867

868 Mr. Marshall - Madam Chairman, I'll move approval of the plan of development and
869 transitional buffer deviation for POD-67-04, Westerre Commons Office Condominiums,
870 subject to the annotations on the plans, the standard conditions for developments of this type,
871 and additional conditions Nos. 23 through 34.

872

873 Mr. Vanarsdall - Second.

874

875 Mrs. Ware - The motion was made by Mr. Marshall and seconded by Mr. Vanarsdall.
876 All in favor say aye...all opposed say nay. The motion passes.

877

878 The Planning Commission approved the plan of development and transitional buffer deviation
879 for POD-67-04, Westerre Commons Office Condominiums – (POD-87-99 Revised) subject to
880 the standard conditions attached to these minutes for developments of this type, the annotations
881 on the plan and the following additional conditions:

882

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

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

890 25. Outside storage shall not be permitted.

- 891 26. The proffers approved as a part of zoning cases C-63C-98 and C-45C-04 shall be
 892 incorporated in this approval.
- 893 27. The certification of building permits, occupancy permits and change of occupancy
 894 permits for individual units shall be based on the number of parking spaces required for
 895 the proposed uses and the amount of parking available according to approved plans.
- 896 28. Any necessary off-site drainage and/or water and sewer easements must be obtained in
 897 a form acceptable to the County Attorney prior to final approval of the construction
 898 plans.
- 899 29. Deviations from County standards for pavement, curb or curb and gutter design shall be
 900 approved by the County Engineer prior to final approval of the construction plans by
 901 the Department of Public Works.
- 902 30. Insurance Services Office (ISO) calculations must be included with the plans and
 903 contracts and must be approved by the Department of Public Utilities prior to the
 904 issuance of a building permit.
- 905 31. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the
 906 Department of Planning and approved prior to issuance of a certificate of occupancy for
 907 this development.
- 908 32. The location of all existing and proposed utility and mechanical equipment (including
 909 HVAC units, electric meters, junction and accessory boxes, transformers, and
 910 generators) shall be identified on the landscape plans. All equipment shall be screened
 911 by such measures as determined appropriate by the Director of Planning or the
 912 Planning Commission at the time of plan approval.
- 913 33. The property owner shall provide to the Department of Planning a copy of the business
 914 owner's restrictive covenants that will govern this site prior to their recordation and
 915 prior to the issuance of a certificate of occupancy for this development.
- 916 34. Evidence of the vacation of the existing access easements to parcel 748-758-1935 shall
 917 be provided to the Department of Planning prior to the approval of any building permits
 918 impacted by said easements.

919
 920 **PLAN OF DEVELOPMENT AND TRANSITIONAL BUFFER DEVIATION**
 921

POD-68-04 CVS Pharmacy at Lauderdale Square Shopping Center – Lauderdale Drive and Church Road	Kimley-Horn and Associates for Wilton Family Partnership, III and The Rebkee Company: Request for approval of a plan of development and a transitional buffer deviation, as required by Chapter 24, Section 24-106 and 24-106.2 of the Henrico County Code, to construct a two-story 12,730 square foot retail pharmacy with drive-thru facilities in an existing shopping center. The 1.024-acre site is located at the northeast intersection of Lauderdale Drive and Church Road on parcels 733-756-8273 and 734-757-5648 (part). The zoning is B-2C, Business District (Conditional). County water and sewer. (Three Chopt)
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922
 923 Mrs. Ware - Is there any opposition to hearing POD-68-04, CVS Pharmacy @
 924 Lauderdale Square Shopping Center? No opposition. Mr. Wilhite.

925 Mr. Wilhite - Thank you. This is an outparcel in an existing shopping center. The
926 major remaining issue is the fact that the exit on the south side of the building from the south
927 parcel to the central drive isle in the shopping center, does not meet the County's policy of
928 being at least 150 feet away from the first point of conflict. I've got the cursor on the map to
929 show the location of that exit. Staff has looked at this. We have not been able to work out a
930 solution that would meet that requirement on this particular site to allow this building.

931

932 In addition, there is a request for a transitional buffer deviation along both Lauderdale Drive
933 and Church Drive. A Transitional Buffer 25 is required in both locations. This shopping
934 center was developed prior to the enactment of the transitional buffer ordinance. The deviation
935 along Lauderdale Drive would allow the parking along the drive isle to align with the existing
936 parking that's already been constructed. Along Church Road, they are also asking for a
937 deviation there too. The dumpster screen would be located partially in this transitional buffer
938 area. They are proposing enhanced landscaping along both sides and in addition, there would
939 be a retaining wall along the Lauderdale Drive side in order to maintain the existing trees that
940 are already planted.

941

942 Also, they have enhanced the elevation of the building facing Church Road. This is the rear of
943 their prototype building. They have provided more architectural detailing and also provided a
944 replication of the entrance canopy over top at the corner to try to dress up that side to make it
945 appear more like the front of the building. Those are all of the comments that I have. If you
946 have any questions, I'll be happy to answer them.

947

948 Mrs. Ware - So what we are seeing in the plan is the enhanced architectural?

949

950 Mr. Wilhite - Yes. That's already included in your architectural plans.

951

952 Mrs. Ware - And this is a two-story building?

953

954 Mr. Wilhite - One story has a mezzanine on part of it. It meets the definition of a two-
955 story building.

956

957 Mrs. Ware - So, is it noticeably higher or larger than the shopping center that exist
958 there now?

959

960 Mr. Wilhite - No. It meets the height requirements and the building is approximately
961 30 feet to the top of the parapet from the ground.

962

963 Mrs. Ware - Which is comparable to the shopping center that exists that it is being
964 located in or...

965

966 Mr. Wilhite - I believe so. I don't know the exact height of the existing shopping
967 center but it is in line with that.

968

968 Mr. Silber - Mr. Wilhite, you may have mentioned this, but the agenda says 12,730
969 square feet.
970
971 Mr. Wilhite - Right.
972
973 Mr. Silber - The plans shows 10,880 square feet.
974
975 Mr. Wilhite - That's because they did not include the mezzanine area in that square
976 footage. That's with the mezzanine.
977
978 Mrs. Ware - And is that something that's a part of the architectural feature of the
979 building.
980
981 Mr. Wilhite - You would not be able to distinguish it from the outside. It's interior. It
982 doesn't have any windows, I believe. It's just all inside.
983
984 Mr. Silber - So, the buildings footprint is 10,880 square feet.
985
986 Mr. Wilhite - Yes.
987
988 Mr. Silber - Okay.
989
990 Mrs. Ware - As far as the drive-thru window information is concerned, and I might
991 have missed this in your presentation, the County requires a 150 feet of setback.
992
993 Mr. Wilhite - The setback in a shopping center by policy, the first point of conflict, is
994 150 feet. This is approximately 35 to 40 feet. This would be an exit only, not an entrance into
995 this outparcel.
996
997 Mrs. Ware - But is enforceable?
998
999 Mr. Wilhite - It's policy. The Planning Commission can deviate from that.
1000
1001 Mrs. Ware - I know, I mean is it like an exit only. I mean, will people be able to go
1002 in that way? Will they get confused?
1003
1004 Mr. Wilhite - Well, there will be signage up that would say "Do Not Enter." I'm not
1005 sure that we can completely discourage it.
1006
1007 Mrs. Ware - Will it be right in front of them when they turn in?
1008
1009 Mr. Wilhite - Right in front of them would be the drive-thru area and the loading
1010 space, which is on the southern side of the building.
1011
1012 Mr. Vanarsdall - You have two "Do Not Enter" signs there, don't you?

1013 Mr. Wilhite - There should be two “Do No Enter” signs, yes.
1014

1015 Mr. Marshall - Madam Chairman, I met with Mr. Foster about this when this concern
1016 came up as well as talking with Mr. O’Kelly about it, in length. The situation is, as Mr.
1017 Wilhite said, it’s a policy issue and it’s the first point of contact. It doesn’t distinguish about
1018 whether it’s an entrance or an exit. In the practical, in my mind, which satisfied me, was that
1019 the practically of looking at this site are that the entrance to the stores are at the complete other
1020 end of the building. So, first of all people will be inclined to go to the end of the building
1021 where they can go in the store. And, second of all, the drive-thru will be facing that contact
1022 point and it will be “Exit Only” and “Do Not Enter” signs there for people that turn in off of
1023 Church Road. So for those two reasons, Mr. Foster indicated to me that yes I had a point
1024 there that he did not perceive that that would be a bigger problem because the main concern
1025 was people stacking off of Church Road and that’s why the 150-foot requirement is there for
1026 the people stacking off of Church Road trying to turn left into that what is an “Exit Only.”
1027 For a practical matter, I don’t think that it will affect things and people will be using the other
1028 end. So, for that reason, I was satisfied after meeting with Mr. Foster and talking to him
1029 about it. And that’s why I don’t have a problem with him not meeting the technical 150-foot
1030 first point of contact. If it were an entranceway I think it would definitely be a problem there.
1031

1032 Mrs. Ware - Okay. So, this is going to send traffic around the building so that there
1033 won’t be any stacking out on Church Road.

1034

1035 Mr. Marshall - Right.
1036

1037 Mrs. Ware - I have one other question. I’m looking at the plans, and you mentioned
1038 something about the dumpsters, were they relocated?
1039

1040 Mr. Wilhite - We had asked them to relocate the dumpster. We have not been able to
1041 identify a good area on the site. The only possible place they could put it is behind the
1042 building adjacent to the central drive aisle that comes in off of Church Road. It’s possible that
1043 if it was located there that there would be some blocking of it when the dumpster is being
1044 serviced.

1045

1046 Mr. Marshall - The only other place on the site we could possibly see would be right
1047 behind the building. The problem with that is, and it was pointed out by Mr. Foster, was then
1048 you would have a trash truck completely blocking the throughway as it tries to get the
1049 dumpsters if it was behind the building. So, the way we resolved it was, is the dumpster will
1050 be near the drive-thru aisle, but it will be bricked screened and they have agreed to plant trees
1051 and landscaping around it so you will not be able to see. It will be bricked in where the
1052 dumpster are but they are going to put trees and landscaping around it so that it won’t be
1053 visible from Church Road.

1054

1055 Mrs. Ware - There are conditions that addresses the.... I guess that will come with
1056 the landscaping plan?

1057

1058 Mr. Wilhite - Essentially, it will be in the same location that they showed on the plan.
1059

1060 Mr. Marshall - That will be with the landscape plan, won't it, Kevin?
1061

1062 Mr. Wilhite - Yes, the additional landscaping will be shown on the landscape plan.
1063

1064 Mr. Silber - Mr. Wilhite, is the parking based on the shopping center requirements,
1065 in this case?
1066

1067 Mr. Wilhite - Yes. This is a part of the existing shopping center and parking spaces on
1068 the overall site.
1069

1070 Mr. Silber - The parking calculations are showing on this plan, shows one per 200
1071 square feet, which implies that it is a stand alone parking requirement.
1072

1073 Mr. Wilhite - Yes, but they would need to just correct the calculation. It's considered
1074 a part of the shopping center.
1075

1076 Mr. Marshall - This is one of the few cases that Mr. Silber looked at and said "Man,
1077 they have got a lot of parking on this."
1078

1079 Mr. Silber - I thought they did. It looks like a lot to put on a small piece of property.
1080 Mr. Wilhite, you are right. I do now see that it does say "parking provided see overall
1081 shopping center parking calculations." It looks like that how it's being addressed.
1082

1083 Mrs. Ware - Okay. Are there any other questions for Mr. Wilhite? Thank you.
1084

1085 Mr. Marshall - Madam Chairman, I would like to move approval of POD-68-04, CVS
1086 Pharmacy at Lauderdale Square Shopping Center, subject to conditions for developments of
1087 this type, and the additional conditions in the report Nos. 23 through 32.
1088

1089 Mr. Vanarsdall - Second.
1090

1091 Mrs. Ware - The motion was made by Mr. Marshall and seconded by Mr. Vanarsdall.
1092 All in favor say aye...all oppose say nay. The motion passes.
1093

1094 The Planning Commission approved POD-68-04, CVS Pharmacy at Lauderdale Square
1095 Shopping Center, subject to the standard conditions attached to these minutes for developments
1096 of this type, the annotations on the plan and the following additional conditions:
1097

1098 23. The easements for drainage and utilities as shown on approved plans shall be granted to
1099 the County in a form acceptable to the County Attorney prior to any occupancy permits
1100 being issued. The easement plats and any other required information shall be submitted
1101 to the County Real Property Agent at least sixty (60) days prior to requesting
1102 occupancy permits.

- 1103 24. The developer shall provide fire hydrants as required by the Department of Public
1104 Utilities and Division of Fire.
- 1105 25. Outside storage shall not be permitted.
- 1106 26. The proffers approved as a part of zoning case C-55C-85 shall be incorporated in this
1107 approval.
- 1108 27. Deviations from County standards for pavement, curb or curb and gutter design shall be
1109 approved by the County Engineer prior to final approval of the construction plans by the
1110 Department of Public Works.
- 1111 28. Insurance Services Office (ISO) calculations must be included with the plans and
1112 contracts and must be approved by the Department of Public Utilities prior to the
1113 issuance of a building permit.
- 1114 29. The location of all existing and proposed utility and mechanical equipment (including
1115 HVAC units, electric meters, junction and accessory boxes, transformers, and
1116 generators) shall be identified on the landscape plans. All equipment shall be screened
1117 by such measures as determined appropriate by the Director of Planning or the
1118 Planning Commission at the time of plan approval.
- 1119 30. The ground area covered by all buildings shall not exceed in the aggregate 25 percent
1120 of the total site area.
- 1121 31. No merchandise shall be displayed or stored outside of the building or on sidewalks.
- 1122 32. The existing drainage and utility easement in conflict with the building footprint shall be
1123 vacated prior to approval of any building permit for this development.

1124
1125 Mr. Silber - The next case is on Page 24 of your agenda and this was pulled from the
1126 Expedited agenda.

1127

1128 **CONTINUED FROM PAGE 12**

1129

1130 **PLAN OF DEVELOPMENT**

1131

POD-70-04 SunTrust Bank – Glen Lea Branch –Mechanicsville Turnpike	Resource International, Ltd. for SunTrust Real Estate Corporation: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a new entrance and revised parking for an existing bank. The 0.276-acre site is located at the southwest corner of the intersection of Rescue Avenue and Mechanicsville Turnpike (U.S. Route 360) on parcel 802-735-7608. The zoning is B-1, Business District. County water and sewer. (Fairfield)
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1132

1133 Mrs. Ware - Opposition is noted and you'll be able to speak following the presentation
1134 and that of the applicant as well. You will have ten minutes. Good morning, Mr. Cooper.

1135

1136 Mr. Cooper - Good morning, members of the Commission. As Mr. Silber noted, this
1137 plan is for a revised parking lot and new entrance for an existing SunTrust Bank location. The
1138 bank is currently vacant and will remain so and will only provide a drive-up ATM service.

1139 The previous entrance to this site was eliminated due to a recent plan of development for the
1140 Dunn Office Building, which is located immediately to the south, that you will notice on your
1141 plan before you. Staff has no issues with this plan and all reviewing agencies can recommend
1142 approval at this time. The applicant's representative is here today to answer any questions you
1143 may have and I'll be happy to any questions as well.

1144

1145 Mrs. Ware - Are there any questions for Mr. Cooper from the Commission? Okay.
1146 Mr. Archer, would you like to hear from the applicant?

1147

1148 Mr. Archer - I believe we will because we do have opposition.

1149

1150 Mrs. Ware - We will hear from the applicant first, sir, and then we will be right with
1151 you. Good morning, would you state your name.

1152

1153 Mr. Sharpe - Good morning, I'm James M. Sharpe, Jr. of Resource International and I
1154 am the site engineer. What you see before you is a combination of process with traffic, VDOT
1155 and the Planning Department. We have done two other layouts one with an entrance off of
1156 Rescue Avenue and a second with an entrance off of the alley, behind the bank. Neither of
1157 these entrances actually work with drainage, parking requirement, and vehicle
1158 maneuverability. Basically, what you see is the only practical way that we found that we could
1159 address the fact that the development of the Dunn property was closing our access off of the
1160 entrance there.

1161

1162 Mr. Archer - Sir, how many cars do you think can stack between the street and that
1163 ATM machine?

1164

1165 Mr. Sharpe - Six.

1166

1167 Mr. Archer - Six cars?

1168

1169 Mr. Sharpe - Yes, sir.

1170

1171 Mr. Archer - And that has been relocated to make that....

1172

1173 Mr. Sharpe - The ATM is being relocated from its current location on the building as
1174 far toward Rescue Avenue as we can. Yes, sir. It is being moved up under the canopy.

1175

1176 Mr. Archer - No other activity will go on there.

1177

1178 Mr. Sharpe - No sir. Basically, the ATM is serviced and I don't know the frequency
1179 of servicing. That's a one automobile operation.

1180

1181 Mrs. Ware - Are there any other questions? Thank you, sir. We will hear from the
1182 opposition now. If you would come forward and give us your name and address for the
1183 record, please.

