

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. Tuesday, April 20, 1999.
4

5 Members Present: Ms. Elizabeth G. Dwyer, C.P.C., Chairman (Tuckahoe)
6 Mr. Ernest B. Vanarsdall, C.P.C., Vice-Chairman, (Brookland)
7 Mr. C. W. Archer, C.P.C., (Fairfield)
8 Mrs. Debra Quesinberry, (Varina)
9 Mrs. Mary L. Wade (Three Chopt)
10 Mr. James B. Donati, Jr., Board of Supervisors Representative
11 (Varina)
12

13 Others Present: Mr. John R. Marlles, AICP, Director of Planning, Secretary
14 Mr. Randall R. Silber, Assistant Director of Planning
15 Mr. David D. O'Kelly, Jr., Principal Planner,
16 Mr. Jim P. Strauss, CLA, County Planner
17 Mr. E. J. (Ted) McGarry, III, County Planner
18 Mr. Kevin D. Wilhite, County Planner
19 Mr. Mikel C. Whitney, County Planner
20 Ms. Leslie A. News, CLA, County Planner
21 Ms. Diana B. Carver, Recording Secretary
22 Ms. Ann B. Cleary, Office Assistant IV
23

24 Ms. Dwyer - Good morning. Welcome to the Tuesday, April 20, 1999
25 meeting of the Planning Commission. Do we have members of the press here this morning?
26 Mr. Secretary, I will turn it over to you.
27

28 Mr. Silber - Thank you, Madam Chairwoman, we have everyone here except
29 for Mr. Donati. It seems that Mr. Donati may not be here today or perhaps he may be late,
30 but we do have a quorum. Before we started, I want to make one announcement that the
31 Planning Commission meeting dates will be changing in May, that is the POD meetings. The
32 day time meeting will be moved from Tuesdays to Wednesdays. So, beginning in May, every
33 Planning Commission POD/Subdivision day time meeting will be on Wednesday instead of
34 Tuesday. Please make note. Our calendars have been changed and official adopted by the
35 Planning Commission. I just wanted to make that formal announcement.
36

37 Mrs. Wade - Well, at least if they come on Tuesday, they will not miss it.
38

39 Mr. Vanarsdall - Mr. Secretary, I would like to add to that that it has been
40 advertised in the paper and all of the news media. So, this is just not something that we are
41 springing on everybody this morning.
42

43 Mr. Silber - That is correct. The next item, I believe, Mr. Wilhite, will be
44 the requests for deferrals and withdrawals.
45

46 Mr. Wilhite - Good morning, Madam Chairman, and members of the
47 Commission. Staff is aware of three requests for deferrals at this time. The first one appears
48 on Page 3 of the agenda.

49
50 **TRANSFER OF APPROVAL**

51
52
53 Mr. Wilhite - The applicant is requesting deferral until May 26, 1999.
54
55 Ms. Dwyer - Is there anyone in the audience in opposition to the deferral of
56 POD-30-98, North Court at Innsbrook. No opposition.
57
58 Mrs. Wade - I move that POD-30-98, Transfer of Approval, be deferred until
59 the 25th of May at the applicant's request.
60
61 Mr. Vanarsdall - Second.
62
63 Ms. Dwyer - We have a motion by Mrs. Wade and a second by Mr.
64 Vanarsdall. All in favor say aye. All opposed say no. The motion carries.
65
66 At the applicant's request, the Planning Commission voted to defer POD-30-98, Transfer of
67 Approval, North Court at Innsbrook, to its meeting on May 26, 1999.
68

69 **SUBDIVISION**

70
71
72 Mr. Wilhite - The applicant is requesting a deferral until May 26, 1999.
73
74 Ms. Dwyer - Is there anyone in the audience in opposition to the deferral of
75 Sadler Green subdivision? No opposition. Mrs. Wade.
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77 Mrs. Wade - I move that subdivision Sadler Green be deferred until the 26th of
78 May at the applicant's request.

79
80 Mr. Vanarsdall - Second.

81
82 Ms. Dwyer - We have a motion by Mrs. Wade and a second by Mr.
83 Vanarsdall. All in favor say aye. All opposed say no. The motion carries.

84
85 At the request of the applicant, the Planning Commission voted to defer Subdivision Sadler
86 Green (April 1999 Plan) to its meeting on May 26, 1999.

87
88 **SUBDIVISION**

89
Edgemoor Youngblood, Tyler & Associates, P.C. for Boone, Boone,
(April 1999 Plan) Loeb & Pettit: The 15.8-acre site is located along the south
line of Nuckols Road at its intersection with Wyndham Lake
Drive on parcels 9-A-24 and 25. The zoning is R-2AC, One-
Family Residence District. County water and sewer. **(Three
Chopt) 28 Lots**

90
91 Ms. Dwyer - Is there anyone in the audience in opposition to the deferral of
92 Edgemoor (April 1999 Plan)? Page 10. No opposition to the deferral.

93
94 Mrs. Wade - I move that Subdivision Edgemoor (April 1999 Plan) be deferred
95 to the 26th of May at the applicant's request.