1184
1185 Mr. Martin - Stuart Martin. I represent Dunn Family Partnership.
1186
1187 Mrs. Ware - Do you have something to pass out?
1188
1189 Mr. Martin - Yes.
1190
1191 Mrs. Ware - You can hand it to Mr. Archer and he will pass it down. Do you want
1192 to state your opposition?
1193
1194 Mr. Martin - Yes, ma'am. My concern with this entrance that they are doing, and
1195 when you get this piece of paper in your hand, as far as the stacking, on a Friday or during the
1196 business hours they will have cars that stay out on Route 360 and it will block the entrance that
1197 you will see highlighted right there (make reference to document he handed out) is happening
1198 right now without any development being done to that property. It also concerns us with the
1199 entrances being so close together within maybe six or seven feet of each other. If cars are
1200 trying to enter on one entrance and they have their signal light on and a car is trying to come,
1201 six feet away, trying to get on the other side, people are going to pull out thinking they are
1202 trying to come in the same entrance and that's going to cause a major accident. Rescue Road
1203 and that intersection right now is having numerous accidents on a daily basis and this is just
1204 going to add to the problem.
1205
1206 Mrs. Ware - What is located over there on Rescue Road? What is that?
1207
1208 Mrs. Martin - Ma'am, I didn't understand the question.
1209
1210 Mrs. Ware - The B-2 property, is that what you are talking about as far as going in
1211 and out or are you talking about Mechanicsville Turnpike? Your concern is on
1212 Mechanicsville?
1213
1214 Mr. Martin - Yes, ma'am. Mechanicsville Turnpike and the proposed entrance. It's
1215 right next to the existing entrance.
1216
1217 Mrs. Ware - Right next to the existing entrance to....
1218
1219 Mr. Martin - The new property that's being developed by the County.
1220
1221 Mr. Marshall - Sir, the entrance that you are talking about that exists, is that the
1222 entrance that the people you represent own?
1223
1224 Mr. Martin - Yes, sir.
1225
1226 Mr. Marshall - Okay. And... I'll have to talk to the applicant for a minute because he
1227 said something about a dispute about that entrance, or is there a problem with that entrance
1228 being used?

1229
1230 Mr. Stuart - That's not their entrance, that's why they are proposing, I guess, having
1231 an entrance of their own.
1232
1233 Mr. Marshall - Oh, okay.
1234
1235 Mr. Vanarsdall - You mean the bank is proposing this entrance?
1236
1237 Mr. Martin - The bank is proposing the new entrance.
1238
1239 Mr. Archer - Mr. Martin, you indicated that there is already a traffic backup problem
1240 now from using the current ATM. Is that what you are saying?
1241
1242 Mr. Martin - Yes, sir. On Friday they are already stacking on 360 now.
1243
1244 Mr. Archer - By virtue of the fact that they are moving the ATM farther away from
1245 the entrance wouldn't that seem to alleviate that problem some?
1246
1247 Mr. Martin - Not as far as the stacking now. I don't know if it's six more.... They are
1248 backed as far as, if you look at the existing entrance now that highlighted, they are six to seven
1249 cars on a Friday past that now.
1250
1251 Mrs. Ware - So you are concerned about the stacking blocking the entrance to your
1252 property that's next door.
1253
1254 Mr. Martin - And also the concern about people misjudging what entrance a person is
1255 going to be coming to when they turn the signal light on.
1256
1257 Mrs. Ware - Could the entrance be shared?
1258
1259 Mr. Martin - At this time, I don't know, I'll have to get with my engineer and see if it
1260 could be shared. We have never discussed it yet.
1261
1262 Mr. Archer - So, Mr. Martin, this is just past your entrance, is that correct?
1263
1264 Mr. Martin - Yes, sir.
1265
1266 Mr. Archer - So are you fearful that somebody might not stop at your entrance because
1267 of the traffic in front of them.
1268
1269 Mr. Martin - Not fearful that they wouldn't stop.... If they could get in, point number
1270 one and point number two, if you are in our entrance and you are getting ready to enter 360,
1271 leaving the parking lot, and somebody is coming at you and they have their signal light on, and
1272 you are thinking, well they are getting ready to turn into the same entrance you are coming
1273 out, and you are six feet away with another entrance, so you pull out thinking that they are

1274 getting ready to pull in, because they have almost come to a dead stop to make a six-foot
1275 entrance on the other side, I think there will be traffic issues there.

1276

1277 I talked to Bobby Campbell, VDOT, and he said that he was going to try to get here. He said
1278 when he first looked at this proposal, he didn't know why that slipped his mind, and he said
1279 now looking back at it the Virginia Department of Transportation would have considered that a
1280 lot different. They showed some interest for that being a traffic hazard also.

1281

1282 Mrs. Ware - Mr. Martin, what is your business, exactly, that's next to it?

1283

1284 Mr. Martin - It's nothing right now. We are getting ready to build an office complex.

1285

1286 Mrs. Ware - An office complex. Also, Mr. Archer, we have Mr. Jennings here.

1287

1288 Mr. Archer - I know he is. I'm going to get him up here in a few minutes and he can
1289 share some wisdom with us.

1290

1291 Mrs. Ware - Okay. Are there any other questions for Mr. Martin from the Planning
1292 Commission?

1293

1294 Mr. Archer - No, not now. Mr. Martin, we have Mr. Jennings from the Traffic
1295 Department and he will come up and address this also.

1296

1297 Mr. Martin - Okay. Thank you.

1298

1299 Mr. Archer - Thank you. Mr. Jennings, can you help us out, sir?

1300

1301 Mr. Jennings - Good morning. Where do we start with this one? I guess the Dunn
1302 building came in with their expansion, and with their expansion they cut off the entrance that
1303 the bank was using. We asked them to share this entrance as it was in the past, which they
1304 could easily do with the connection, but they said no. With that, the bank had to come in with
1305 a plan. I've worked with Don Tate of Baskerville & Associates and then Mr. Sharpe, once he
1306 became the engineer, with circulation on their site, in and out of Rescue Avenue, like he
1307 stated. We could not physically get it to work with circulation and providing parking, either
1308 using the alley or just off of Rescue Avenue, and functioning as an ATM, parking, circulation,
1309 everything. So with that, I discussed it with VDOT and we allowed the entrance off of, an
1310 entrance only, it's not an exit, entrance only off of Mechanicsville Turnpike. With that, with
1311 them relocating the ATM farther to the north, they provide about a 130 feet of stacking, which
1312 is adequate for an ATM only. If it were a bank, as Mr. Martin said, it would require 200 feet,
1313 but with an ATM only 130 feet is adequate. I was not aware of any backing up onto 360 now
1314 from ATM use, but 130 feet is normally adequate for stacking of an ATM. And that's what
1315 they are providing. And as Mr. Sharpe said, that's six or seven vehicles.

1316

1317 Mr. Archer - Okay. So, this doesn't trouble you to that degree in that we have
1318 actually extended the number of cars that can stack up now on the premises, which in essence

1319 will get maybe three more cars off of the street, as the ATM now stands.

1320 Mr. Jennings - Yes, sir.

1321

1322 Mr. Archer - Okay.

1323

1324 Mr. Jernigan - Mike, you said that they tried to work a deal in the beginning and they
1325 wouldn't have any part in sharing the entrance?

1326

1327 Mr. Jennings - When the Dunn Building expansion first came in, I said, wait a minute
1328 look what you are doing to the bank. You are cutting off their entrance. And they said, well
1329 we had it in our lease agreement that at some point down the road we could take away that
1330 entrance, their access through our parking lot. So, with that, they came in with their plan
1331 cutting off their parking lot, and SunTrust had to come in with a new plan. And that's where
1332 we stand right now.

1333

1334 Mrs. Ware - What benefit does it have to the adjacent property to cut off access? I
1335 mean....

1336

1337 Mr. Jennings - Either one works fine, if you want my opinion.

1338

1339 Mrs. Ware - Yes, either one works fine. The bank has its access.

1340

1341 Mr. Jennings - If they didn't have the entrance, and shared the access with Dunn, you
1342 wouldn't have his concern of possibly being confused of which one they are turning into. But,
1343 that would be the only thing. Other than that, they would probably have about the same
1344 amount of stacking and everything else.

1345

1346 Mr. Silber - I think in a situation like this, typically, staff likes to see a shared access
1347 arrangement so that you don't get to this exact situation where you have to access points on a
1348 major road that are in close proximity.

1349

1350 Mr. Jennings - Right. Like I said earlier, we were trying for that but when the Dunn
1351 Building came in they said no to a shared access.

1352

1353 Mr. Silber - I don't know if that can be revisited again. It seems like the preferred
1354 alternative if it falls again, it looks like this is the only alternative.

1355

1356 Mr. Jennings - That's where we stood, exactly.

1357

1358 Mr. Silber - Mr. Jennings, what is the distance between this proposed driveway and
1359 the adjacent property?

1360

1361 Mr. Jennings - I think it was about 12 feet. I don't know for sure off of the top of my
1362 head.

1363

1363 Mr. Silber - Isn't the standard about 12 and a half feet on each side? So that gives
1364 you the 25-foot separation?
1365

1366 Mr. Jennings - It's approximately 15 feet down the property line. I don't have the plan
1367 with me.
1368

1369 Mr. Silber - So, 15 feet from the property line to this site.
1370

1371 Mr. Jennings - To the new entrance and then they had.... It looks like it's about 25 feet
1372 between the two.
1373

1374 Mrs. Ware - Well, they are not going to share. There's not much we can do.
1375

1376 Mr. Archer - Thank you, Mr. Jennings. I would like to ask Mr. Martin to come back
1377 up, if I may.
1378

1379 Mrs. Ware - Okay.
1380

1381 Mr. Archer - Mr. Martin, in view of what Mr. Jennings' just outlined, do you think
1382 that there is any possibility that the Dunn people will revisit sharing the driveway?
1383

1384 Mr. Martin - I would like to ask Mr. Jennings where he has the paperwork where he
1385 said he asked us to share the entrance. We've never received that.
1386

1387 Mr. Archer - Do you have that, Mr. Jennings?
1388

1389 Mr. Jennings - Well...
1390

1391 Mr. Silber - Mr. Archer, perhaps instead of proving who has and who doesn't have
1392 documentation on the shared access, we may want to defer this and see if something can be
1393 worked out, unless Mr. Jennings, who I see coming forward now, might have information.
1394

1395 Mr. Archer - Well, that's what I was trying to ask Mr. Martin. If he says there's no
1396 possibility that they will do it then we may as well make a decision today.
1397

1398 Mr. Martin - I would have to ask. I couldn't make that decision myself. There are six
1399 other people involved in that decision, so I couldn't speak for all six.
1400

1401 Mr. Archer - All right. I think that could probably be a reasonable solution to that. If
1402 not, it appears that the site would actually improve and there is also a condition that is written,
1403 condition No. 29, it says: In the event of any traffic backup which blocks the public right-of-
1404 way as a result of congestion caused by the drive-up teller facilities, the owner/occupant shall
1405 close the drive-up teller facilities until a solution can be designed to prevent traffic backup.
1406 Which pretty much covers whatever your concern is in this case. But, it would seem to me
1407 that for an ATM only entrance that a six-car stack on the premises should be enough to take

1408 care of that. Just based on what my experiences is. If it were a full-service bank, of course,
1409 that's something all together different. But, if you think we can work out something with the
1410 applicant, and I can ask him to defer this until you all can get a chance to talk about it, but if
1411 you don't think there isn't reason to talk about it, we would probably would just as well
1412 resolve this today and move on.

1413

1414 Mr. Martin - I would have to ask all six. I can't speak for them. I can't say "yes"
1415 they are going to do it or "no" they are not without discussing it with them first. I don't know
1416 what their opinions might be.

1417

1418 Mr. Archer - Now who are the six partners in Dunn, is that what you said?

1419

1420 Mr. Martin - Yes, sir.

1421

1422 Mr. Archer - But, you are representing them, right?

1423

1424 Mr. Martin - I'm representing them, yes, sir. But, we haven't discussed the shared
1425 entrance about telling me what to do with that today.

1426

1427 Mr. Archer - Okay. Let me hear from Mr. Jennings for just a moment, if I may, to
1428 find out what went on with the correspondence.

1429

1430 Mr. Jennings - When this plan of development for the Dunn Building came in, my
1431 comments dated November 20, 2003, my first comment was: Clarification is needed in
1432 regards to what is happening to the existing bank site at the intersection of Mechanicsville
1433 Turnpike and Rescue Street. This proposed plan of development interferes with the site
1434 circulation. And upon that, we had a discussion and I asked them to please allow access for
1435 that site because they are totally cutting off their site, and they said that they would think about
1436 it and they came back with no.

1437

1438 Mr. Archer - Okay. Fair enough. Sir, are you willing to defer this to discuss that
1439 possibility?

1440

1441 Mr. Sharpe - Until the first October meeting.

1442

1443 Mr. Archer - I don't think we need to go any later than that.

1444

1445 Mr. Sharpe - I'm willing to defer it until then because I was not privy to any of this. I
1446 came into the picture after all of this. I can't speak to who said what to whom.

1447

1448 Mr. Archer - All right.

1449

1450 Mr. Silber - Mr. Archer, that's fine, just a remainder. We do have 28 zoning cases
1451 on that agenda. We have work session items....

1452

1453 Mr. Archer - I'll tell you what, we will do it this way. You all discuss it and get with
1454 Mr. Martin and when it comes back it will be for decision only. We won't have any
1455 discussion on it at all. Just let us know what went on during the interim.

1456

1457 Mr. Sharpe - All right, sir.

1458

1459 Mr. Archer - Because to be honest with you, I was prepared to approve this today, but
1460 I want to give them the benefit of the doubt to be able to work out something that might be
1461 more workable. Is that okay with you?

1462

1463 Mr. Sharpe - Yes, sir.

1464

1465 Mr. Archer - Mr. Martin, will that satisfy with what you want to do?

1466

1467 Mr. Martin - Yes.

1468

1469 Mr. Archer - Then with that, Madam Chairman, I move deferral of POD-70-04,
1470 SunTrust Bank, to the October 14 meeting at the applicant's request for decision only.

1471

1472 Mr. Marshall - Second.

1473

1474 Mrs. Ware - The motion was made by Mr. Archer and seconded by Mr. Marshall.

1475 All in favor say aye...all opposed say nay. The motion passes.

1476

1477 Mr. Vanarsdall - Excuse me a minute, Madam Chairman. Mr. Archer, did you mean for
1478 that to be 30 days or two weeks?

1479

1480 Mr. Archer - I'm sorry, the October POD meeting.

1481

1482 Mrs. Ware - Oh, the October POD meeting.

1483

1484 Mr. Vanarsdall - So, it wouldn't be the 14th it would be the October 27 meeting.

1485

1486 Mr. Archer - Is that the meeting that you were saying?

1487

1488 Mr. Silber - I thought you were talking about two weeks, which is the zoning
1489 hearing.

1490

1491 Mr. Archer - Two weeks would be fine. I would rather do it at zoning. We don't
1492 need to take all that time and it would be a night meeting too. So, it will be the October
1493 zoning meeting, not POD.

1494

1495 Mr. Silber - So, it would be October 14 for decision only.

1496

1497 Mr. Marshall - That's what we just did.

1498 Mr. Vanarsdall - Do you want to make the motion?

1499

1500 Mrs. Ware - We already did that.

1501

1502 Mr. Marshall - It's already gone.

1503

1504 Mr. Archer - We did that.

1505

1506 At the request of the applicant, the Planning Commission deferred POD-70-04, SunTrust Bank
1507 – Glen Lea Branch, to its Rezoning Meeting on October 14, 2004, at 7:00 p.m. for decision
1508 only.

1509

1510 Mrs. Ware - Okay, next case please.

1511

1512 Mr. Silber - Okay. The next case is on Page 26.

1513

1514 **SUBDIVISION (Deferred from July 28, 2004)**

1515

1516

Woodman Terrace, Section O
(July 2004 Plan)
9501 Bonanza Street and
2106 Hungary Road

Paul Jalbert for Robert C. Stone, Et.Als and Attack-Walker Construction, LLC: The 1.75-acre site proposed for a subdivision of 1 single-family home is located at 9501 Bonanza Street/2106 Hungary Road, approximately 958 feet to the southeast intersection of Bonanza Street and Waterbury Drive on parcels 774-759-7846 and 774-759-8071. The zoning is R-3, One-Family Residence District County water and sewer. **(Fairfield) 1 Lot**

1517

1518 Mrs. Ware - Is there any opposition to Woodman Terrace, Section O (July 2004 Plan)
1519 in the Fairfield District. No opposition. Good morning, Ms. Goggin.

1520

1521 Ms. Goggin - Good morning, Madam Chairman, members of the Commission. This
1522 request was deferred by the Planning Commission at its July 28, 2004, meeting. The proposed
1523 lot at 9501 Bonanza Street needs approximately 3,500 square feet from 2106 Hungary Road to
1524 create a buildable lot. During the site visits staff discovered building savage and other debris
1525 on the Hungary Road parcel.

1526

1527 Mr. Archer - Can you show that, ma'am.

1528

1529 Ms. Goggin - Here we go. Here is one of the photos. The area needed from 2106
1530 Hungary Road is not the area with the debris, but staff is concern that the site does not comply
1531 with County Code and that the debris should be removed as it is a part of the subdivision
1532 application. The Department of Community Development Community Maintenance Division
1533 has been notified of the issue and plans to do an inspection today. Staff has spoken with the
1534 applicant this morning and he agrees with condition No. 14 in the agenda dealing with debris

1535 removal, or bonding prior to plat recordation. Staff can recommend conditional approval
1536 subject to the annotations on the plan, the standard conditions for subdivisions served by public
1537 utilities and conditions Nos. 12 through 14 in the agenda. I'll be happy to answer any
1538 questions from the Commission.