96
97 Mr. Vanarsdall - Second.

98
99 Ms. Dwyer - We have a motion by Mrs. Wade and a second by Mr.
100 Vanarsdall. All in favor say aye. All opposed say no. The motion carries.

101
102 At the applicant's request, the Planning Commission voted to defer Subdivision Edgemoor
103 (April 1999 Plan) to its meeting on May 26, 1999.

104
105 Mr. Silber - The next item of business would be the Expedited Agenda. Mr.
106 Wilhite, will you walk us through that?

107
108 Mr. Wilhite - We have seven requests for Expedited Approval on the 9:00 a.m.
109 agenda. The first is on Page 4.

110
111 **LANDSCAPE & LIGHTING PLAN (Deferred from March 23, 1999, Meeting)**

112
LP/POD-51-98 Dayton Thompson, P.C.: Request for approval of a landscape
Virginia Credit Union and lighting plan as required by Chapter 24, Sections 24-106
Wellesley

and 24-106.2 of the Henrico County Code. The 2.16-acre site is located on the northeast corner of Three Chopt Road and Lauderdale Drive on parcel 46-A-1CN. The zoning is O-3C, Office District (Conditional) and West Broad Street Overlay District (WBSO). (Three Chopt)

113 Mr. Wilhite - This is landscape plan POD-51-98, Virginia Credit Union at
114 Wellesley. Staff recommends approval.

115
116 Ms. Dwyer - Is there anyone in opposition to LP/POD-51-98, Virginia Credit
117 Union at Wellesley? Any questions by Commission members?

118
119 Mrs. Wade - No, other than to comment this is Plan 2 dated as of today, staff
120 plan. We have a letter from their architect agreeing to certain annotations on the plan, on the
121 updated plan, and they will work with staff to locate the additional trees. So, I move that
122 Landscape Plan POD-51-98, be approved, subject to the annotations on the revised plan dated
123 today and the standard conditions for landscape and lighting plans.

124
125 Mr. Vanarsdall - Second.

126
127 Ms. Dwyer - We have a motion by Mrs. Wade, seconded by Mr. Vanarsdall.
128 All in favor of the motion say aye. All opposed say no. The motion carries.

129
130 The Planning Commission voted to approve LP/POD-51-98, Virginia Credit Union at
131 Wellesley, subject to the annotations on the revised plan and the standard conditions for
132 landscape and lighting plans.

133
134 **SUBDIVISION**

135
136 White Oak Forest E. D. Lewis & Associates, P.C. for Sauer Properties, Inc.: The
(April 1999 Plan) 146.32-acre site is located along the north line of Charles City
Road, approximately 1,200 feet east of Poplar Springs Road on
parcels 208-A-35, 36, and 38. The zoning is A-1, Agricultural
District and ASO (Airport Safety Overlay District). Individual
well and septic tank/drainfield. (Varina) 61 Lots

137 Mr. Wilhite - There is an addendum item that goes along with this. Staff
138 recommends approval.

139
140 Ms. Dwyer - Is there anyone in the audience in opposition to Subdivision
141 White Oak Forest (April 1999 Plan)? No opposition. Any questions by Commission
142 members?

143

144 Ms. Quesinberry - I move that Subdivision White Oak Forest (April 1999 Plan),
145 with condition No. 11 and the conditions on the Addendum Nos. 12 and 13, be approved.

146
147 Mr. Vanarsdall - Second.

148
149 Ms. Dwyer - We have a motion by Ms. Quesinberry and a second by Mr.
150 Vanarsdall. All in favor say aye. All opposed say no. The motion carries.

151
152 The Planning Commission voted to approve Subdivision White Oak Forest (April 1999 Plan),
153 subject to the standard conditions for subdivisions not served by public utilities and the
154 following additional conditions:

- 155
156 11. The limits and elevation of the 100 year frequency flood shall be conspicuously noted on
157 the plat and construction plans and labeled "Limits of 100 Year Floodplain." Dedicate
158 floodplain as a "Variable Width Drainage & Utility Easement."
159 12. A detailed plant list and specifications for the landscaping to be provided within the right
160 of way at the entrance from Charles City Road, and in the right of way within Courts A
161 and B, shall be submitted to the Planning Office for review and approval prior to
162 recordation of the plat.
163 13. The developer of this property shall work with the Owner of parcel 208-A-34 to provide
164 access to the parcel in a mannerly satisfactory to the Owner of the parcel and the County.

165
166 **PLAN OF DEVELOPMENT**
167

POD-36-99
SRA Office Warehouse
(POD-10-89 Revised)

E. D. Lewis & Associates for SRA Company, Inc.: Request for approval of a revised plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a one-story, 11,700 square foot office/warehouse and authorize a future one-story, 8,000 square foot addition. The 2.675-acre site is located on the east line of Westmoreland Street at its intersection with Orville Road on parcel 104-A-28A. The zoning is M-2, General Industrial District. County water and sewer. **(Brookland)**

168 Mr. Wilhite - Staff recommends approval.

169
170 Ms. Dwyer - Is there anyone here in opposition to POD-36-99, SRA Office
171 Warehouse in the Brookland District? No opposition. Any questions by Commission members?
172 Mr. Vanarsdall.