1539

1540 Mrs. Ware - Are there any questions of Ms. Goggin from the Commission?

1541

1542 Mr. Archer - Ms. Goggin, when did we defer this last, was it July?

1543

1544 Ms. Goggin - Yes, sir, July.

1545

1546 Mr. Archer - Has there been any correspondence concerning how this is going to be
1547 handled?

1548

1549 Ms. Goggin - No, sir, there has not been any conversations between staff or the
1550 applicant and our inspectors went out there yesterday just to confirm that and nothing has been
1551 done.

1552

1553 Mrs. Ware - I'm sorry I didn't hear the last part, nothing has been....

1554

1555 Ms. Goggin - The debris has not been removed.

1556

1557 Mrs. Ware - But it has been cited, I guess, officially?

1558

1559 Ms. Goggin - It should happen this afternoon.

1560

1561 Mrs. Ware - It should happen this afternoon. The citing or the clean up?

1562

1563 Ms. Goggin - No. The actual inspection from Community Maintenance is going to be
1564 today. The notice should go out a couple of days after that.

1565

1566 Mr. Marshall - The County people have not gone out and cited this property and asked
1567 them to clean it up. This has been talked about in the context of this and that through the other
1568 channel there, I guess it should have been.

1569

1570 Ms. Goggin - Just to point out, the debris is in the area of... the little hand right here
1571 (referring to photo on screen) and over here but not in the area that is needed to create a
1572 buildable lot.

1573

1574 Mr. Silber - I think what we are asking for is the cooperation of the property owner
1575 for which a portion of his property is involved with this subdivision. It is not directly related
1576 to the subdivision, we are just simply asking for his cooperation at this time. And we do have
1577 Community Maintenance that will become involve with this process.

1578

1579 Mrs. Ware - Are there any other questions for Ms. Goggins from the Commission?

1580 Ms. Goggin - Mr. Walker is here is you all would like to hear from the developer.
1581

1582 Mrs. Ware - All right. Thank you. Mr. Archer.
1583

1584 Mr. Archer - I would like to hear from Mr. Walker.
1585

1586 Mrs. Ware - Good morning. Would you like to state your name and address for the
1587 record?
1588

1589 Mr. Walker - Sure. My name is Eric Walker and I'm with Atack/Walker
1590 Construction. I'm the developer and builder of this site. Just to clarify a couple of things. As
1591 Ms. Goggin mentioned the parcel that we are proposing to develop and build on is part of 2106
1592 Hungary Road, but the debris is not on this proposed lot. The debris from the lot is not
1593 visible. But, talking with Ms. Goggin, she's requesting that the debris be removed prior to
1594 recordation of this subdivision. I've been in contact with the owners. I am the contract
1595 purchaser but conversation with the owners that they are going to clean it up. I talked with the
1596 wife last night, and she informed me that her husband did remove about four, full loads of
1597 trash and it's been a contention with her to have it cleaned up. Again, she's assured me that at
1598 some point it will be cleaned up and at that point, hopefully, we can record the subdivision.
1599

1600 Mr. Archer - Okay. Mr. Walker, but you have not corresponded with Ms. Goggin
1601 between the last time we met and now?
1602

1603 Mr. Walker - No, sir, I haven't. There was no news to correspond.
1604

1605 Mr. Archer - Well, you do understand what that condition does to your project, right?
1606

1607 Mr. Walker - I do. Unfortunately, it is a condition of the subdivision which I've
1608 agreed to accept, but at the same time my thought process was that Community Development
1609 should have been involved with this, and that the County should have been pushing to have this
1610 property cleaned prior to or not even in conjunction with this approval.
1611

1612 Mr. Archer - Well, I'm going to disagree with that, but we are where we are right
1613 now. The statement that they will have it done at some time, I think actually doesn't work in
1614 your favor.
1615

1616 Mr. Walker - It doesn't. I've spent time, money and effort in this deal. I've asked
1617 them and talked with them and they agreed that there is a problem and that they are working
1618 towards getting it clean.
1619

1620 Mr. Archer - Okay. As long as you understand what the language of the condition
1621 pertains you that's all we have to go on for right now.
1622

1623 Mr. Walker - Sure, at this point I have no choice.
1624

1625 Mr. Archer - All right. Anybody else?

1626

1627 Mrs. Ware - All right. Thank you.

1628

1629 Mr. Archer - All right, Madam Chairman, I move conditional approval of subdivision
1630 Woodman Terrace, Section O, subject to the standard conditions for subdivisions served by
1631 public utilities and additional conditions Nos. 12, 13 and 14.

1632

1633 Mr. Vanarsdall - Second.

1634

1635 Mrs. Ware - The motion was made by Mr. Archer and seconded by Mr. Vanarsdall.

1636 All in favor say aye...all opposed say nay. The motion passes.

1637

1638 The Planning Commission granted approved conditional approval to Woodman Terrace,
1639 Section O (July 2004 Plan) 9501 Bonanza Street and 2106 Hungary Road, subject to the
1640 standard conditions attached to these minutes, for subdivisions served by public utilities the
1641 annotations on the plan and the following additional conditions:

1642

1643 12. Each lot shall contain at least 11,000 square feet.

1644 13. Any necessary offsite drainage easements must be obtained prior to approval of the
1645 construction plan by the Department of Public Works.

1646 14. All refuse and debris will be bonded or removed for all parcels associated with the
1647 subdivision application to the satisfaction of the Director of Planning prior recordation
1648 of the plat.

1649

1650 **SUBDIVISION**

1651

Arbill Acres
(September 2004 Plan)

Foster and Miller, P.C for Arlene P. and William E. Elmore and Attack Properties, Inc: The 68.21-acre site proposed for a subdivision of 43 single-family homes is located along the north line of Mill Road, approximately 1,500 feet east of Chickahominy Branch Drive, on parcels 767-777-9367 and 768-774-4492 (part). The zoning is A-1, Agricultural District and R-2, One-Family Residence District. County water and septic tank/drainfield. **(Brookland) 43 Lots**

1652

1653 Mrs. Ware - Is there any opposition to Arbill Acres (September 2004 Plan) in the
1654 Brookland District? No opposition. Mr. Wilhite.

1655

1656 Mr. Wilhite - This proposed subdivision shows a cul-de-sac street that is approximately
1657 4,600 feet long without stub streets to adjacent properties. This street is in excess of the
1658 Department of Public Works standard for a cul-de-sac street of 1,200 feet. It also contains
1659 lengths of blocks exceeding 1,320 feet in width is the limitation in the subdivision ordinance.
1660 Approval of this street would require specify approval of both those aspects. Staff is
1661 recommending three stubs street, two to the western adjacent property to align with the stub

1662 streets that are provided in Chickahominy Branch Subdivision. One stub street to the east to
1663 the adjacent property along Greenwood Road. Previously, there was a subdivision with much
1664 the same layout approved back in April of 1987. This layout was approved with three stub
1665 streets on that plan. That subdivision however did expire back in 1998. Even with staff's
1666 recommendation of the three additional stub streets there is one block of lots exceeding 1,320
1667 feet and that would be on the east side of the proposed cul-de-sac road and just south of the
1668 location of the proposed stub to the east.

1669

1670 On Page 2 of your addendum there is an additional conditions No. 15 recommended. This
1671 deals with the existing house along Mill Road that would be required to hookup to public water
1672 prior to recordation of the subdivision plat. A portion of this parcel is being dedicated as
1673 public right-of-way for the cul-de-sac street. The dedication would create a situation where the
1674 property did not meet lot width requirements if it remained on well and septic. If you have
1675 any questions I'll be happy to answer them.

1676

1677 Mrs. Ware - Are there any questions for Mr. Wilhite from the Commission?

1678

1679 Mr. Vanarsdall - I already verified this, I believe, the cul-de-sac is large enough for a
1680 school bus to turnaround and come back.

1681

1682 Mr. Wilhite - I would have to defer that to the Pubic Works Department. We did not
1683 get any comments, specifically, from the Education Department.

1684

1685 Mr. Vanarsdall - The applicant already told me that. That's the only question I have.

1686

1687 Mr. Silber - So, Mr. Vanarsdall, this cul-de-sac, what you are saying, would be
1688 larger than the typical cul-de-sac?

1689

1690 Mr. Vanarsdall - Do what?

1691

1692 Mr. Silber - Did cul-de-sac would be designed larger than the typical cul-de-sac to
1693 accommodate a school bus?

1694

1695 Mrs. Ware - So, basically, Mr. Wilhite, they have to lose a couple of lots in order to
1696 get the inner connectivity between the neighborhoods.

1697

1698 Mr. Wilhite - It's possible that they will have to lose some lots. The original
1699 subdivision plan, I believe, was approved at 43 and this one is 50 lots, I'm sorry, 43.

1700

1701 Mrs. Ware - The original was approved at, what did you say?

1702

1703 Mr. Wilhite - I will have to check the file. I'm sorry.

1704

1705 Mr. Silber - Mr. Vanarsdall, would you like to hear from the applicant?

1706

1707 Mr. Vanarsdall - Yes. I just want him to verify for the Commission that the....
1708

1709 Mr. Parker - I'm Philip Parker with Atack Properties. Regarding the diameter of the
1710 cul-de-sac, the current design standards for Public Works allow for a school bus to turnaround
1711 within a 50-foot right-of-way radius. If in fact, it's proven for argument sake that a wider
1712 radius were required. That can be accommodated. It is our intention to allow a school bus to
1713 turnaround within that cul-de-sac.
1714

1715 Mr. Silber - We may need to hear from the Traffic Engineer. My understanding is
1716 that school buses typically don't go down a cul-de-sac road because there is difficulty in
1717 making that turnaround. If there are some design accommodations that are being made here
1718 that would allow that, perhaps that could be worked out with Schools.
1719

1720 Mr. Parker - This was just questioned this morning. I can assure you that the design
1721 as it comes for construction for this subdivision will allow a school bus to turnaround in that
1722 cul-de-sac.
1723

1724 Mr. Silber - I think the staff's recommendation to have a stub street is to allow for
1725 interconnection, at least with Chickahominy Branch, so that they can have connections for
1726 things like school buses.
1727

1728 Mr. Parker - That is correct, and our conversations and contacts with that adjacent
1729 property owner have been few. We have attempted to purchase it. We have discussed these
1730 stub streets through that adjoining property and we have gotten nowhere. And this has been
1731 occurring for the last six or seven months, and I'm sure Mr. Elmore, the owner of the
1732 property, during his subdivision process over about a 10-year period, worked with the same
1733 issues.
1734

1735 Mrs. Ware - So, this is the strip property that is looking at this plan that is to the left.
1736

1737 Mr. Parker - Yes, ma'am.
1738

1739 Mr. Vanarsdall - Well, Phil, we could add a condition No. 16. I want to recommend that
1740 the stub street be deleted provided, and I'm sure that the school bus, the longest one that the
1741 County has, can turn around in that subdivision.
1742

1743 Mr. Parker - If I can get that will base information, we can account for that in the
1744 design process. Yes, sir.
1745

1746 Mrs. Ware - It's just disappointing that there can't be inner connectivity between these
1747 subdivisions.
1748

1749 Mr. Parker - I agree, but you can't force somebody to do something that they don't
1750 want to do.
1751

1752 Mrs. Ware - I know and it's a shame.
1753

1754 Mr. Silber - Mr. Parker, this is currently zoned A-1, correct?
1755

1756 Mr. Parker - That is correct.
1757

1758 Mr. Silber - You all have filed a request to rezone this property.
1759

1760 Mr. Parker - We have filed a request to rezone this to R-1AC. The A-1 zoning is
1761 150-foot lot width, as you know, the R-1AC would be 125-foot lot width. We are in the
1762 process of discussing that rezoning with the adjoining owners and as to the outcome of that and
1763 their reception will determine which way that rezoning application goes.
1764

1765 Mr. Silber - Would it not be in everyone's best interest to defer this until the rezoning
1766 goes through and see what kind of a lot layout you might end up with then?
1767

1768 Mr. Parker - That's a fair question. I would actually suggest the opposite in that
1769 should the rezoning occur, a new subdivision would have to come before the Planning
1770 Commission. Should the rezoning not occur, the current subdivision that you are proposing
1771 would continue on. This would happen regardless of the zoning. If the zoning occurs this
1772 subdivision becomes void. Is that not true?
1773

1774 Mr. Silber - Yes. I mean, you have the right to file for a subdivision based on the
1775 zoning you have now and meet the zoning requirements of the A-1 District. To me it just
1776 seems like the County is considering a rezoning of this application. It is confusing for the
1777 Commission to be acting on a request to subdivide this property under current zoning that we
1778 know that we are in the process of considering rezoning action on.
1779

1780 Mr. Parker - My point being, should the R-1AC request not go forward for any
1781 particular reason, be denied, not be accepted by the community, etc., we would like the
1782 opportunity to request the opportunity under the rights of the ownership of the property to do
1783 an A-1 subdivision would like to have that occur presently. I go on the record, that if R-1AC
1784 occurs on the property we will request in writing that the A-1 subdivision be rescinded or
1785 whatever terminology would occur.
1786

1787 Mr. Silber - I only have one other question. You are an engineer so maybe you can
1788 figure out a way of designing this. But, the strip of land to the west of this property that runs
1789 from Mill Road back to the Chickahominy River, how is that likely to develop in the future?
1790

1791 Mr. Parker - Access off of Greenwood Road. There are environmental
1792 considerations. We said to the west, I believe mean to the east between Greenwood Road and
1793 our proposed subdivision.
1794

1795 Mr. Silber - No. I was talking about the long sliver of property.
1796

1797 Mr. Parker - The long narrow strip?
1798
1799 Mrs. Ware - Yes.
1800
1801 Mr. Parker - That's why we would like to acquire it and make it a part of this. Even
1802 if the stub street were right across from that landowner, you would get four lots. They would
1803 be extremely long and deep but they would meet the 150-foot lot width. I mean, the problem
1804 is not ours unfortunately the problem is the landowner's understanding of what could occur as
1805 a development concern. It may be that the landowner doesn't care about development of that
1806 property.
1807
1808 Mrs. Ware - What about to the east?
1809
1810 Mr. Parker - To the east is fronted on Greenwood Road.
1811
1812 Mrs. Ware - What about connecting this A-1 to Cherry Road on the other side of this
1813 development? And what is going on between this development and Greenwood Road?
1814
1815 Mr. Parker - We have had some conversations with that landowner and they are not
1816 interested in doing anything at this time. It is unfortunate, I don't disagree with that concern,
1817 but it is a reality, unfortunately, as well.
1818
1819 Mr. Silber - Okay. Thank you.
1820
1821 Mrs. Ware - Are there any other questions?
1822
1823 Mr. Vanarsdall - Not from me. Are you ready for a motion?
1824
1825 Mr. Marshall - Yes.
1826
1827 Mr. Vanarsdall - I'm going to make a motion. The annotation on the plan says that, if the
1828 length is over 1,200 feet and that be specifically approved. Right now it is 1,320, which is
1829 120, but it's going to be more like 90. So, I'm going to do this in separate motion. I move
1830 that the subdivision length, as you call it, be approved with 1,320 feet.
1831
1832 Mr. Jernigan - Second.
1833
1834 Mrs. Ware - The motion was made by Mr. Vanarsdall and seconded by Mr. Marshall.
1835 All in favor say aye...all opposed say nay. The motion passes.
1836
1837
1838 Mr. Vanarsdall - Now, we talked about the stub streets and he assured me that the school
1839 buses can turnaround and I'll add it under No. 16 that it can. Do you want to say something
1840 else, Phil?
1841

1842 Mr. Marshall - I think you are going to get a clarification on your motion.
1843

1844 Mr. Parker - I believe the length of the street is longer than 1,320, 1,320 is the policy.
1845

1846 Mr. Silber - Mr. Vanarsdall's motion, I believe, was to allow the 1,320 block lane
1847 requirement to be exceeded.
1848

1849 Mr. Parker - I'm sorry. I misunderstood the statement. I just wanted to catch it
1850 before it went to far.
1851

1852 Mr. Vanarsdall - It says that the maximum cul-de-sac length is 1,200 feet, this is 1,320,
1853 which you said would be more like 90 feet.
1854

1855 Mr. Jernigan - No. It's longer than 1,320.
1856

1857 Mr. Wilhite - I can clarify that for you. Public Works has a policy that cul-de-sac
1858 streets do not exceed more than 1,200 feet in length. The subdivision ordinance also has a
1859 requirement that lengths of blocks with lots in them cannot exceed 1,320 feet. That's in the
1860 subdivision ordinance but it would require specific Planning Commission approval to exceed
1861 that.
1862

1863 Mr. Vanarsdall - Okay.
1864

1865 Mr. Marshall - Right. And, I think your motion was to exceed the 1320.
1866

1867 Mr. Vanarsdall - Yes.
1868

1869 Mr. Marshall - We should be fine.
1870

1871 Mrs. Ware - And it exceeds the 1,320 by?
1872

1873 Mr. Wilhite - Quite a distance.
1874

1875 Mr. Silber - Mr. Parker, do you know how long this cul-de-sac is?
1876

1877 Mr. Wilhite - The cul-de-sac street is 4,600 feet long approximately from Mill Road to
1878 the end of it. However, the length of the blocks do not run that entire distance.
1879

1880 Mr. Parker - I don't know the length of the block.
1881

1882 Mr. Marshall - Go ahead, Ernie.
1883

1884 Mr. Vanarsdall - All right. Next. I move Arbill Acres (September 2004 Plan) be
1885 approved and I want to delete the stub street. There are 43 lots is all it is. It doesn't need
1886 another ingress/egress. And since the school bus can turn around and the property on both

1887 sides is going to be developed before too long. And I want to give up something to get
1888 something else. These homes are going to be an extension of Hunton Estates, which are \$550
1889 to \$650 in price, high-quality. So, my motion is to approve the standard conditions for
1890 subdivisions served by public water and not sewer, and conditions Nos. 12, 13, 14, 15 and I'm
1891 going to add No. 16 that school buses of any size can turn around in the cul-de-sac.