173
174 Mr. Vanarsdall - I move that POD-36-99, SRA Office Warehouse (POD-10-89
175 Revised) be approved, on the Expedited Agenda, with the standard conditions for developments
176 of this type, the annotations on the plans, and conditions Nos. 23 through 27.

177
178 Mr. Archer - Second.
April 20, 1999

179
180 Ms. Dwyer - We have a motion by Mr. Vanarsdall and a second by Mr. Archer.
181 All in favor say aye. All opposed say no. The motion carries.

182
183 The Planning Commission approved POD-36-99, SRA Office Warehouse (POD-10-89 Revised),
184 subject to the standard conditions for developments of this type and the following additional
185 conditions:

- 186
187 23. The developer shall provide fire hydrants as required by the Department of Public
188 Utilities in its approval of the utility plans and contracts.
189 24. Any necessary off-site drainage easements must be obtained in a form acceptable to the
190 County Attorney prior to final approval of the construction plans by the Department of
191 Public Works.
192 25. Any necessary off-site drainage easements must be obtained in a form acceptable to the
193 County Attorney prior to final approval of the construction plans by the Department of
194 Public Works.
195 26. Insurance Services Office (ISO) calculations must be included with the utilities plans
196 and contracts and must be approved by the Department of Public Utilities prior to the
197 issuance of a building permit.
198 27. Approval of the construction plans by the Department of Public Works does not
199 establish the curb and gutter elevations along the Henrico County maintained right-of-
200 way. The elevations will be set by Henrico County.

201
202 **PLAN OF DEVELOPMENT**
203

| | |
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| POD-34-99 Parham Road Pit Stop Convenience Store (POD-103-97 Revised) | Balzer & Associates for Jack Woodfin and Robert Bates Ball: Request for approval of a revised plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a one-story, 3,200 square foot convenience store/restaurant with fuel pumps. The 0.67-acre site is located at 807 E. Parham Road approximately 600 feet east of its intersection with Brook Road (U.S. Route 1) on parcel 63-A- 10. The zoning is B-3, Business District. County water and sewer. (Fairfield) |
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204
205 Mr. Wilhite - The next item is on Page 13, POD-34-99, Parham Road Pit Stop
206 Convenience Store (POD-103-97 Revised). Staff recommends approval.

207
208 Ms. Dwyer - Is there anyone in the audience in opposition to Parham Road Pit
209 Stop Convenience Store, POD-34-99?

210
211 Mrs. Wade - I just had a question about that. Is there any direct access from
212 that site to Parham? There is? Because the cover sheet did not show it. It seems that we went
213 around and around about this location before. OK. Thank you.

215 Ms. Dwyer - There is direct access to Parham? Any other questions by
216 Commission members? Ready for expedited approval.

217
218 Mr. Archer - Madam Chair, I move approval of POD-34-99, Parham Road Pit
219 Stop Convenience Store (POD-103-97 Revised), subject to the annotations on the plans,
220 standard conditions for developments of this type and additional conditions Nos. 23 through
221 34.

222
223 Mr. Vanarsdall - Second.

224
225 Ms. Dwyer - We have a motion by Mr. Archer and a second by Mr.
226 Vanarsdall. All in favor say aye. All opposed say no. The motion carries.

227
228 The Planning Commission voted to approve POD-34-99, Parham Road Pit Stop Convenience
229 Store (POD-103-97 Revised), subject to the annotations on the plans, standard conditions for
230 developments of this type and the following additional conditions:

- 231
232 23. The easements for drainage and utilities as shown on approved plans shall be granted to
233 the County in a form acceptable to the County Attorney prior to any occupancy permits
234 being issued.
- 235 24. The entrances and drainage facilities on Brook Road (U.S. Route 1) shall be approved
236 by the Virginia Department of Transportation and the County.
- 237 25. A notice of completion form, certifying that the requirements of the Virginia
238 Department of Transportation entrances permit have been completed, shall be submitted
239 to the Planning Office prior to any occupancy permits being issued.
- 240 26. The developer shall provide fire hydrants as required by the Department of Public
241 Utilities in its approval of the utility plans and contracts.
- 242 27. The developer shall install an adequate restaurant ventilating and exhaust system to
243 minimize smoke, odors, and grease vapors. The plans and specifications shall be
244 included with the building permit application for review and approval. If, in the
245 opinion of the County, the type system provided is not effective, the Commission
246 retains the rights to review and direct the type of system to be used.
- 247 28. Any necessary off-site drainage easements must be obtained in a form acceptable to the
248 County Attorney prior to final approval of the construction plans by the Department of
249 Public Works.
- 250 29. Deviations from County standards for pavement, curb or curb and gutter design shall be
251 approved by the County Engineer prior to final approval of the construction plans by
252 the Department of Public Works.
- 253 30. In the event of any traffic backup which blocks the public right-of-way as a result of
254 congestion caused by the drive-up facilities, the owner/occupant shall close the drive-up
255 facilities until a solution can be designed to prevent traffic backup.
- 256 31. Insurance Services Office (ISO) calculations must be included with the utilities plans
257 and contracts and must be approved by the Department of Public Utilities prior to the
258 issuance of a building permit.