1892

1893 Mr. Marshall - Second.

1894

1895 Mrs. Ware - The motion was made by Mr. Vanarsdall and seconded by Mr. Marshall.

1896 All in favor say aye...all opposed say nay. The motion passes.

1897

1898 The Planning Commission granted conditional approval to Arbill Acres (September 2004 Plan)

1899 subject to the standard conditions attached to these minutes, for subdivisions served by public

1900 water but not public sewer, the annotations on the plan and the following additional conditions:

1901

1902 12. Each lot shall contain at least 43,560 sq. ft. exclusive of the flood plain areas.

1903 13. The limits and elevation of the 100 year frequency flood shall be conspicuously noted on
1904 the plat and construction plans and labeled "Limits of 100 year floodplain." Dedicate
1905 floodplain as a "Variable Width Drainage & Utilities Easement."

1906 14. Any future building lot containing a BMP, sediment basin or trap and located within the
1907 buildable area for a principal structure or accessory structure, may be developed with
1908 engineered fill. All material shall be deposited and compacted in accordance with the
1909 Virginia Uniform Statewide Building Code and geotechnical guidelines established by a
1910 professional engineer. A detailed engineering report shall be submitted for the review
1911 and approval by the Building Official prior to the issuance of a building permit on the
1912 affected lot. A copy of the report and recommendations shall be furnished to the
1913 Directors of Planning and Public Works.

1914 15. The existing dwelling on parcel 768-774-4492 shall be connected to public water prior
1915 to the recordation of the subdivision plat.

1916 16. The cul-de-sac at the end of the proposed street shall be designed large enough to
1917 accommodate any size Henrico County school bus.

1918

1919 Mr. Silber - The next case is on Page 29 of your agenda.

1920

1921 **SUBDIVISION AND SPECIAL EXCEPTION**

1922

Gill Dale Forest
(September 2004 Plan)

Engineering Design Associates for Darbytown Road Associates, LLC: The 60-acre site proposed for a subdivision of 34 single-family homes is located on the northern line of Darbytown Road, approximately 1,400 feet east of the intersection of Darbytown Road and Gill Dale Road on parcels 842-690-2249 and 840-689-7281. The zoning is A-1, Agricultural District. Individual well and septic tank/drainfield.
(Varina) 34 Lots

1923 Mrs. Ware - Is there any opposition to Gill Dale Forest (September 2004 Plan) in the

September 22, 2004

1924 Varina District? No opposition. Mr. Cooper.

1925

1926 Mr. Cooper- A revised plan is being handed out to you this morning. This revised
1927 plan satisfies the outstanding concerns we had with the original plan, regarding wetlands and
1928 floodplain limits and right-of-way dedication. As well, the applicant has agreed to stub Road B
1929 to the eastern property line, which will provide access to a parcel that is currently landlocked.
1930 Finally, the plan also now incorporates the Concept Road 230-1 as shown on the Major
1931 Thoroughfare Plan. You can see on the original plan the location of the concept road and
1932 initially it was not incorporated into the design of the subdivision. However, the revised plan
1933 will clearly show the concept road being located as it is shown on the Major Thoroughfare
1934 Plan.

1935

1936 Please note that in your original agenda it indicated a special exception was required. This is
1937 no longer applicable as the road has now been stubbed. The block length does exceed the 1320
1938 as listed in the Code, and the staff is in support of that due to the design of the subdivision.
1939 I'll be happy to answer any questions that you may have at this time.

1940

1941 Mrs. Ware - Are there any questions for Mr. Cooper from the Commission?

1942

1943 Mr. Jernigan - No. He has cleared up all the ones that I had.

1944

1945 Mrs. Ware - Okay.

1946

1947 Mr. Jernigan - Thank you, Mike. Madam Chairman, the only outstanding problem that
1948 we had was the right-of-way dedication, the road and the limits of the wetlands. So, he has
1949 cleared up all of the issues and I am ready to make a motion.

1950

1951 Mr. Silber - I have one question, Mr. Cooper. It's listed on the agenda as a
1952 subdivision and special exception....

1953

1954 Mr. Jernigan - You just said the special exception was for the 1320.

1955

1956 Mr. Cooper - Correct.

1957

1958 Mr. Jernigan - Now they have this road running through.

1959

1960 Mr. Cooper - Actually, the special exception should have been an exception for the
1961 cul-de-sac road length, but now that the cul-de-sac road, which was initially "Road B," has
1962 been eliminated and the road is now stubbed to the eastern property so that Public Works
1963 requirement no longer applies.

1964

1965 Mr. Silber - Okay. Thank you.

1966

1966 Mr. Jernigan - Madam Chairman, with that, I would like to move for conditional
1967 approval of Gill Dale Forest subdivision subject to the conditions for subdivisions not served
1968 by public utilities and the following additional conditions Nos. 11 through 16.
1969
1970 Mr. Archer - Second.
1971
1972 Mrs. Ware - The motion was made by Mr. Jernigan and seconded by Mr. Archer.
1973 All in favor say aye...all opposed say nay. The motion passes.
1974
1975 Mr. Marshall - Madam Chairman, I abstain.
1976
1977 Mrs. Ware - Note Mr. Marshall's abstention.
1978
1979 Mr. Jernigan - What's wrong with him, he won't vote on any of my cases.
1980
1981 Mrs. Ware - I know.
1982
1983 Mr. Jernigan - Unfortunately, Mr. Nelson decided to put all the cases in your district.
1984 I'm just lucky he doesn't much in my district.
1985
1986 Mr. Vanarsdall - I'm glad to know that business is so good.
1987
1988 The Planning Commission granted conditional approval to Gill Dale Forest (September 2004
1989 Plan) subject to the standard conditions attached to these minutes for subdivisions not served by
1990 public utilities, the annotations on the plan and the following additional conditions:
1991
1992 11. Each lot shall contain at least one acre exclusive of the flood plain areas.
1993 12. The limits and elevation of the 100-year frequency flood shall be conspicuously noted on
1994 the plat and construction plans and labeled "Limits of 100 year floodplain." Dedicate
1995 floodplain as a "Variable Width Drainage & Utilities Easement."
1996 13. The detailed plant list and specifications for the landscaping to be provided within the 25-
1997 foot-wide planting strip easement along Darbytown Road shall be submitted to the
1998 Department of Planning for review and approval prior to recordation of the plat.
1999 14. Any necessary offsite drainage easements must be obtained prior to approval of the
2000 construction plan by the Department of Public Works.
2001 15. Any future building lot containing a BMP, sediment basin or trap and located within the
2002 buildable area for a principal structure or accessory structure, may be developed with
2003 engineered fill. All material shall be deposited and compacted in accordance with the
2004 Virginia Uniform Statewide Building Code and geotechnical guidelines established by a
2005 professional engineer. A detailed engineering report shall be submitted for the review
2006 and approval by the Building Official prior to the issuance of a building permit on the
2007 affected lot. A copy of the report and recommendations shall be furnished to the
2008 Directors of Planning and Public Works.
2009

2009 16. Prior to requesting final approval, the engineer shall furnish the Planning Staff a plan
2010 showing a dwelling situated on Lot 2 to determine if the lot design is adequate to meet the
2011 requirements of Chapter 24, of the Henrico County Code.

2012

2013 Mr. Silber - Next on your agenda, on Page 31, Britton Oaks, Section 1.

2014

2015 **SUBDIVISION AND SPECIAL EXCEPTION**

2016

Britton Oaks, Section 1
(September 2004 Plan)

Engineering Design Associates for Pruitt Properties, Inc. and Loftis Real Estate and Development, Inc.: The 34.37-acre site proposed for a subdivision of 26 single-family homes is located at the southeast intersection of Britton Road and Charles City Road on parcels 827-699-5035 and 827-699-6197. The zoning is A-1, Agricultural District. Individual well and septic tank/drainfield. **(Varina) 26 Lots**

2017

2018 Mrs. Ware - Is there any opposition to Britton Oaks, Section 1 (September 2004 Plan)
2019 in the Varina District? No opposition. Mr. Cooper.

2020

2021 Mr. Cooper - Again, you received another revised layout for this plan this morning.
2022 The original plan did not accurately delineate the correct right-of-way dedication along both
2023 Britton Road and Charles City Road, as well as the original plan did include a small reserved
2024 parcel near the entrance that staff felt would become a maintenance issue. The revised plan
2025 addresses these concerns by showing the correct right-of-way dedication along both roads and
2026 does eliminate the reserve parcel. It is now included in the public right of way. With the
2027 revised plan and the annotations, staff can recommend approval of this subdivision. Again, as
2028 with the plan previous, there was a special exception listed. That no longer applies. Again, it
2029 pertained to the length of a cul-de-sac road, but a slight adjustment in the plan has eliminated
2030 that and shortened the distance to meet the public works requirement.

2031

2032 Mrs. Ware - Are there any questions for Mr. Cooper from the Commission? No
2033 questions?

2034

2035 Mr. Jernigan - No questions. He has cleared the only problem we had with that one.

2036

2037 Mrs. Ware - All right. Mr. Jernigan.

2038

2039 Mr. Jernigan - Madam Chairman, I will move for approval of Britton Oaks Subdivision,
2040 Section 1, (September 2004 Plan), subject to the standard conditions for subdivisions not
2041 served by public utilities and the following additional conditions Nos. 11, 12 and 13.

2042

2043 Mr. Vanarsdall - Second.

2044

2044 Mrs. Ware - Motion made by Mr. Jernigan and seconded by Mr. Vanarsdall. All in
2045 favor say aye. All opposed say no. The motion passes. Mr. Marshall abstained.

2046

2047 The Planning Commission approved Subdivision Britton Oaks, Section 1, (September 2004
2048 Plan), subject to the standard conditions for subdivisions not served by public utilities and the
2049 following additional conditions:

2050

2051 11. Each lot shall contain at least one acre.

2052 12. Any necessary offsite drainage easements must be obtained prior to approval of the
2053 construction plan by the Department of Public Works.

2054 13. Any future building lot containing a BMP, sediment basin or trap and located within the
2055 buildable area for a principal structure or accessory structure, may be developed with
2056 engineered fill. All material shall be deposited and compacted in accordance with the
2057 Virginia Uniform Statewide Building Code and geotechnical guidelines established by a
2058 professional engineer. A detailed engineering report shall be submitted for the review
2059 and approval by the Building Official prior to the issuance of a building permit on the
2060 affected lot. A copy of the report and recommendations shall be furnished to the
2061 Directors of Planning and Public Works.

2062

2063 **SUBDIVISION**

2064

2065

Hidden Haven
(September 2004 Plan)

Engineering Design Associates for R. H. Nelson, IV: The
84.20-acre site proposed for a subdivision of 50 single-family
homes is located at the northwest intersection of Wilton Road
and Pocahontas Parkway (State Route 895) on parcels 800-688-
0634 and 798-689-9387. The zoning is A-1, Agricultural
District. Well and septic tank/drainfields. **(Varina) 50 Lots**

2066

2067 Mrs. Ware - Is there any opposition to Subdivision Hidden Hills (September 2004
2068 Plan), in the Varina District? No opposition. Mr. Wilhite.

2069

2070 Mr. Wilhite - There is a single point of access into the subdivision and it is from the
2071 existing VDOT service road. The service road runs from Wilton Road parallel to 895. VDOT
2072 has indicated that this road will need to be abandoned and then maintained by the County. The
2073 developer, through the condition that appears on Page 3 of your Addendum, which is revised
2074 condition No. 12, requires the developer to make a request for abandonment of the existing
2075 VDOT service road prior to final subdivision approval and that he'd be responsible for
2076 constructing a road to County standards as part of his subdivision improvement. After the
2077 abandonment, the right of way to said road shall be conveyed to the County prior to or
2078 concurrent with recordation of the subdivision plat. This is a revision to the original
2079 conditions. We had anticipated that the abandonment by VDOT would be made to the
2080 developer. This revision would allow what we are trying to achieve which is the abandonment
2081 directly to the County.

2082

2083 As far as the layout, staff has recommended one additional stub street on the east side of the
2084 property between Lots 16 and 17. Even with that additional stub street, there is one block of
2085 lots on the west side of the road, which does exceed 1,320 feet in length specified by the
2086 Subdivision Ordinance. In addition, on Lots 17-22 there is an existing road which provides
2087 access to some adjacent parcels. Condition No. 13 on your Addendum would require the
2088 developer to provide information satisfactory to the Director of Planning and the County
2089 Attorney concerning the legal status of this road, and that he use his best efforts in an attempt
2090 to eliminate or relocate the back of the road where it crosses the rear of these lots. With that,
2091 staff can recommend approval of the plan with those two added conditions and the annotations
2092 on the plans.

2093

2094 Mrs. Ware - Are there any questions for Mr. Wilhite from the Commission?

2095

2096 Mr. Jernigan - Our staff is great. They cleared up the problems on this one, too. I
2097 don't have any questions.

2098

2099 Mrs. Ware - OK.

2100

2101 Mr. Jernigan - Madam Chairman, with that I will move for approval of Subdivision
2102 Hidden Haven, subject to the standard conditions for subdivisions not served by public utilities
2103 and the following additional conditions, No. 11, No. 12 Revised and No. 13 added.

2104

2105 Mr. Vanarsdall - Second.

2106

2107 Mrs. Ware - Motion made by Mr. Jernigan and seconded by Mr. Vanarsdall. All in
2108 favor say aye. All opposed say no. The motion passes. Mr. Marshall abstained.

2109

2110 The Planning Commission approved Subdivision Hidden Haven, subject to the standard
2111 conditions for subdivisions not served by public utilities and the following additional
2112 conditions:

2113

2114 11. Any future building lot containing a BMP, sediment basin or trap and located within the
2115 buildable area for a principal structure or accessory structure, may be developed with
2116 engineered fill. All material shall be deposited and compacted in accordance with the
2117 Virginia Uniform Statewide Building Code and geotechnical guidelines established by a
2118 professional engineer. A detailed engineering report shall be submitted for the review
2119 and approval by the Building Official prior to the issuance of a building permit on the
2120 affected lot. A copy of the report and recommendations shall be furnished to the
2121 Directors of Planning and Public Works.

2122 12. The developer shall request abandonment of the existing VDOT service road prior to final
2123 subdivision approval and shall be responsible for constructing the road to County
2124 standards as part of the subdivision improvements. After abandonment, the right-of-way
2125 of the said road shall be conveyed to the County prior to or concurrent with recordation
2126 of the subdivision plat.

2127

2127 13. The developer shall provide information satisfactory to the Director of Planning and the
2128 County Attorney concerning the legal status of Saxby Road. He shall use his best effort
2129 in an attempt to eliminate or relocate Saxby Road where it crosses the rear of Lots 17
2130 through 22.

2131

2132 **SUBDIVISION**

2133

Lake Zehler Estates,
Section B
3815 New Market Road
(September 2004 Plan)

Engineering Design Associates for Albert C. Nolan, Jr. and Prospect Homes of Richmond, Inc.: The 8.18-acre site proposed for a subdivision of four single-family homes is located along the south line of New Market Road (State Route 5) approximately 600 feet east of its intersection with Turner Road on parcel 827-681-9523. Individual well and septic tank/drainfield. **(Varina) 4 Lots**

2134

2135 Mrs. Ware - Is there any opposition to Subdivision Lake Zehler Estates, Section B, in
2136 the Varina District? There is opposition. So noted. Ms. Goggin.

2137

2138 Ms. Goggin - Thank you. This subdivision is adjacent to the proposed Gaines Hill
2139 Subdivision on the south side of New Market Road. The site is encumbered with wetlands,
2140 flood plain and Chesapeake Bay Resource Preservation protection area. Both Planning and
2141 Public Works Environmental Division needed a plan that provided adequate buildable area on
2142 Lots 2 and 4. Kevin Painter from Prospect Homes just met with Ms. Snyder from the Varina
2143 Beautification Committee and has agreed to work with the Committee on the 25-foot landscape
2144 buffer that is proposed along Route 5 to help retain the rural vista of historic Route 5. In your
2145 addendum, there is a revised site plan that staff received last week with staff's annotations on
2146 it, and on page 7 of your addendum, there is a revised recommendation for approval. Staff
2147 can recommend conditional approval, subject to the annotations on the revised staff plan,
2148 standard conditions for subdivisions not served by Public Utilities, and conditions Nos. 11
2149 through 18 in the agenda. I will be happy to answer any questions and Ms. Snyder is here, as
2150 well as Kevin Painter, who represents the developer.

2151

2152 Mrs. Ware - Are there any questions for Ms. Goggin from the Commission? No. Do
2153 you want to hear from the applicant?

2154

2155 Mr. Jernigan - Let's hear from Ms. Snyder. I don't think there is much to say as far as
2156 the applicant. We will let him address after her.