- 259 32. Approval of the construction plans by the Department of Public Works does not
 260 establish the curb and gutter elevations along the Virginia Department of Transportation
 261 maintained right-of-way. The elevations will be set by the contractor and approved by
 262 the Virginia Department of Transportation.
- 263 33. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the
 264 and approved prior to issuance of a certificate of occupancy for this development.
- 265 34. Prior to issuance of a building permit the developer shall document all property lines for
 266 purposes of verification of zoning requirements.
 267

268 **LANDSCAPE PLAN**

269 LP/POD-13-98 Balzer & Associates: Request for approval of a landscape plan
 Colonnades West as required by Chapter 24, Sections 24-106 and 24-106.2 of
 the Henrico County Code. The 14.7-acre site is located at the
 northwest corner of West Broad Street (U.S. Route 250) and
 Cox Road on parcel 48-A-47. The zoning is B-2C, Business
 District (Conditional). (Three Chopt)

270
 271 Mr. Wilhite - Staff is recommending approval.
 272

273 Ms. Dwyer - Is there anyone in the audience in opposition to LP/POD-13-98,
 274 Colonnades West? No opposition. Any questions by Commission members?
 275

276 Mrs. Wade - Yes, only two comments. One, the landscaping looks very nice,
 277 and the other is that there was a lot of consideration at zoning time and the proffers given to the
 278 signs on the property, and I don't know whether somebody should check the banners out there
 279 now to be sure that they conform. Are you ready for a motion?
 280

281 Ms. Dwyer - Yes.
 282

283 Mrs. Wade - I move that LP/POD-13-98, the landscape plan for Colonnades
 284 West, be approved subject to the annotations on the plan and the standard conditions for landscape
 285 plans.
 286

287 Mr. Vanarsdall - Second.
 288

289 Ms. Dwyer - We have a motion by Mrs. Wade, seconded by Mr. Vanarsdall.
 290 All in favor say aye. All opposed say no. The motion passes.
 291

292 The Planning Commission voted to approve Landscape Plan LP/POD-13-98, Colonnades West,
 293 subject to the annotations on the plans and the standard conditions for landscape plans.
 294

295 Mr. Wilhite - The next case is on Page 17.
 296

297 **SUBDIVISION**

298

Hunter's Run
(April 1999 Plan)

Bay Design Group, P.C. for David P. Mehfoud, Inc. and Varina Station Associates, LLC: The 18.05-acre site is located between Williamsburg Road (U.S. Route 60), Huntsman Road, Beulah Road and Raines Avenue on parcels 164-A-17D, 17F and part of 17E and part of 17G. The zoning is R-3, One-Family Residence District and ASO (Airport Safety Overlay District). County water and sewer. (Varina) 52 Lots

299

300 Mr. Wilhite -

Staff recommends approval.

301

302 Ms. Dwyer -

Is there anyone in the audience in opposition to Subdivision

303 Hunter's Run (April 1999 Plan)? No opposition. Any questions by Commission members? No

304 questions. Ms. Quesinberry.

305

306 Ms. Quesinberry -

I move approval of Subdivision Hunter's Run (April 1999 Plan),

307 subject to the annotations on the plan, the standard conditions for developments of this type and

308 the additional conditions Nos. 12 through 17.

309

310 Mr. Vanarsdall -

Second.

311

312 Ms. Dwyer -

We have a motion by Ms. Quesinberry, seconded by Mr.

313 Vanarsdall. All in favor say aye. All opposed say no. The motion carries.

314

315 The Planning Commission voted to approve Subdivision Hunter's run (April 1999 Plan), subject

316 to the standard conditions for subdivisions served by public utilities, the annotations on the plan,

317 and the following conditional conditions:

318

319 12. The detailed plant list and specifications for the landscaping to be provided within the 25-
320 foot-wide planting strip easement along Hunter's Run and Beulah Road shall be submitted
321 to the Planning Office for review and approval prior to recordation of the plat.

322 13. Prior to requesting the final approval, a draft of the covenants and deed restrictions for
323 the maintenance of the common area by a homeowners association shall be submitted to
324 the Planning Office for review. Such covenants and restrictions shall be in form and
325 substance satisfactory to the County Attorney and shall be recorded prior to recordation
326 of the subdivision plat.

327 14. A County standard sidewalk shall be constructed along the west side of Beulah Road
328 from Green Hollow Lane to Huntsman Road if the School Board has a walk zone from
329 this neighborhood for Seven Pines Elementary School.

330 15. The developer shall request vacation of the Gordon Avenue stub road prior to final
331 approval

332 16. The Olsen Lane and Berry Street dedication shall be included in any plat which
333 dedicates Green Hollow Way.

334 17. The Freeman Highway Marker shall be relocated from its current location abutting
335 former Casey Avenue to a more public location such as the 25-foot planting strip
336 easement on lot 23 or the common area at the terminus of Green Hollow Lane.
337

338 SUBDIVISION
339

Edgehill Lawn Charles H. Fleet & Associates, P.C. for Richmond
(A Resubdivision of Lot 6, Metropolitan Habitat for Humanities, Inc.: The 0.574-acre site
Edgehill Lawn) is located at the southeast intersection of Buckner and Amherst
(March 1999 Plan) Streets on parcel 181-1-H-6. The zoning is R-4, One-Family
Residence District. Individual wells and County sewer.
(Varina) 3 Lots

340

341

342 Mr. Wilhite - The staff recommends approval.
343

344

345

346 Ms. Dwyer - Is there anyone here in opposition to Subdivision Edgehill Lawn?
347 No opposition. Any questions by Commission members? No questions. Ms. Quesinberry.

348

349 Ms. Quesinberry - I would like to take this off of the Expedited Agenda.

350

351 Ms. Dwyer - At the request of the Commission member from Varina, she would
352 like to take this off of the Expedited Agenda and put it back in the normal order of things.

353

354 Mr. Wilhite - We do have four items on the Expedited Agenda for 10:30 a.m.
355 that we can take care of at that time.

356

357 Ms. Dwyer - OK. Thank you.

358

359 Mr. Silber - The next order of business would be the Subdivision Extensions of
Conditional Approval. We have requests for four extensions:

360
361
362
363

SUBDIVISION EXTENSIONS OF CONDITIONAL APPROVAL

| Subdivision | Magisterial District | Original No. of Lots | Remaining Lots | Previous Extensions |
|-----------------------------|-----------------------------|-----------------------------|-----------------------|----------------------------|
| Brookland Gardens Addition | Brookland | 5 | 4 | 5 |
| Hunters Run (March 97 Plan) | Varina | 82 | 41 | 1 |
| Hunton Park (March 97 Plan) | Brookland | 0 | 0 | 1 |
| West Chase (April 98 Plan) | Three Chopt | 34 | 0 | 0 |

364

365 Ms. Dwyer - Is there anyone in the audience to speak to the Subdivision
366 Extensions of Conditional Approval for subdivisions Brookland Gardens Addition, Hunters
367 Run, Hunton Park and West Chase? No one in the audience to speak to these subdivisions.
368 I'm ready for a motion.

369

370 Mr. Wilhite - The engineer has asked for Brookland Gardens Addition to be
371 allowed to expire, so that would need to be removed. The other three staff can recommend
372 approval for.

373

374 Mr. Vanarsdall - Which one?

375

376 Mr. Wilhite - Brookland Gardens Addition.

377

378 Mr. Vanarsdall - I move that we approve the subdivisions as recommended by staff
379 and delete Brookland Gardens Addition.

380

381 Mrs. Wade - Second.

382

383 Ms. Dwyer - We have a motion by Mr. Vanarsdall and a second by Mrs.
384 Wade. All in favor say aye. All opposed say no. The motion carries.

385

386 The Planning Commission voted to approve Subdivision Extensions of Conditional Approval
387 for Hunters Run (March 1997 Plan), Hunton Park (March 1997 Plan), West Chase (April 1998
388 Plan), for 12 months, until April 26, 2000.

389

TRANSFER OF APPROVAL

391

POD-96-88 **Foundation for Credit Education, Inc.:** Request for transfer of
Bowers Nelms & Fonville approval of a plan of development as required by Chapter 24,
Office Park Section 24-106 of the Henrico County Code from Bowers,
Nelms & Fonville, Inc. to The Foundation for Credit Education,
Inc. The 1.747-acre site is located on the west line of S.
Laburnum Avenue, approximately 520 feet north of Audubon

Drive on parcel 162-8-A-2C. The zoning is B-2C, Business District (Conditional (Varina)

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Ms. Dwyer - Is there anyone in the audience in opposition to or who objects to Transfer of Approval for POD-96-88, Bowers, Nelms and Fonville Office Park? No opposition. Mr. McGarry.

Mr. McGarry - Staff can recommend approval subject to the Item No. 1 on the Addendum, which reads, "The site deficiencies as identified in the inspector's report dated April 12, 1999, shall be corrected by May 31, 1999". Staff understands that really the only deficiencies are landscaping that has died or that is diseased.

Ms. Dwyer - Are you the applicant, sir? Ms. Quesinberry, would you like to hear from him?

Ms. Quesinberry - No, I don't need to speak to him I would like to move approval of Transfer of Approval for POD-96-88.

Mr. Vanarsdall - Second.

Ms. Dwyer - We have a motion by Ms. Quesinberry and a second by Mr. Vanarsdall. All in favor say aye. All opposed say no. The motion carries.

The Planning Commission voted to approve Transfer of Approval for POD-96-88, Bowers, Nelms and Fonville, subject to the following condition:

1. The site deficiencies as identified in the inspector's report dated April 12, 1999, shall be corrected by May 31, 1999.