2157

2158 Mrs. Ware - If you will step forward and give your name and address for the record,
2159 please.

2160

2161 Ms. Snyder - Nelda Snyder from right off Kingsland Road in Henrico County, and I
2162 am here on behalf of the Varina Beautification Committee. Our only concern with this is the
2163 buffer between Route 5 and the lot, and they are pretty far back off the road, except for the
2164 existing house, and as we normally do because of Route 5 being Varina and Henrico's historic

2165 highway, we would like to have as much protection as possible for this road, and we would
2166 like to have a minimum of 35 feet, with heavy landscaping and indigenous trees. There isn't
2167 anything there now and by the time they build the houses, there won't be any vista to protect,
2168 and we feel the landscaping would be the most appropriate. Heavy landscaping, indigenous
2169 trees and at least 35 feet, which could overlap the existing lot that is there.

2170

2171 Mr. Jernigan - Who did you all agree with, when you met, what did you all agree with?

2172

2173 Ms. Snyder - We did not agree. We asked for 35 feet and they preferred to stay with
2174 25, but said they would talk to us at time of landscape plan about the type of landscaping. In
2175 our experience, that doesn't usually do what needs to be done now and we take great interest in
2176 protection of the buffer.

2177

2178 Mr. Jernigan - All right. Thank you, Nelda. Now I would like to hear from the
2179 applicant.

2180

2181 Mrs. Ware - OK. Would you please come forward and state your name for the
2182 record.

2183

2184 Mr. Nelson - Members of the Commission, my name is Robbie Nelson and I work for
2185 Engineering Design and represent the applicant for Prospect Homes. As you will note on the
2186 plan, we gave them the 25-foot minimum that is required from the Planning staff. We don't
2187 feel we need to give the 35 feet. The 25 feet is plenty of room to put the landscaping that Ms.
2188 Snyder would like to see. The applicant is here if you'd like to ask him any questions.

2189

2190 Mrs. Ware - Are there any questions for Mr. Nelson?

2191

2192 Mr. Archer - What type of landscaping are you all proposing, Mr. Nelson?

2193

2194 Mr. Nelson - He is going to work with the Varina Beautification Committee and
2195 decide that.

2196

2197 Mr. Archer - Because you did mention some indigenous trees. Is that a part of what
2198 you all propose to do?

2199

2200 Mr. Nelson - Yes, sir.

2201

2202 Mrs. Ware - I have a question I guess for Ms. Goggin briefly, if she can answer this.
2203 As far as what else is up and down that road been approved for the buffers along Route 5, is it
2204 generally 35 feet through there, or...

2205

2206 Ms. Goggin - I would like to pass that question on to Ms. News, who has a lot more
2207 experience with landscaping plans along Route 5 than I do.

2208

2209 Mrs. Ware - OK, that would be great.

2210 Ms. News - I can tell you that the Camp Hill Subdivision across the street got the 25-
2211 foot planting strip easement. There is an increased setback of 35 feet required by the Major
2212 Thoroughfare Plan setbacks. The applicant on Camp Hill agreed to landscape that heavily and
2213 VDOT also indicated that they would be looking closely at the amount of clearing they would
2214 allow along Route 5 along the roadway. So, 25 is what we have across the street.

2215

2216 Mr. Vanarsdall - What did you say about VDOT, Leslie?

2217

2218 Ms. News - VDOT indicated in their comments that due to the historic nature and
2219 scenic status of Route 5 that they would be looking very closely at any clearing that was to be
2220 allowed within their right of way and along the roadway.

2221

2222 Mrs. Ware - Would that be the same with this development, as well?

2223

2224 Ms. News - I would assume. I don't know if they made the same comment. I
2225 haven't seen the file, but there would be the increased setback, so you'd have setbacks from
2226 any buildings in addition to the 25-foot.

2227

2228 Mrs. Ware - And it is heavily landscaped along Camp Hill.

2229

2230 Ms. News - The applicant agreed to work with us on the landscaping at Camp Hill.
2231 We are expecting to get heavy landscaping along there.

2232

2233 Mrs. Ware - Would the current applicant be willing to do the same thing as what is
2234 across the street and heavy landscaping and comparable. You are across the street from Camp
2235 Hill, right?

2236

2237 Ms. News - I could make a suggestion that they could agree on landscaping to the 25-
2238 foot transitional buffer requirement that would quantify the amount of trees and shrubs that
2239 would be put in.

2240

2241 Mrs. Ware - How is that?

2242

2243 Mr. Nelson - We will agree to that. Yes.

2244

2245 Mr. Silber - Plant the site equivalent to 25-foot conditional buffer requirements.

2246

2247 Mr. Jernigan - We have it planted to the 25 anyway. They want 35.

2248

2249 Mr. Silber - I don't think it is required that they plant to the 25. The staff says that
2250 would be our preference, if they plant at that level, and the applicant is agreeable to it, so we
2251 might want to modify Condition 15 to indicate that they would plant to a level equivalent of a
2252 25-foot transitional buffer requirement.

2253

2254 Mr. Jernigan - Is that all right, Robbie?

2255 Mr. Nelson - Yes, that is fine.
2256

2257 Mr. Silber - We can add that to Condition No. 15.
2258

2259 Mr. Jernigan - Put that in the right words.
2260

2261 Mr. Silber - OK. We will work on it.
2262

2263 Mrs. Ware - Are there any more questions for the applicant?
2264

2265 Mr. Jernigan - Nelda, do you want to say anything else? You have to come down.
2266

2267 Ms. Snyder - I do want to make a comment that we have often had developers,
2268 especially in commercial properties and others, agree to 50, even 100-foot setback on Route 5
2269 and special landscaping and berms where they might be appropriate. And 25 feet is minor and
2270 we would have addressed the 25-foot on the Camp Hill Subdivision except general knowledge
2271 is that it is probably going to be developed in a different manner later and later would be the
2272 appropriate time to address that.
2273

2274 Mr. Jernigan - Well, I can tell you Camp Hill, I know what they have to do, but they
2275 are going to do more.
2276

2277 Ms. Snyder - Exactly. It wouldn't be and we feel that in this case the minimum
2278 required would be what is probably going to be done, and that is why it is essential to get the
2279 best protection possible. Thank you.
2280

2281 Mr. Silber - Ms. Snyder, just for your information, and perhaps you already
2282 understand this, but there are several different requirements that come into play here. One of
2283 the requirements will say that no building can be any closer to Route 5 than 35 feet in addition
2284 to normal minimum setback requirements. So, the buildings would be set back at least that
2285 distance. In addition to that, there is going to be a 25-foot planting strip easement that will be
2286 planted at a thicker planting scheme than would normally be required. We call this a 25-foot
2287 transitional planting level, so I think with the planting within the 25 feet and with the houses
2288 being set back that additional distance, I think that will achieve an appropriate level along
2289 Route 5.
2290

2291 Ms. Snyder - Transitional. Is that the key word for the type of landscaping that is a
2292 transitional type buffer?
2293

2294 Mr. Silber - There are different planting requirements.
2295

2296 Ms. Snyder - That is what they used to call heavy perennial.
2297

2298 Mr. Silber - Within a distance of 100 feet, there are a certain number of trees and
2299 shrubs that would have to be within that distance and there are different levels of plantings and

2300 we are suggesting plant this at the transitional buffer requirement of 25, which is a fairly
2301 healthy amount of plantings.

2302

2303 Mr. Jernigan - Which would be like in a zoning case, when you have that 25-foot
2304 buffer, it is planted to a certain code.

2305

2306 Ms. Snyder - Do you think this would be a good protection? Do you think that is
2307 enough?

2308

2309 Mr. Silber - I think that is adequate.

2310

2311 Ms. Snyder - OK. Thank you.

2312

2313 Mr. Jernigan - Thank you, Nelda.

2314

2315 Ms. Goggin - I would like to make a correction. I indicated that the recommendation,
2316 the revised recommendation was on Page 7. It is on Page 3. I apologize for that.

2317

2318 Mr. Jernigan - With that, Madam Chairman, I would like to move for approval of Lake
2319 Zehler Estates, Section B, subject to the annotations on the revised plans, the standard
2320 conditions for subdivisions not served by public utilities and the additional conditions No. 11
2321 through 14, Amended 15, and 16 through 18.

2322

2323 Mr. Vanarsdall - Second.

2324

2325 Mrs. Ware - Motion made by Mr. Jernigan and seconded by Mr. Vanarsdall. All in
2326 favor say aye. All opposed say no. The motion passes. Mr. Marshall abstained.

2327

2328 The Planning Commission approved Subdivision Lake Zehler Estates, Section B, subject to the
2329 annotations on the revised plans, the standard conditions for subdivisions not served by public
2330 utilities and the following additional conditions:

2331

2332 11. Each lot shall contain at least 43,560 sq. ft. exclusive of the flood plain areas.

2333 12. Prior to requesting final approval, the engineer shall furnish the Planning Staff a plan
2334 showing a dwelling situated on Lots 2 and 4 to determine if the lot design is adequate to
2335 meet the requirements of Chapter 24, of the Henrico County Code.

2336 13. The limits and elevation of the 100-year frequency flood shall be conspicuously noted on
2337 the plat and construction plans and labeled "Limits of 100 year floodplain." Dedicate
2338 floodplain as a "Variable Width Drainage & Utilities Easement."

2339 14. The plan must be redesigned to provide at least the 150 foot minimum lot width required
2340 and as regulated by Chapter 24, of the Henrico County Code.

2341 15. **Amended** - The detailed plant list and specifications for the landscaping to be provided
2342 within the 25-foot-wide planting strip easement along New Market Road shall be
2343 submitted to the Department of Planning for review and approval prior to recordation of
2344 the plat.

- 2345 16. A plan shall be submitted prior to recordation of the plat showing the buildable area for
 2346 each lot to properly recognize the limitations for dwelling unit dimensions and setbacks.
 2347 Buildable area is that area within which a dwelling unit may legally be located considering
 2348 the front yard, side yard, and rear yard setback requirements of Chapter 24, of the
 2349 Henrico County Code.
- 2350 17. The applicant shall consult with the Division of Recreation and Parks on any historical
 2351 findings as development progresses. A copy of any study identifying and protecting
 2352 historic resources, which may be required by a state or federal agency through its
 2353 permitting process, shall be submitted to the Department of Planning and Division of
 2354 Recreation and Parks prior to final approval of the construction plans.
- 2355 18. If historical resources are identified on site, the developer shall make best efforts to
 2356 coordinate the timing of construction activities with the Director of Recreation and
 2357 Parks to allow mapping and photo documentation.

2358

2359 **SUBDIVISION**

2360

Bridleton Landing
 (formerly Dorey Mill)
 (September 2004 Plan)

Engineering Design Associates for Pruitt Properties and Loftis Real Estate and Development, Inc.: The 250.69-acre site proposed for a subdivision of 158 single-family homes is centered between Charles City and Darbytown Roads and Gill Dale and Yahley Mill Roads on parcels 840-692-7093; 836-695-0386; 837-695-5661, 837-693-5764 and part of 839-691-4296. The zoning is A-1, Agricultural District. Individual well and septic tank/drainfield. **(Varina)** 158 Lots

2361

2362 Mrs. Ware - Is there any opposition to Subdivision Bridleton Landing (September
 2363 2004 Plan) in the Varina District? No opposition. Hello, Mr. McGarry.

2364

2365 Mr. McGarry - Good morning, Madam Chair, and members of the Commission.
 2366 Bridleton Landing is a replacement for the Dorey Mill Subdivision, which was approved by the
 2367 Commission in April. Bridleton Landing adds an additional 30-acre parcel, which increases the
 2368 number of houses from 134 to 158. Staff recommends the southern connection to Bradbury
 2369 Road be retained and the applicant is in agreement. Staff can recommend approval of the plan
 2370 that is in your packet, subject to conditional conditions for subdivisions not served by public
 2371 utilities and the following conditions, Nos. 11 through 14. I would be happy to answer any
 2372 questions.

2373

2374 Mrs. Ware - Are there any questions for Mr. Mc Garry from staff?

2375

2376 Mr. Jernigan - Ted, the only hang up we had on this case was the Bradbury connection,
 2377 and they agreed to that.

2378

2379 Mr. McGarry - They have agreed to provide it even though it is not shown on your plan.
 2380 It is handled by Condition 14.

2381

2382 Mrs. Ware - Thank you.
2383

2384 Mr. Jernigan - Madam Chairman, staff has cleared that up again, so with that I will
2385 move for approval of Bridleton Landing Subdivision, (formerly Dorey Mill),(September 2004
2386 Plan) subject to standard conditions for subdivisions not served by public utilities and the
2387 following additional conditions Nos. 11, 12, 13 and 14.
2388

2389 Mr. Archer - Second.
2390

2391 Mrs. Ware - Motion made by Mr. Jernigan and seconded by Mr. Archer. All in
2392 favor say aye. All opposed say no. The motion passes.
2393

2394 Mrs. Ware - Once again I have to note the abstention of Mr. Marshall for that case.
2395

2396 The Planning Commission granted conditional approval to subdivision Bridleton Landing
2397 (formerly Dorey Mill) (September 2004 Plan), subject to standard conditions for subdivisions
2398 not served by public utilities and the following additional conditions:
2399

2400 11. The detailed plant list and specifications for the landscaping to be provided within the 25-
2401 foot-wide planting strip easement on Gill Dale Road shall be submitted to the Department
2402 of Planning for review and approval prior to recordation of the plat.

2403 12. On Lot 80, Block B, convey the 50-foot by 850-foot strip to the abutting three parcels
2404 with an access easement.

2405 13. On Lot 60, Block B, convey the 50-foot by 800-foot strip to the abutting parcels with an
2406 access easement.

2407 14. Provide connection to Bradbury Road.
2408

2409 **SUBDIVISION**

2410

Early Meadows
(September 2004 Plan)
(A Resubdivision of Fair
Oaks Park, Lots 4-7)

TIMMONS Group for Rogers-Chenault, et al: The 17.43-
acre site proposed for a subdivision of 14 single-family homes
is located on the east line of Hanover Road between Early
Street and Meadow Road, approximately 1,400 feet north of
Nine Mile Road. The zoning is A-1, Agricultural District.
County water and sewer. **(Varina) 14 Lots**

2411

2412 Mrs. Ware - Is there any opposition to Subdivision Early Meadows (September 2004
2413 Plan) in the Varina District? No opposition. Mr. McGarry.

2414

2415 Mr. McGarry - The revised plan has been received. It is currently being handed out. Its
2416 review is complete. The original staff plan had four lots fronting Meadow Road, a major
2417 collector. By request of the Traffic Engineer, a cul-de-sac connecting to Meadow Road has
2418 been provided. So, essentially, you will have four lots on the cul-de-sac. The total number of
2419 lots has not changed. It is still going to be 14. Staff can recommend approval subject to the
2420 standard conditions for subdivisions served by public utilities and in Condition No. 12 on the

2421 Addendum, which has been revised, to read “With the request for final approval, the engineer
2422 or surveyor shall furnish the Planning staff a plan showing any existing building which shall
2423 remain, situated on a lot, to determine if the lot design is adequate to meet the requirements of
2424 Chapter 24 of the Henrico County Code.” I’d be happy to answer any questions.

2425

2426 Mrs. Ware - Are there any questions for Mr. McGarry?

2427

2428 Mr. Vanarsdall - Is 9/17 the date of the plans?

2429

2430 Mr. McGarry - Yes.

2431

2432 Mr. Vanarsdall - It was revised per County comments.

2433

2434 Mr. McGarry - Yes, sir. That is correct. The date of the revised plan is 9/17.

2435

2436 Mr. Jernigan - Well, the only problem we had on this was the fronting of the four lots
2437 on Meadow Road and that has been taken care of, so with that I will move for approval of
2438 Early Meadows Subdivision, (September 2004 Plan), subject to the standard conditions for
2439 subdivisions served by public utilities and the following additional condition and No.12
2440 Revised on the addendum.

2441

2442 Mr. Vanarsdall - Second.

2443

2444 Mrs. Ware - Motion made by Mr. Jernigan and seconded by Mr. Vanarsdall. All in
2445 favor say aye. All opposed say no. The motion passes. Mr. Marshall abstained from voting.

2446

2447 The Planning Commission granted conditional approval to Early Meadows Subdivision
2448 (September 2004 Plan) subject to the standard conditions for subdivisions served by public
2449 utilities and the following additional conditions:

2450

2451 12. With the request for final approval, the engineer or surveyor shall furnish the Planning
2452 staff a plan showing any existing building, which shall remain, situated on a lot to
2453 determine if the lot design is adequate to meet the requirements of Chapter 24 of the
2454 Henrico County Code.