TRANSFER OF APPROVAL

POD-41-97
Westham Office Park
Thompson & McMullan for CR&S-I, L.L.C.: Request for a partial transfer of approval of a plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code from HDC, L.L.C. and Ridge Road Associates, L.L.C. to CR&S-I, L.L.C. The 0.917-acre site is located along the east line of Ridge Road, approximately 300 feet north of Holmes Avenue on part of parcel 113-A-38A. The zoning is O-1C, Office District (Conditional). (Tuckahoe)

421
422
423
424

Ms. Dwyer - Is there anyone in the audience to speak to or in opposition to Transfer of Approval for Westham Office Park, POD-41-97?

425 Gentlemen in the Audience - Madam Chairman, I am here on behalf of CR&S-I if that is
426 necessary.

427
428 Mr. Wilhite - This POD was approved for two office buildings. One is
429 currently under construction right now and the landscape plan for this project appears later on
430 your agenda. The portion of this property being purchased is the one where the second
431 building has not started construction yet. Staff is in a position to recommend approval of this
432 transfer and I will be happy to answer any questions.

433
434 Ms. Dwyer - This would essentially be building B.

435
436 Mr. Wilhite - Yes, ma'am. Actually, it is Building A. Building B is already
437 under construction.

438
439 Ms. Dwyer - I think they were mislabeled on some of our documents. I was
440 looking at the landscape plan and it didn't match.

441
442 Mr. Wilhite - This would be the building to the north on the site.

443
444 Ms. Dwyer - Staff recommends approval, so there is no need for the applicant
445 to speak unless you'd like to. OK. I move approval of the Transfer of Approval for POD-41-
446 97, Westham Office Park.

447
448 Mr. Vanarsdall - Second.

449
450 Ms. Dwyer - Motion by Ms. Dwyer, seconded by Mr. Vanarsdall. All in
451 favor say aye. All opposed say no. The motion carries.

452
453 The Planning Commission voted to approve Transfer of Approval for POD-41-97, Westham
454 Office Park, subject to continued compliance with the conditions of the original approval.

455
456 **LANDSCAPE PLAN**

457
458 **LP/POD-119-97** Sue Purvis, Purvis and Associates: Request for approval of a
459 **The Park @ Dickens** landscape plan as required by Chapter 24, Sections 24-106 and 24-
460 **Place** landscape plan as required by Chapter 24, Sections 24-106 and 24-
461 106.2 of the Henrico County Code. The 5.6-acre site is located at
462 the intersection of Dickens Place and Perl Road on parcel 94-0A-
463 45B. The zoning is M-1C, Light Industrial District (Conditional).
(Brookland)

458
459 Ms. Dwyer - Is there anyone in the audience in opposition to the Landscape
460 Plan, LP/POD-119-97, The Park @ Dickens Place? No opposition.

461
462 Mr. Strauss - Thank you, Madam Chairman. Staff has reviewed the landscape
463 plan and has made several recommendations in order to bring it into compliance with
April 20, 1999

464 requirements of the ordinance, in particular, provision of a transitional buffer type 10 along the
465 B-3 parcel on the western property line. In addition, we are requiring adjustment of trees and
466 shrubs as required on the eastern property line, in order to address the Public Utilities'
467 comments in regards to the planting in their easement. Unfortunately, I have not been able to
468 contact nor have I heard from the applicant to see if they are in agreement with these
469 recommendations, so at this point, not having the applicant here.

470

471 Voice in the Audience - I am here to represent the applicant.

472

473 Ms. Dwyer - Oh, perhaps she can answer any questions you may have.

474

475 Mr. Vanarsdall - I didn't hear that.

476

477 Ms. Dwyer - Someone is here who can speak to the case.

478

479 Mr. Strauss - So we do have someone representing the applicant? I had an
480 additional question about the location of a dumpster and whether it is screened or not. Other
481 than that, we can recommend approval if the applicant is in agreement with our
482 recommendations.

483

484 Ms. Dwyer - So, the only question is the location of the dumpster?

485

486 Mr. Strauss - Yes, and if they are in agreement with providing transitional
487 buffer 10 planting as annotated on the plan that is before you this morning.

488

489 Mr. Vanarsdall - Jim, were you able to get in touch with Sue Purvis?

490

491 Mr. Strauss - Not Sue, I did make some calls and have not heard back, but
492 apparently they do have someone here.

493

494 Mr. Vanarsdall - So the only issue we have is the dumpster?

495

496 Mr. Strauss - The dumpster and if they are in agreement with staff's
497 recommendations to provide additional planting?

498

499 Ms. Dwyer - Would the applicant come forward, please?

500

501 Ms. Joyce Hart - I am Joyce Hart and I am representing Dickens Place. We have
502 no problem with the additional plans as recommended by staff. Sue Purvis has been on
503 vacation and I have not been able to get in touch with her, either, so we have not been able to
504 go over that, but we have no objection to the staff conditions. As to the placement of the
505 dumpster, is that what you are asking about? That just needs to be added to the plan. We
506 have no problem with doing that.

507

508 Mr. Silber - May I ask who you are with?

April 20, 1999

509
510 Ms. Hart - Dickens Place, I am representing Dickens Place.
511
512 Ms. Dwyer - Any questions by Commission members? I'm ready for a
513 motion.
514
515 Mr. Vanarsdall - I move approval of LP/POD-119-97, The Park at Dickens Place,
516 subject to the annotations on the plans, standard conditions for landscape plans and the changes
517 stated by the applicant. I don't believe we have any added conditions.

518
519 Mrs. Wade - Second.

520
521 Ms. Dwyer - We have a motion by Mr. Vanarsdall and a second by Mrs.
522 Wade. All in favor say aye. All opposed say no. The motion carries.

523
524 The Planning Commission voted to approve the Landscape Plan for LP/POD-119-97, The Park
525 at Dickens Place, subject to the standard conditions for landscape plans, the annotations on the
526 plans, and changes outlined by the staff.

527
528 **ALTERNATIVE FENCE HEIGHT PLAN**

529
LP/POD-20-98
Chesapeake @ Virginia
Center Phase II
Reece Hoopes & Fincher: Request for approval of an alternative
fence height plan as required by Chapter 24, Section 24-95(l)(6) b
and c of the Henrico County Code to permit a six-foot high fence
in the front yard. The 6.3-acre site is located at the northwest
corner of the intersection of Brook Road (U.S. Route 1) and
Virginia Center Parkway on parcels 33-A-9 and part of 33-A-8.
The zoning is R-6C, General Residence District. (Fairfield)

530
531 Ms. Dwyer - Is there anyone in the audience to speak to or in opposition to
532 Alternative Fence Height Plan LP/POD-20-98? Excuse me, do you represent the owner? You
533 are not in opposition? OK, thank you.

534
535 Ms. News - Good morning. This proposal is for a 6-foot ornamental iron
536 fence with brick columns in what is technically the front yard of this parcel on Brook Road.
537 Landscape and lighting has been administratively approved by staff. There is no access from
538 the site to Brook Road in this location and no conflicts with site distance. Staff feels the fence
539 will be an attractive addition to the site and recommends approval.

540
541 Ms. Dwyer - Are there any questions of Ms. News by Commission members?
542 No questions? Ready for a motion?

543
544 Mr. Archer - I think so, Madam Chairman. I think this fence would be an
545 attractive addition. Right now there is just a wraparound guardrail that runs along Brook Road
546 and Virginia Center Parkway. If the applicant is then in agreement with the two conditions,

547 then I recommend approval subject to the annotations on the plans and the addition of
548 Conditions Nos. 1 and 2.

549
550 Mr. Vanarsdall - Second.

551
552 Ms. Dwyer - We have a motion by Mr. Archer and a second Mr. Vanarsdall.
553 All in favor of the motion say aye. All opposed say no. The motion carries.

554
555 The Planning Commission voted to approve Alternative Fence Height Plan for LP/POD-20-98,
556 Chesapeake at Virginia Center, Phase II, subject to the annotations on the plan and the
557 following additional conditions:

- 558
559 1. The property shall be developed as shown on the annotated plan filed with the case and
560 no changes or additions to the layout shall be made without the approval of this
561 Commission.
562 2. The applicant will acquire all necessary permits required for the construction of walls
563 and signs.

564
565 **SUBDIVISION**

566
567 **Old Sage @ Twin Hickory (April 1999 Plan)** **Youngblood, Tyler & Associates, P.C. for HHHunt Corporation:** The 26.00-acre site is located on the west line of Twin Hickory Lake Drive (proposed), approximately 800 feet south of Twin Hickory Road Phase II (proposed) on part of parcels 27-A-5A, 4, 3A, 11 and 9A. The zoning is R-3C, One-Family Residence District (Conditional). County water and sewer. **(Three Chopt) 56 Lots**

567
568 Ms. Dwyer - Is there anyone in the audience in opposition to Old Sage @ Twin
569 Hickory (April 1999 Plan), the Subdivision Plan? No one in opposition to the plan? Mr.
570 Whitney.

571
572 Mr. Whitney - Thank you, Madam Chairman. Good morning. Mr. Strauss has
573 just handed out to you a revised plan for this subdivision. I would point out to you that the
574 access to Concept Road BB, which would be at the top of the page, in the upper left-hand
575 corner, has been eliminated. With that elimination, the second point of access to this
576 subdivision would now have 56 lots on one point of access. I would point out to you that there
577 is a stub street that goes to the west, Old Sage Lane, that would provide, in time, when other
578 subdivisions come into this area, another point of access. The Department of Public Works is
579 now recommending approval of this plan based on their review of the overall water quality
580 map and the applicant has given staff an overall plan of this subdivision, Twin Hickory area,
581 and included pedestrian access ways, that are proposed at this time. The applicant has stated
582 that this is subject to change as development proceeds in this area.