2455

2456 **CONTINUED FROM PAGE 14**

2457

2458 **SUBDIVISION**

2459

King’s Landing
(September 2004 Plan)

**TIMMONS Group for Paul H. Sweeney, Jr. and Rogers-
Chenault, Inc.:** The 45.90-acre site proposed for a subdivision
of 11 single-family homes is located at 4201 New Market
Road, (State Route 5) approximately 1,450 feet east of Long
Bridge Road. The zoning is A-1, Agricultural District.
Individual well and septic tank/drainfield. **(Varina) 11 Lots**

2460 Mrs. Ware - There is opposition to Subdivision King's Landing, September 2004
2461 Plan. Ms. Goggin.
2462

2463 Ms. Goggin - There is Ms. Snyder who is out in the hall.
2464

2465 Mr. Jernigan - Is she straight?
2466

2467 Ms. Goggin - From what I can tell.
2468

2469 Mrs. Ware - We will take that.
2470

2471 Ms. Goggin - This subdivision is located approximately $\frac{3}{4}$ of a mile from the proposed
2472 Camp Hill Subdivision, on the south side of New Market Road. The subdivision consists of 11
2473 lots with approximately a 30-acre residual, consisting of flood plain, wetlands and Chesapeake
2474 Bay Preservation area. The property owner wishes to hold on to the residual for hunting,
2475 fishing and other outdoor recreational uses as permitted in the Agricultural District. A 30-foot
2476 ingress and egress easement between lots 5, 6 and 7 is provided for access.
2477

2478 Ms. Snyder and the developer from Hometown Realty met out in the hall just recently. There
2479 is a 25-foot no-ingress egress landscape buffer along Route 5. She requested that it be
2480 increased to 35 feet, and the applicant has agreed to do that, and also agreed to work with the
2481 Varina Beautification Committee on the landscape plan before it is submitted to staff.
2482

2483 Staff can recommend conditional approval subject to the annotations on the plan, the standard
2484 conditions for subdivisions not served by public utilities and conditions 11 through 16 in the
2485 Addendum. I'd be happy to answer any questions, and Ms. Snyder just walked in if you have
2486 any for her, and the developer is here, also.
2487

2488 Mrs. Ware - Are there any questions for Ms. Goggin from the Commission?
2489

2490 Mr. Jernigan - Do we need to put No. 17 for the landscape buffer?
2491

2492 Ms. Goggin - The plan is annotated that there is a 25-foot and they have agreed to 35.
2493 I can go back and annotate the plan. Ms. News just pointed out that we would revise Condition
2494 13 from 25 feet to 35 feet.
2495

2496 Mr. Jernigan - Condition 13? Zelda, they have agreed to the 35-foot there. Do you
2497 have anything to say?
2498

2499 Ms. Snyder - We really appreciate you doing that. We think that is a great
2500 improvement and it will protect Route 5 and it is on a curved area there and it will be really
2501 good. We hope that if they do that that heavy transitional landscaping, also, and they have
2502 agreed to come work with us, to come to a committee meeting, and get ideas on types of
2503 landscaping from us. We appreciate that. Thank you, again.
2504

2505 Mr. Silber - Is the Commission interested in adding to this condition, the 25-foot
2506 planting transitional buffer deviation 25?

2507

2508 Mr. Jernigan - Twenty-five in the 35-foot buffer.

2509

2510 Mr. Silber - Or we could go for 35, staff's recommendation.

2511

2512 Ms. Goggin - The applicant's representative is coming up right now to speak to that
2513 request.

2514

2515 Mr. Cave - Good morning. I am Terry Cave with TIMMONS Group.

2516

2517 Mr. Jernigan - What Mr. Silber said, would you be willing to put the 25-foot
2518 landscaping in the 35 foot buffer?

2519

2520 Mr. Cave - What we have out there right now across the frontage is one entrance
2521 into it, and it is cleared for the back of the property. It is fairly heavily treed in the front, but
2522 what I don't know right now is whether the trees are in the right of way back on the property
2523 or how far back on the property. What we were talking about out in the hall was we'd be glad
2524 to meet with them once we get all the survey information on where everything is out there. It
2525 may very well be the case that on the 35 feet on the lot itself, it might be very heavily treed,
2526 but all of that stuff may be mostly in the right of way. I just don't know right now. So I
2527 would rather have the flexibility to base it on whatever is there than to go with the transitional
2528 planting.

2529

2530 Mrs. Ware - What this would do basically is supplement. I know you think you have
2531 trees out there, but this would supplement it at different levels of planting so that it wouldn't be
2532 just the tall trees.

2533

2534 Mr. Cave - Right. Based on what is there, we would supplement it.

2535

2536 Mrs. Ware - It would give continuity to this stretch of the road as well, since that has
2537 been agreed to by others along there.

2538

2539 Mr. Cave - Well, Randy, you still get credit for existing trees in there. Right?

2540

2541 Mr. Silber - Yes.

2542

2543 Mr. Cave - So that should be OK. Is that OK?

2544

2545 Mr. Jernigan - Yes, that is fine. Thank you. That is all of the questions I have. All
2546 right. Madam Chairman, with that I will make a motion to approve King's Landing
2547 Subdivision, September 2004 Plan, subject to the annotations on the plans, the standard
2548 conditions for subdivisions not served by public utilities and the following conditional
2549 conditions, Nos. 11 and 12, the change to a 35-foot buffer on No. 13 and Nos. 14 through 16.

2550 Mr. Vanarsdall - Motion made by Mr. Jernigan and seconded by Mr. Vanarsdall. All in
2551 favor say aye. All opposed say no. The motion passes.

2552

2553 Mr. Silber - As a point of clarification, I understand you also want that planted at a
2554 35 foot and they get credit for what is there. That can be added to No. 13.

2555

2556 The Planning Commission granted conditional approval to subdivision King's Landing,
2557 September 2004 Plan, subject to the annotations on the plans, the standard conditions for
2558 subdivisions not served by public utilities and the following additional conditions:

2559

2560 11. Each lot shall contain at least 43,560 square feet exclusive of the flood plain areas.

2561 12. The limits and elevation of the 100-year frequency flood shall be conspicuously noted on
2562 the plat and construction plans and labeled "Limits of 100 year floodplain." Dedicate
2563 floodplain as a "Variable Width Drainage & Utilities Easement."

2564 13. The detailed plant list and specifications for the landscaping to be provided within the 35-
2565 foot-wide planting strip easement along New Market Road shall be submitted to the
2566 Department of Planning for review and approval prior to recordation of the plat.

2567 14. Any necessary offsite drainage easements must be obtained prior to approval of the
2568 construction plan by the Department of Public Works.

2569 15. The applicant shall consult with the Division of Recreation and Parks on any historical
2570 findings as development progresses. A copy of any study identifying and protecting
2571 historic resources, which may be required by a state or federal agency through its
2572 permitting process, shall be submitted to the Department of Planning and Division of
2573 Recreation and Parks prior to final approval of the construction plans.

2574 16. If historical resources are identified on site, the developer shall make best efforts to
2575 coordinate the timing of construction activities with the Director of Recreation and
2576 Parks to allow mapping and photo documentation.

2577

2578 **LANDSCAPE AND LIGHTING PLAN AND TRANSITIONAL BUFFER DEVIATION**

2579

LP/POD-33-03
Victory Nissan -
West Broad Street

Bay Design Group for Victory Nissan of Richmond: Request
for approval of a landscape and lighting plan and transitional
buffer deviation as required by Chapter 24, Sections 24-106
and 24-106.2 of the Henrico County Code. The 5.03-acre site
is located at 11401 West Broad Street on parcel 740-761-8451.
The zoning is B-3C, Business District (Conditional). **(Three
Chopt)**

2580

2581 Mrs. Ware - Is there any opposition to LP/POD-33-03, Victory Nissan, in the Three
2582 Chopt District? No opposition. Hi, Mr. Strauss.

2583

2584 Mr. Strauss - Good morning. Last week the applicant and staff met with interested
2585 citizens at the Short Pump Elementary School, which is adjacent to the Victory Nissan
2586 dealership now under construction. The dealership was recently the subject of a rezoning case
2587 to include the portion of the rear of the site, which was formerly zoned A-1 and is now zoned

2588 B-3C. During that rezoning, the reduction of the required transitional buffer was discussed
2589 and a wall design approved, which would allow for reduction of the buffer. So there is a
2590 deviation of the transitional buffer and this would require a separate action by the Commission,
2591 more of a formality at this point, because we have already worked out the details for the
2592 transitional buffer deviation. Staff has reviewed the landscape and lighting plan, and after
2593 discussion with the citizens and representatives of the school, staff can recommend approval of
2594 the landscape and lighting plan as annotated, and with the additional conditions contained in
2595 this morning's Addendum. These conditions were a result of our meeting with the citizens and
2596 includes the installation of an orange safety fence along the property line of the school and the
2597 dealership, and that is to keep children from wandering into the construction area where the
2598 wall is being constructed.

2599

2600 Secondly, the additional conditions would also add additional supplemental planting along the
2601 boundary of the school and the dealership. This would be evergreen planting to be field
2602 located with the assistance of a representative of the school. With that, I will be happy to
2603 answer any questions, and Mr. Dan Caskie, is also here. We also have Ms. Kathy Harlow,
2604 who stuck it out with us most of this morning, and I don't know if she has any questions, but
2605 she is here, also. Thank you.

2606

2607 Mrs. Ware - Are there any questions for Mr. Strauss from the Commission? OK.
2608 Thank you. OK. Mr. Marshall.

2609

2610 Mr. Marshall - Madam Chairman, I am going to move approval of LP/POD-33-03,
2611 Victory Nissan, subject to the revised plan and the notations on there regarding the fence and
2612 the landscaping that will be done with the assistance of the Short Pump Elementary School
2613 representative, and that is the plan with today's date on it.

2614

2615 Mr. Silber - Mr. Marshall, I wasn't clear as to whether you want to hear from Ms.
2616 Harlow.

2617

2618 Mrs. Ware - Come up and identify yourself, please.

2619

2620 Ms. Harlow - Kathy Harlow, 3249 Center Ridge Drive. I just wanted to thank Dan
2621 Caskie and Jim Strauss for patiently teaching all the people that came to the meeting, more
2622 than once, how to build a car dealership. We had a lot of questions about fill, and walls and
2623 trees, and we don't do this everyday, and they patiently answered us seven or eight times, until
2624 we all spoke tree and wall, and I also spoke with the officer and Kim Vann and we discussed
2625 the safety concerns about building, and the long term safety, and I think we are as close to a
2626 good compromise as we can get, based on the hard work of all of the people at the meeting.
2627 So, I am there now. I wasn't before.

2628

2629 Mr. Silber - Thank you very much.

2630

2631 Mrs. Ware - You have made the motion.

2632

2633 Mr. Marshall - But I have to include in there the transitional buffer deviation and the
2634 conditions I verbally stated are Nos. 6 and 7.

2635

2636 Mr. Vanarsdall - Second.

2637

2638 Mrs. Ware - Motion made by Mr. Marshall and seconded by Mr. Vanarsdall. All in
2639 favor say aye. All opposed say no. The motion passes.

2640

2641 The Planning Commission approved LP/POD, Victory Nissan, subject to the revised plan
2642 dated today and the annotations on there and the landscaping that will be done with the
2643 assistance of Short Pump Elementary School representative,

2644

2645 Mr. Marshall - Madam Chairman, I am going to move approval of LP/POD-33-03,
2646 Victory Nissan, subject to the revised plan and the notations on there regarding the fence and
2647 the landscaping that will be done with the assistance of the Short Pump Elementary School
2648 representative, and that is the plan with today's date on it and the transitional buffer deviation
2649 and conditions Nos. 6 and 7.

2650

2651 Mr. Vanarsdall - Second.

2652

2653 Mrs. Ware - Motion made by Mr. Marshall and seconded by Mr. Vanarsdall. All in
2654 favor say aye. All opposed say no. The motion passes.

2655

2656 The Planning Commission approved LP/POD-33-03, Victory Nissan, subject to the revised
2657 plan and annotations on there regarding the fence and landscaping, the transitional buffer
2658 deviation and conditions Nos. 6 and 7.

2659

2660 Mrs. Ware - At this point I believe that is our last case for now, so if we could take a
2661 five-minute break, please before we move on to the Resolution and the Work Session.

2662

2663 **AT THIS TIME THE COMMISSION TOOK A FIVE-MINUTE BREAK.**

2664

2665 **THE COMMISSION RECONVENED.**

2666

2667 Mr. Silber - Next on the agenda would be approval of the minutes. This would be
2668 the minutes from the July 28, 2004 Planning Commission meeting.

2669

2670 Mrs. Ware - Are there any changes to the minutes?

2671

2672 Mr. Vanarsdall - I move that the minutes be approved, July 27, 2004.

2673

2674 Mr. Marshall - Motion made by Mr. Vanarsdall and seconded by Mr. Marshall. All in
2675 favor say aye. All opposed say no. The minutes are approved.

2676

2676 **SUBSTANTIALLY IN ACCORD: SIA-02-04 Northwest Elementary School #8 Site -**
2677 **Substantially in Accord with the County Comprehensive Plan (Three Chopt District)**

2678

2679 Mr. Silber - This is for an elementary school that has been called at this point
2680 Northwest Elementary School #8. It is located in the Three Chopt District off of Pouncey
2681 Tract Road. I believe this is going to be presented by Ms. Moore.

2682

2683 Ms. Moore - Good morning. Thank you, Madam Chairman, and Mr. Secretary. At
2684 the request of Schools, the Comprehensive Planning Division conducted this Substantially In
2685 Accord to determine whether the proposed site for Northwest Elementary School #8 is
2686 substantially reasonable in light of the Comprehensive Plan recommendation for this area. The
2687 site will comprise of four parcels with a total of 24.2 acres, and, as you know, the site has
2688 frontage on Bacova Drive to the north, Pouncey Tract Road to the east and Interstate 64 is
2689 located along the south. Bacova Drive and Pouncey Tract Road are classified as minor and
2690 major collectors, respectively, in the Major Thoroughfare Plan. The zoning on the subject site
2691 is A-1 and the site also lies within the Airport Safety Overlay District. Schools are a permitted
2692 use within the A-1 District.

2693

2694 A site analysis was conducted in October, 2003, and a conclusion of this analysis was that the
2695 subject site known as the Wilson property has the most potential for a proposed school site.
2696 Based on that, on June 24, the School Board adopted a Resolution to purchase four of the five
2697 properties owned by the Wilson family, the fifth parcel being the southeast corner which would
2698 not be a part of the school development, and would be maintained as a residence.

2699

2700 The subject property does have rolling terrain and there are some topographical and soils
2701 characteristics on the site, which may pose development challenges. However, with proper
2702 design, staff believes the site is suitable for a school. The 2010 Land Use Plan recommends
2703 the subject site for Suburban Residential 1 development, and the Code of Virginia requires a
2704 public use designation for government facilities unless it can be shown that the facility would
2705 be substantially in accord with the County's plan. An elementary school at this location would
2706 be consistent with the goals, objectives and policies of the 2010 Land Use Plan in that: the
2707 proposed use of the subject site will maximize the opportunity for service to the County
2708 residents and the use of the proposed site for the elementary school will promote orderly
2709 growth and development facilities and services based on the need of this growing population in
2710 this area. Specifically, this school would provide relief to the Twin Hickory Elementary
2711 School and would provide capacity that is necessary for the growth anticipated in this area.
2712 The facility would also be compatible with the mixed uses within the vicinity. Therefore, staff
2713 recommends the Planning Commission approve the resolution to find the proposed Northwest
2714 Elementary School #8 Substantially In Accord with the County's Comprehensive Plan.

2715

2716 This concludes my presentation. I would be happy to try to answer any questions that you may
2717 have.

2718

2719 Mrs. Ware - Are there any questions for Ms. Moore from the Commission? No
2720 questions. Thank you.

2721 Mr. Silber - Mr. Dwight Grissom is also here from Schools today if the Commission
2722 has any specific questions relative to the school site, design, or operational aspects.
2723

2724 Mr. Marshall - I have one question. The Wilsons sold all this property except for where
2725 the house is?
2726

2727 Ms. Moore - Correct.
2728

2729 Mr. Marshall - Did the Schools get an option to buy that when and if they ever sell it?
2730

2731 Ms. Moore - That would be a question for a School Board representative.
2732

2733 Mr. Grissom - Good morning. Dwight Grissom. Our intent, the School Board's intent
2734 was to purchase that entire parcel of the Wilsons. They indicated they wanted to retain that
2735 piece of property. We did ask for first right of refusal. That was denied by the current land
2736 owner.
2737

2738 Mr. Silber - It raises a good point, Mr. Marshall, because that is a piece of property
2739 that is going to be very difficult to develop further than its current use.
2740

2741 Mr. Marshall - Especially since it is going to be next to a school.
2742

2743 Mr. Silber - Right, and we have had some inquiries over the past few years from that
2744 property owner about commercial uses there, which we have always indicated that we could
2745 not support that. I think once the school is located here, it would just further demonstrate the
2746 difficulty of developing this for any type of commercial use.
2747

2748 Mr. Marshall - And do the Wilsons own that triangle behind the site?
2749

2750 Mr. Silber - I don't believe they do.
2751

2752 Mr. Marshall - That is all zoned A-1, right?
2753

2754 Mr. Silber - Yes.
2755

2756 Mr. Jernigan - Mr. Grissom, what did we pay for this property?
2757

2758 Mr. Grissom - Too much, \$127,000 an acre. If we were buying it today, I think it
2759 would probably be more than that.
2760

2761 Mr. Silber - Do you know how this school might deal with the pond that is on the
2762 property?
2763

2764 Mr. Grissom - We have just interviewed architects and we haven't explored the options
2765 and what we can do, if it can be filled, if we are going to have to design around that, or not,

2766 Randy, at this point. You recognize that is just a little opportunity for our designers to be
2767 creative. If it stays, we will have to fence it and treat it like a BMP.

2768

2769 Mrs. Ware - Are there any more questions for Mr. Grissom from the Commission?

2770 Thank you, sir.

2771

2772 Mr. Grissom - Thank you.

2773

2774 Mr. Silber - If the Commission has no further questions on this, there is a Resolution
2775 that we would be hoping the Commission would adopt so we can forward it to the Board of
2776 Supervisors.

2777

2778 Mr. Marshall - Do you want to read it, Mr. Silber?

2779

2780 Mr. Silber - Not necessarily. If you want me to I can.

2781

2782 Mr. Marshall - You usually say we need to read them.

2783

2784 Mr. Vanarsdall - Here it is right here. Suggested motion.

2785

2786 Mr. Marshall - I recommend approval of Resolution SIA-02-04 finding the Northwest
2787 Elementary School #8 Site Substantially in Accord with the County's Comprehensive Plan to
2788 the Board of Supervisors.

2789

2790 Mr. Vanarsdall - I second it.

2791

2792 Mrs. Ware - Motion made by Mr. Marshall and seconded by Mr. Vanarsdall. All in
2793 favor say aye. All opposed say no. The motion passes.

2794

2795 The Planning Commission found Resolution SIA-02-04, Northwest Elementary School #8 Site
2796 Substantially in Accord with the County's Comprehensive Plan.

2797

2798 Mr. Marshall - Mr. Silber, is that second motion, was that put in there due to what
2799 happened at the last meeting?

2800

2801 Mr. Silber - I think we provided some motion choices in case you wanted to pick a
2802 different one.

2803

2804 Mr. Vanarsdall - I think this might have been Jean's suggestion and it is a good suggestion
2805 to have it sitting out like that, because we always wonder what to say and so forth. Thank you.

2806

2807 **WORK SESSION** – Amendment to the A-1 District of the Zoning Ordinance for increase in
2808 lot size and lot widths and amendments to the zoning and subdivision ordinances regarding
2809 public water and sewer requirements.

2810

2811 Mr. Silber - As you recall, about two weeks ago Mr. Tyson walked us through the
2812 proposed ordinance amendment relative to these changes and a work session, and the
2813 Commission opted to have some changes made and set a continuation of that work session this
2814 morning, so we are here to present you with those changes. Mr. Tyson.

2815

2816 Mr. Tyson - Good morning, Madam Chairman, and members of the Commission.
2817 Thank you for having me back. I have a few things to hand out to you. I am going to start
2818 with the Summary to the Proposed Amendments to the Zoning Ordinance. This document
2819 reflects the changes that have been suggested by the County Attorney's office. Since we last
2820 spoke to you, we forwarded them to the County Attorney's office and received comments back
2821 from them and the proposed ordinance that I am submitting to you with the summary reflects
2822 those changes. We are fortunate with regard to the A-1 District regulations. There weren't any
2823 substantive changes proposed by the County Attorney's office. It was merely tightening up the
2824 language, incorporating sections and less language as opposed to more sections. The gist of
2825 the amendment is still to require a 10-acre minimum in an Agricultural Zoning District with
2826 300 feet of lot width. Lots of one acre and 150 feet of lot width, which is the current
2827 requirements would be considered grandfathered and exempt from the current provisions
2828 provided they had been approved under the subdivision process or immediate family transfer or
2829 otherwise legally created prior to the adoption of the ordinance, so there wasn't any change or
2830 the staff isn't proposing any change in the lot size in the Agricultural District at this time. I'd
2831 be happy for you to look that over and let us know if you still want us to consider amending
2832 the lot size. We did pick up an amendment to the proposed lot size in the Subdivision Section.
2833 There was some concern about the 10-acre lot size having to do with immediate family
2834 transfer provisions. Those are contained in the subdivision text, which I will present to you
2835 now.

2836

2837 Madam Chairman, and members of the Commission, at your last Work Session, there was
2838 some concern expressed on the proposed amendments to the Subdivision Ordinance having to
2839 do with the immediate family transfer provisions, wherein I could, theoretically, give my
2840 sibling or child or parent or grandparent a portion of my property to build a one-family
2841 dwelling. Our original proposal was to have a 10-acre lot size minimum. There was some
2842 concern or desire expressed that there be an exception to that for an immediate family transfer.
2843 We have amended the Subdivision Ordinance to say that immediate family transfer is still
2844 permitted, except that the minimum lot size for a parcel to be conveyed to an immediate family
2845 member in an "A" District for the purpose of constructing a one-family dwelling may be
2846 reduced to three acres, provided that 10 acres remains in the parent tract, so we have
2847 essentially reduced the lot size from 10 acres to three acres provided that the parent or grantor
2848 retains 10 acres to begin with.

2849

2850 Mr. Marshall - So you'd have to have 13 acres if you had one child, to be able, and I
2851 have just got a problem with that. I mean, if you are going to have 10 acres, that is fine. But I
2852 think it could be worded if you want to keep a three-acre parcel as being what they can give
2853 out, or two acres that they can give out, I think you could draft it to where, if you are giving
2854 it, say you had three kids and you had a 10-acre parcel or two kids, and you gave each one of
2855 them a three-acre parcel, then the remaining parcel would be four acres. I think you could

2856 draft it, if it was 10 acres if you gave off to your kids, then at all times the parcels that you
2857 gave out would have to equal what was remaining. So what I mean is, if you had 10 and you
2858 had two kids, you gave each one of them a three, then their lots would be three each and yours
2859 would be four, so yours would still be at least the same size as the lot that you conveyed out to
2860 your kids. I have a problem with telling somebody that has 10 acres they can't give their
2861 kids...

2862

2863 Mr. Jernigan - I do, too. This is the thing we were hung up on before, but I mean if a
2864 family has 10 acres and they've got four children, three acres doesn't even fall into it. I mean,
2865 I think we are going to have to reject this portion of this amendment.

2866

2867 Mr. Marshall - And I don't think the problem you are going to run into is that the
2868 citizenry, for the most part, aren't aware of the ramifications of this, and you are not going to
2869 hear about it until a family goes to the courthouse to try to do something, and then they are
2870 going to say, "What do you mean, I can't give my kids..." and then the ramifications are going
2871 to be great, I think.

2872

2873 Mr. Vanarsdall - What are you suggesting that we can overcome that?

2874

2875 Mr. Marshall - Well, I think we are going to have to decide what is going to be a
2876 minimum lot size that we allow a parcel to be split up with. We are going to have to decide if
2877 they are going to have to own at least 10 acres before they can split some off. Or they are
2878 going to have to own eight acres or six acres. We are going to have to decide some number
2879 that you can divide among family members, and also set a minimum lot number so you don't
2880 have acre lots or 10 one-acre lots going up.

2881

2882 Mr. Jernigan - We discussed last time immediate family. Is this immediate family or
2883 does this include cousins?

2884

2885 Mr. Marshall - Immediate family.

2886

2887 Mr. Silber - It is listed here and says offspring, spouse, sibling, grandchild,
2888 grandparent or parent of the owner.

2889

2890 Mr. Tyson - One of the vagaries of immediate family transfers is the County is given
2891 specific authority in the Code to address these types of situations, and one of the County
2892 Attorney's concern, I don't want to speak for them as I am sure Mr. Tokarz can address this,
2893 is a limit on our ability to regulate immediate family transfers its somewhat prescribed by
2894 County Code, and I think the County Attorney's office indicated to me that they would like for
2895 us to proceed slowly to make sure that we are not overstepping the authority to regulate this.
2896 As you might remember, I had also included in the original draft that the grantee had to be 18
2897 years of age, had to be able to hold legal title, and we were going to require an affidavit on the
2898 plat that they were not circumventing the Subdivision Ordinance. The County Attorney's
2899 office has suggested that we do away with that language and Mr. Tokarz might be better able
2900 to explain his rationale for that other than to say again, our ability to regulate these is

2901 somewhat prescribed in the State Code. They do not address the minimum lot size. That is
2902 something that I think he has purview over.

2903

2904 Mr. Jernigan - The purpose of this whole change is to use it as a tool and to guard
2905 against what is going on, but I don't want the individual families to get caught up in this. We
2906 will hear what Mr. Tokarz has to say.

2907

2908 Mr. Tokarz - Good morning, members of the Commission. I am here because Joe
2909 Rapisarda and I have reviewed this ordinance and we really want to make sure that when the
2910 Commission recommends something to the Board and the Board adopts something, it really
2911 implements what the desire is to do in this area. The first consideration that we had in
2912 reviewing this is that we wanted to make sure that it is enforceable. What we'd like to try and
2913 do before your next Work Session is to meet with the staff, take into account any
2914 considerations that you express today, and try and figure out some mechanism that will
2915 accomplish your goals and will also be easily enforceable. That was the first consideration.

2916

2917 Second is we want to avoid the law of unintended consequences. We don't want to sign off on
2918 changes that may have consequences that we haven't considered. We want to make sure we
2919 understand what your concerns are, that the ordinance is tightly tailored to address those
2920 concerns, and it doesn't do something it is not supposed to do.

2921

2922 With respect to the third issue, our third concern is to obviously lead to the Commission and to
2923 the Board of Supervisors the policy choices that you make in terms of what do you want in
2924 terms of minimum lot size, what do you want in terms of having a requirement for what can be
2925 divided. We are not here to express a legal opinion on that. Whether you say the minimum
2926 size to be conveyed is one acre, two acres, three acres, five acres, that is something that is a
2927 policy matter that we are not particularly concerned with. All we want to do, though, is to
2928 make sure that whatever the consideration is, it properly gets reflected in the ordinance that is
2929 adopted. One alternative that occurred to me as I was sitting here listening to your
2930 conversation is that you have a way of addressing it in a number of different options. One is to
2931 say we are going to put a minimum acreage for any lot that is conveyed by a family
2932 subdivision and not put any restriction on what has to be left or what the minimum size for a
2933 family subdivision is. That is one option.

2934

2935 The second option is what Lee has suggested here. Have both a minimum size for each lot that
2936 is conveyed and a minimum size for the remainder, or the third option is to simply specify a
2937 minimum size for the parcel before a subdivision, and then leave it to the family members to
2938 decide how it is going to be allocated. Those are policy choices. We are not here to give you
2939 a recommendation on the policy choice. What we do want to make sure though is that
2940 whatever comes out of this process, once you have made the policy choice, we tie it in together
2941 with the zoning changes that you have made, given the fact that a lot of these family
2942 subdivisions are being done in the Agricultural zone.

2943

2944 So, I hope I haven't confused that. We are simply trying to make sure that we effectuate the
2945 policy choices that you want to make and we will be glad to do that before this comes back to

2946 you at your next Work Session. So, if you have any guidance for us, we will certainly be glad
2947 to take that back and mull it over with the Planning staff. Does that answer the question about
2948 what our purpose is? OK. Thank you.

2949

2950 Mr. Marshall - Well, Ray, I think, and I thought about something that he said while he
2951 was talking, the smallest a lot can be is one acre, so if we worded the family exemption to say
2952 that they, the immediate family, and you don't have to say the smallest lot is one acre, if you
2953 just allow the transfer of subdivision for immediately family. Then, for example, if you only
2954 had two acres, what is your concern? And you don't end up with two lots. Even if they had
2955 two children, right now they can only give one lot anyway. So, if you work it on up to 10, I
2956 guess the worse case scenario with the staff to look at, if you had 10 acres and I guess you had
2957 nine children, you could end up with 10 lots. I mean that would be worse case if you didn't
2958 put any minimum lot size on it. That is where the issue comes in about whether you would
2959 want a minimum lot size or do we want to just say immediate family members can do it, and
2960 then you could end up with 10 lots from 10 acres as long as they can meet the other
2961 requirements.

2962

2963 Mr. Silber - I would think you would still want to stipulate that the minimum would
2964 be one acre. Obviously, under the various possibilities, you could have 10 acres and have 11
2965 children, and you couldn't give everybody a piece of property. I don't think we are here to
2966 design an ordinance that satisfies the need to give land to every feasible relative.

2967

2968 Mr. Vanarsdall - We don't know how many it is going to be.

2969

2970 Mr. Marshall - If you use two acres as a minimum lot size and you had 10 acres, and, I
2971 mean, you'd end up with five two-acre lots as a worse case. But if you are addressing, your
2972 concern was if the guy only had five acres, then the way I said it, it can't be any minimum
2973 other than one, then he could potentially give an acre to each child, so a three-acre parcel
2974 would be three lots.

2975

2976 Mr. Jernigan - I think the family needs to be exempt from this ordinance change. I
2977 would rather just see it one acre with no residual. I mean, if a guy has got a 10-acre lot, he
2978 can give them whatever he wants if it is his kids, if it is one acre, two acres, three acres.

2979

2980 Mrs. Ware - But they have to have a minimum, is that what you are saying?

2981

2982 Mr. Jernigan - You have to have a one-acre minimum. But not hold a residual, not
2983 have to say he's got three acres remaining or four acres remaining. If it is for the family, let
2984 them just given them an acre lot and let it fall like it does.

2985

2986 Mr. Marshall - Now with that I have discussed with Mr. Tokarz, and as I raised it the
2987 last time, the only way I think this will work is if we get the cooperation of the Clerk's Office
2988 to not accept plats anymore unless they are signed off by the Planning Commission.

2989

2989 Mr. Tyson - Mr. Marshall, if I might, and this is just for your own edification, I
2990 happened to visit Hanover County's web site. They have a process for reviewing immediate
2991 family transfers already established that involves an application and a review of the plat prior
2992 to it going to record, and I have downloaded and printed out copies of their process just for
2993 you.

2994

2995 Mr. Marshall - There are a lot of localities that have that, but that is through the
2996 Planning staff, right? The problem is if your Clerk's Office doesn't require plats to be
2997 stamped, I can, right now as we sit here, I can think of a 10-acre piece of land and it has 10
2998 lots on it. They could be legal or not legal, and go over to the Clerk's Office and they are
2999 going to record it. They don't require any approval. And whether the lots are legal or not
3000 legal, it is going to be on record in the Clerk's Office.

3001

3002 Mr. Tyson - One of the questions I had in reviewing this issue is that the Code of
3003 Virginia requires that no Clerk of any Court shall record a plat of a subdivision unless it has
3004 been stamped by the reviewing agent. The issue I have raised though is immediate family
3005 transfers are essentially exempt from the subdivision requirements. Does this situation apply to
3006 them? When I spoke to the Clerk's Office of surrounding localities, they hedged their bets by
3007 saying, "But we require the Planning Department to sign off on them." I asked them under
3008 what authority are you doing that, and they said "We require the Planning office to sign off on
3009 it."

3010

3011 Mr. Marshall - I do that kind of work, too. I have experienced that for years and the
3012 reason New Kent, and see, you saying no subdivision plat but the problem is if the Clerk's
3013 Office does not have a policy that every plat has to be stamped by the Planning office, how do
3014 they know if it is a subdivision or not? I mean because for example, it is as strict as, if you do
3015 a mortgage survey, that is not changing anything, but the Clerk's Offices in these other
3016 localities say that we don't care. Our policy is you have to get the Planning Office to verify
3017 that nothing has changed and stamp it before we accept it. So we are going to have to have
3018 that done to avoid abuse of your family subdivision exemption if we put one in, and then it will
3019 be automatically sent to the Planning Office to see whether it is a subdivision or not a
3020 subdivision.

3021

3022 Mr. Tyson - And the material I gave you is just an example for purposes of how one
3023 locality handles it and I am sure that there are a variety of other ways.

3024

3025 Mr. Marshall - It doesn't put any burden on the Clerk's Office because they don't have
3026 to do anything other than tell you to walk next door to the Planning Office to get your plat
3027 fixed.

3028

3029 Mr. Jernigan - I think it needs to be reviewed by us. Planning. Yes.

3030

3031 Mrs. Ware - So what we need to do is come to a consensus on what we think this
3032 ordinance needs to be so that we can set a public hearing. Right.

3033

3034 Mr. Marshall - And the other issue is the 10 acres. Is everybody happy with that or not?
3035 The 10 acres and you have to have zoning, and the only thing I point out with that is we are
3036 basically, if we decide on 10 acres, which my district doesn't matter. It doesn't matter if you
3037 make it...you just saw the price of this land for the school site. It doesn't matter in my district
3038 whether it is three acres or two acres. You are not going to see it anyway. But for the
3039 purposes of Ray's district, if you put 10 acres in there, you are regulating 19 acres of land. If
3040 I owned a 19-acre piece of land, I will be allowed one lot because it is a 10-acre rule.

3041

3042 Mr. Jernigan - I have been thinking about this thing and I tell you, for the reason that
3043 we are doing it, I think five acres is ample.

3044

3045 Mr. Marshall - And the reverse is true. That is why I bring this up. If we use five
3046 acres, then you are regulating nine. And if you own a nine-acre piece of land, you will only
3047 be able to have one lot.

3048

3049 Mr. Silber - That is true, Mr. Marshall. That is a good point. Keep in mind, if you
3050 had 100 acres, you have 10 lots versus 20 lots, so from a density standpoint, your point is well
3051 taken on the 10 acres, but anything over that, you are allowing greater density. I think the
3052 Planning Commission needs to land on a figure and we need to go ahead and go out for setting
3053 a public hearing and get something out there to the public so that we can begin to get public
3054 input and this may continue to bounce around, but I think at some point in time we need to
3055 land on something and then make it public.

3056

3057 Mr. Marshall - I don't think it affects your district either.

3058

3059 Mrs. Ware - No. It does not. Do we want to land on 10 and take it out to public
3060 hearing?

3061

3062 Mr. Marshall - Ray has the most dirt.

3063

3064 Mr. Jernigan - If we don't annex somebody, with the cases I had today, we won't have
3065 to worry about any five or 10-acre tracts.

3066

3067 Mr. Marshall - We will have to go out and get Charles City annexed or something to
3068 have some raw land.

3069

3070 Mr. Tyson - To give you an idea of the ramifications this might have, I pulled up my
3071 Power Point presentation and this is the information related to existing parcels that are zoned
3072 A-1 that I pulled from the County's GIS System. You are looking at roughly a little over
3073 9,000 existing parcels, 2,400 of them being vacant. There are various acreages for parcels that
3074 are involved and a number of parcels that are vacant that have already been platted and are
3075 essentially out there and can be constructed on regardless of what you do with the amendment.

3076

3077

3077 Mr. Marshall - So the majority of the acreage is less than five, then the next number is
3078 five to 10, so if we landed on five, even the 10-acre ones, you are looking at two lots. That is
3079 next amount of highest number of parcels.

3080

3081 Mr. Archer - Mr. Tyson, can you tell us or give us some kind of an average figure as
3082 to how many family conveyances are done in Henrico in any period of time.

3083

3084 Mr. Tyson - We have no way of knowing that, because they are not reviewed by us.
3085 We don't keep track of them. They go immediately to the Clerk's Office and are recorded and
3086 there is no tally done that I am aware of. I will tell you that we see at the Board of Zoning
3087 Appeals quite often the result of an immediate family transfer, where I have given my son,
3088 daughter or person a lot of land that has no road frontage, and because it has no road frontage,
3089 it can't be built on without a variance. We are more familiar with the results of the process.

3090

3091 Mrs. Ware - What are your thoughts?

3092

3093 Mr. Marshall - Right now we are at one. If we do five, we are five times what we have
3094 got now, which is a big jump. It is half of 10 times as far as the minimum being five.

3095

3096 Mr. Jernigan - Well, I think we are going to hear some squealing at five, but I can't
3097 support 10. When you look at it, less than five acres are 1105 parcels.

3098

3099 Mrs. Ware - Well, do you want to set it at five and take it out to public hearing and
3100 hear what we get?

3101

3102 Mr. Jernigan - Yes. I think five is the figure.

3103

3104 Mrs. Ware - I think...

3105

3106 Mr. Marshall - How do you feel, Mr. Archer?

3107

3108 Mr. Archer - I don't know how I feel. You know that old saying, I ain't sure I
3109 understand all I know about this.

3110

3111 Mr. Tyson - I hope that is not the result of what I have told you.

3112

3113 Mr. Archer - Not at all. It is a complicated issue and it is a big issue. When I listen at
3114 all of the suppositions that have just been laid out here today, there are a lot of serious
3115 ramifications that could come out of how we handle this, and it is a little bit scary and I don't
3116 find any problem at all with the study that has been done. I know we have to land on some
3117 kind of a number if we do make a change, but I am just not sure I know, with my limited
3118 amount of wisdom, what that number is.

3119

3120 Mr. Marshall - Another thing I'd point out, Mr. Silber, is that as you have seen over the
3121 last number of lots, today's POD meeting and the recent filing, it appears to me that people

3122 with the biggest pieces of land are platting. The majority of them are getting platted, but the
3123 small guy with the small amounts of land may not be attuned to what is going on. He is not
3124 rushing in here platting this land a lot, and I think those are the type of people who are going
3125 to be effected the most.

3126

3127 Mrs. Ware - We need to get to a public hearing to set a date.

3128

3129 Mr. Archer - Right, but just looking at the numbers I exhibited here, the largest
3130 number of people that would be effected own less than five acres.

3131

3132 Mr. Marshall - So you can at least buy the family subdivision we talked about, if they
3133 could do one acre, if they wanted to do family it wouldn't effect them that bad versus a five-
3134 acre minimum as far as doing a subdivision.

3135

3136 Mr. Silber - Keep in mind, I am not disagreeing with you. I am just pointing out
3137 other aspects. Keep in mind you have noted the number of parcels based on acreage and size,
3138 but if you take say the 51 parcels of 100 acres or more, that is 5,100 acres, you take the five to
3139 10 acres at 241, two thousand acres, so from an acreage standpoint there is more acreage out
3140 there in 100 plus acres than in five to 10 acres. There is a lot of land we are talking about here,
3141 and yes, sir, Mr. Marshall, there were a number of subdivisions today that were of larger scale
3142 and I think there were also some that were in the five to 20 range of acreage as well. It is not
3143 an easy situation. I think that staff would be fine with the five-acre situation. I think that
3144 whatever we put out there we are going to get reaction from the development community and
3145 from property owners, and the tendency is going to be for that number to come down, and if
3146 we start too low, we are not going to achieve what we are trying to achieve.

3147

3148 Mr. Vanarsdall - Let me ask Lee something, now. You have talked to Hanover and so
3149 forth, and how do they get around this? What have they done? What does Chesterfield do?
3150 What about the rest of the district? How did they come to what they have now?

3151

3152 Mr. Tyson - I really don't know what their thought process was, other than I think
3153 doing the exactly what you have been doing now. They have minimal lot sizes for A Districts
3154 or various sizes in A Districts, immediate family transfers are handled differently in every
3155 locality. Again, the State Code is awfully nebulous in this area. It gives you very minimal
3156 guidance to say what you can or can't do, and I think localities are sort of reluctant to overstep
3157 what they perceive as their authority.

3158

3159 Mr. Vanarsdall - There is no formula to it. That's for sure.

3160

3161 Mr. Archer - Well, listening to what Mr. Silber is saying here, I guess our next step in
3162 this is just have a public hearing and put the stuff out here, and try to get input from
3163 everybody. That is the process, so maybe we are jumping the gun here trying to change the
3164 number and come up with another number. Perhaps we should just go ahead and get started in
3165 the process and set what kind of reaction we get and go from there. I agree with Randy. I
3166 think that whatever number we start with is going to probably end up being lower. If we start

3167 with one acre it is going to end up being a half.

3168

3169 Mr. Silber - If we are not careful, we are going to be at an acre and a half.

3170

3171 Mr. Jernigan - One thing I want to say, it shows 9176 total parcels but 2400 of them are
3172 vacant. Now, isn't that less than five acres? A lot of those parcels now are people that own
3173 two or three acres. They have their house built right in the middle of it. They are not
3174 planning on subdividing it anyway. I mean a good portion of that 1105, they are not looking
3175 to do anything.

3176

3177 Mr. Archer - And that is usually the problem. You build a house right in the middle of
3178 the acreage and if you had it sitting on the corner somewhere, the rest of the remaining parcel
3179 might be easier to subdivide.

3180

3181 Mr. Jernigan - But that is a large figure. Those people there, they have their homes
3182 their now and they are not looking to move. They are not looking to subdivide or do anything
3183 unless it may be with a family member.

3184

3185 Mr. Archer - My feeling is I think we should go ahead and get the process going.

3186

3187 Mr. Marshall - Is it all right to put it on the public hearing at 10?

3188

3189 Mr. Jernigan - No. Five.

3190

3191 Mr. Marshall - What she is talking about is wiggle room to come down. Makes you look
3192 like a hero.

3193

3194 Mrs. Ware - Bring it down and you've got more room for choice. Come on. It is not
3195 like we are making this decision a law. We are just putting it out there.

3196

3197 Mr. Jernigan - So what you want to do, you want them to negotiate you down to five.

3198

3199 Mr. Vanarsdall - Always start high. Are you going to give us a suggestion?

3200

3201 Mr. Tyson - I was going to give you a suggestion on how to proceed, not on the
3202 number.

3203

3204 Mr. Archer - There may be some people who say, 10 is not enough. Let's make it 20.

3205 We don't know.

3206

3207 Mr. Jernigan - That problem is not going to happen. I don't think we are going to have
3208 a rash of that.

3209

3209 Mr. Marshall - How about Varina Beautification Committee? They might want
3210 something.

3211

3212 Mrs. Ware - Do you want 10? A public hearing is what I mean.

3213

3214 Mr. Archer - And the work has been done.

3215

3216 Mr. Marshall - I say just for the public hearing.

3217

3218 Mr. Silber - I hear consensus that we leave it at 10. That is the way we drafted it.

3219 We will leave it at 10 and I think that is a wise decision and I think it gives you some room to

3220 negotiate. Keep in mind that you only make recommendations to the Board of Supervisors.

3221 You may get it to five at some point and the Board may get hammered and feel like they need

3222 to do some more. So, I think it is better to go in a little on the high side.

3223

3224 I do have another comment.

3225

3226 Mr. Tokarz - Before you finish, let me make sure, for drafting purposes, we are going

3227 to have an ordinance for a public hearing. If you can just turn to 2451. So what you would

3228 like to do is leave that at 10. Now my question on this is, do you want me to add a "K" and

3229 the "K" would say "One family dwellings having a minimum lot size of one acre if the

3230 property was created by a family subdivision." And the reason I am asking this is because we

3231 are talking about the principal uses permitted in the A-1 District, and I was under the

3232 impression that earlier you were talking about allowing them to build one-acre lot homes if it

3233 was a family subdivision. That would be the minimum lot size.

3234

3235 Mr. Marshall - So we have no maximum amount of acreage that they have to have.

3236

3237 Mr. Tokarz - I am going to get to that in one second. I just want to make sure that in

3238 terms of the principal uses, you also want to allow...the reason I ask this is because J as drafted

3239 would only allow a minimum lot size of one acre in the A-1 zone if it was already in an

3240 improved final subdivision plat. You want to also allow a minimum lot of one acre as a family

3241 dwelling, as long as it is created by family subdivisions.

3242

3243 Now, if you can turn to the Subdivision Ordinance to 19-2 and this, we had a discussion about

3244 this, three acres and the 10 acres in the original tract. What I understand you to say is that you

3245 want that to be one acre with no minimum requirement for the remainder. Is that correct?

3246

3247 Mr. Marshall - The remainder would have to be at least one acre.

3248

3249 Mr. Tokarz - OK. So may be reduced to one-acre if at least one acre remains in the

3250 original tract. All right. I just wanted to get that clear for the purpose of drafting it, because

3251 once we put it out, people will be reacting to what we put out and I want to make sure we have

3252 your intent properly reflected.

3253

3254 Mr. Silber - Mr. Tokarz, I think staff modified the draft to reflect some comments of
3255 yours and we removed, as Mr. Tyson indicated, we removed the reference to the 18 years of
3256 age and retaining title for five years. Why did you feel it was necessary to take out?

3257

3258 Mr. Tokarz - I didn't feel it was enforceable. One of the reasons is you can't convey
3259 to someone who is under 18 under State law anyway, so that is an unnecessary provision. The
3260 other one is simply putting an affidavit on the plat saying that it is not going to be conveyed for
3261 five years. That doesn't give you any enforceability on anything, and so what we'd like to do
3262 is try and find a different way. We want to really sort of explore that with the staff. We
3263 haven't really had enough time in our office for us to come up with a way of doing that yet.
3264 We understand what the intent is. We are not sure that the affidavit on the plat would do that.

3265

3266 Mr. Silber - OK, you understand where we are coming from?

3267

3268 Mr. Tokarz - I do, flipping the property. You don't want someone flipping the
3269 property. I understand that. We don't think the affidavit on the plat will do that.

3270

3271 Mr. Silber - We don't want them necessarily dividing property and giving it to an 18-
3272 month old child, or a child that was just born. It is supposed to be for the purpose to build a
3273 dwelling, so we thought some age limitations...

3274

3275 Mr. Tokarz - Right. I think we understand the intent. We are going to try and look for
3276 another mechanism to get there. The affidavit ought to make it work.

3277

3278 Mr. Silber - Mr. O'Kelly, was there a date for which we wanted to set a public
3279 hearing or recommend a public hearing date?

3280

3281 Mr. O'Kelly - We have to send out over 9,000 notices.

3282

3283 Mr. Silber - I really think it would not be wise to be on a daytime POD meeting. I
3284 think it probably needs to be an evening meeting, although I can't imagine this thing tacked on
3285 to one of your zoning hearings which would be similarly lengthy. I don't know if you are
3286 interested in having a separate meeting.

3287

3288 Mrs. Ware - It is probably the best thing.

3289

3290 Mr. Silber - Starting one of your evening meetings early, like 5:00.

3291

3292 Mrs. Ware - We have so many cases right now. We have 28 cases for October.
3293 Starting early won't help with that.

3294

3295 Mr. O'Kelly - Let me ask this, Mr. Secretary. There may be something else to consider
3296 because these ordinances are tied to the cash proffer study that is underway, and I am not sure
3297 when that report is due. Do we have any information on that, Mr. Secretary?

3298

3299 Mr. Silber - Yes. That report should be finished in early October. We have a
3300 scheduled Work Session with the Board of Supervisors on October 12, so that should not be a
3301 problem.
3302

3303 Mr. O'Kelly - OK. I guess the question is do you want to have a separate public
3304 hearing or start our meeting early?
3305

3306 Mrs. Ware - Do you think there are going to be a ton of people at this?
3307

3308 Mr. Marshall - I would think out of 9,000 notices, you are probably going to get quite a
3309 few people.
3310

3311 Mrs. Ware - Yes. I think so, too. Maybe a separate night in November?
3312

3313 Mr. Silber - I was maybe hoping for something earlier than November. Maybe the
3314 last week of October or first week in November.
3315

3316 Mr. Vanarsdall - Let's look at the last week in October. What day? You say you don't
3317 want to have it at the POD meeting in the morning. We need to have it at night. So, since we
3318 will all be dressed in the morning, why don't we have it that night?
3319

3320 Mr. Marshall - No. The 27th is what he is talking about.
3321

3322 Mr. Vanarsdall - You didn't want to have it after POD. You wanted it at night.
3323

3324 Mr. Marshall - At night on the same day.
3325

3326 Mr. Vanarsdall - Do it that night then.
3327

3328 Mr. Silber - That is what Mr. Marshall is saying. Doing it the evening of the 27th.
3329

3330 Mr. Vanarsdall - What time?
3331

3332 Mr. Archer - 5:00 p.m. so we can eat dinner.
3333

3334 Mr. Silber - Let's ask Mr. O'Kelly. Does that give us time to get the notices out?
3335

3336 Mr. O'Kelly - Yes. We have to put an ad in the paper and I think we have sufficient
3337 time to do that for October 27. We will probably send out notices to the property owners,
3338 maybe two weeks prior to the public hearing.
3339

3340 Mr. Silber - I would hope before that, so we don't have a public hearing and no one
3341 feels like they had time to review it, and then we have wasted the public hearing. I'd like to
3342 get the notices out as soon as possible, at least three weeks before, if we can do that, and then
3343 hold the public hearing. I would suggest we do it like at 7:00 p.m. on the 27th.

3344 Is there a motion to set the public hearing for October 27 at 7:00 p.m.?

3345

3346 Mr. Marshall - So moved.

3347

3348 Mr. Vanarsdall - Second.

3349

3350 Mrs. Ware - Motion made by Mr. Marshall and seconded by Mr. Vanarsdall. All in
3351 favor say aye. All opposed say no. The motion passes.

3352

3353 Mr. Silber - I have one other item of business. This is a discussion item that is on
3354 your addendum. This is where we are asking that you also set another public hearing to amend
3355 the zoning ordinance, and I need to give you a little bit of background on this if you are not
3356 somewhat aware of what is being proposed.

3357

3358 As you may be aware, there is a boundary adjustment or there will be a boundary adjustment
3359 along the Goochland-Henrico County in which the County will be picking up some additional
3360 parcels of land that will become a part of Henrico County. When we pick up these additional
3361 parcels, those parcels will not have zoning on them, so we have looked at options for zoning
3362 this property and it appears as though the easiest way of doing this is to amend the zoning
3363 ordinance. This will be a text amendment that would basically say "Any property that is taken
3364 into the County on January 1, 2005, pursuant to a boundary line adjustment would
3365 automatically be zoned A-1." So, all those parcels would be zoned A-1 by that text
3366 amendment. This would be to set a public hearing to amend the zoning ordinance to allow for
3367 that.

3368

3369 Mr. Marshall - Will it give those people time to get their plats in?

3370

3371 Mr. Silber - We hope they wouldn't get their plats in as the property is not zoned.

3372

3373 Mr. Marshall - I mean, the timetable we have to do that.

3374

3375 Mr. Silber - The boundary change takes effect January 1. We want this ordinance
3376 amendment to be in effect prior to January 1.

3377

3378 So we are recommending we set a public hearing for October 27, 2004. It would follow your
3379 POD meeting, so that sounds as though it is going to be exciting and long day.

3380

3381 Mr. Jernigan - I make a motion that we set a public hearing for October 27 after our
3382 POD meeting.

3383

3384 Mr. Vanarsdall - Second.

3385

3386 Mrs. Ware - The motion was made by Mr. Jernigan and seconded by Mr. Vanarsdall.

3387 All in favor say aye. All opposed say no. The motion passes.

3388

3389 Mr. Marshall - Anymore public hearings?
3390
3391 Mr. Silber - That is all that I am aware of.
3392
3393 Mrs. Ware - Is there a motion to adjourn.
3394
3395 Mr. Archer - So moved, Madam Chair.
3396
3397 Mr. Vanarsdall - Second.
3398
3399 Mrs. Ware - Motion made by Mr. Archer and seconded by Mr. Vanarsdall. We are
3400 adjourned.
3401
3402 On a motion by Mr. Archer and seconded by Mr. Vanarsdall, the Planning Commission
3403 adjourned its September 22, 2004, meeting at 12:20 p.m.
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Lisa D. Ware, C.P.C., Chairperson
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Randall R. Silber, Secretary
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