583

584 Ms. Dwyer - I'm sorry, Mr. Whitney. What did you say about pedestrian
585 access?
586
587 Mr. Whitney - There is an overall pedestrian plan that has been submitted to the
588 Planning office.
589
590 Ms. Dwyer - And how does that affect the subdivision? Will there be
591 sidewalks in the subdivision?
592
593 Mr. Whitney - Yes, the overall plan is on your screen at this time. The area is
594 highlighted in yellow which follows Twin Hickory Lake Drive and the two subdivisions on
595 your agenda today are outlined in green, Old Sage being on the left side of Twin Hickory Lake
596 Drive and Saddleridge on the east side. I'll point out to you that I have made a note there that
597 the proposed future elementary school is at the southwest corner of Twin Hickory Road and
598 Twin Hickory Lake Drive. So, at this time, this is what the applicant is proposing to satisfy
599 the proffer in Twin Hickory development for pedestrian access.
600
601 Ms. Dwyer - So, trying to put these two maps together, it looks like there will
602 be sidewalks along the main road, in the common area, along Twin Hickory Lake Drive?
603
604 Mr. Whitney - That is correct.
605
606 Ms. Dwyer - And then you will have access to the lake between lot 21 and 22?
607
608 Mr. Whitney - That is also correct.
609
610 Ms. Dwyer - And then the other pedestrian access looks like it is along the
611 creek. I can't really tell. It looks like it is an isolated yellow line.
612
613 Mr. Whitney - Yes, that will connect to a future subdivision at the intersection of
614 Twin Hickory Road and Shady Grove Road. It will connect that subdivision to the common
615 area that would be associated with Old Sage subdivision.
616
617 Ms. Dwyer - Which would be the lake?
618
619 Mr. Whitney - The lake would be part of that. There will be some wetlands and
620 passive recreation areas, also part of that common area.
621
622 Ms. Dwyer - Thank you. I am sorry, I didn't mean to interrupt you.
623
624 Mr. Whitney - The lake is part of that common area as well as some of the
625 wetlands that they are saving, and what it will be is a passive recreation area.
626
627 Mrs. Wade - And you consider this adequate, the sidewalks?
628

629 Mr. Whitney - Yes, I would consider it adequate for now. Staff would like to
630 see this plan, this overall plan, revised as we go forward with more development in here. We
631 have three more applications for subdivisions in this area as well as, you just heard, some
632 rezoning cases, amended proffer rezonings in this area last week. So, over time we will
633 amend this as needed to provide for maximum pedestrian access.
634

635 Mrs. Wade - This Hearthstone Lane that is up the top here goes across a creek
636 and wetlands area, is that the only stub that exists on the parcel?
637

638 Mr. Whitney - That is the only stub that exists on the revised subdivision plan?
639

640 Mrs. Wade - Since they took off the other one, the Concept Road BB, which I
641 thought wasn't even here anymore, what is the status?
642

643 Mr. Whitney - Concept Road BB is on the plan but the connection from the
644 subdivision to that road has been removed.
645

646 Mrs. Wade - Thank you. I need to ask Mr. Tyler some questions in a
647 moment.
648

649 Mr. Whitney - Webb Tyler is here for Youngblood, Tyler and Associates,
650 representing the applicant. Any further questions that you have of me at this time?
651

652 Mr. Silber - Mr. Whitney, I have one question. The access from this
653 subdivision to the school property, we looked at the school plan of development that has been
654 submitted, is that lined logical location on the school property?
655

656 Mrs. Wade - And that is the common area there?
657

658 Mr. Whitney - Mr. Strauss is doing the POD for the elementary school, and he
659 has just indicated to me that that is something that has been looked at as an adequate location
660 for pedestrian access. True, that area is noted to be wetlands. That is one of the reasons for
661 saving the area. There will be the drainage outfall for the elementary school through there as
662 well as a proposed sewer connection to service the elementary school.
663

664 Ms. Dwyer - Will there be a sidewalk or pedestrian access to the school to this
665 common area?
666

667 Mr. Whitney - At this time, I don't know the answer to that question. Maybe
668 Mr. Tyler can answer that.
669

670 Mrs. Wade - And does it back the sidewalk that is shown and the sidewalk
671 proposals are new, right now, go to this common area? Is this common area the access...
672

673 Mr. Whitney - The common area would be the access for the subdivision to the
674 elementary school. That is correct.

675
676 Mrs. Wade - And the sidewalk goes to that?

677
678 Mr. Whitney - I don't see a sidewalk connected to that, nor do I know if it
679 would be a sidewalk or just a trail there. Mr. Tyler, again, can answer that question for you
680 better than me.

681
682 Mrs. Wade - Thank you. That is all I have for you.

683
684 Mr. Whitney - With that, staff can recommend conditional approval of this
685 subdivision.

686
687 Mrs. Wade - Actually, I am having a hard time focusing on Twin Hickory.
688 Somehow, although it is smaller than Wyndham, it is more complicated. Wyndham had some
689 kind of form to put the pieces in, but this is complicated. Anyway, perhaps Mr. Tyler would
690 like to talk a little bit about the road system. Last time we took AA and BB off, which was
691 supposed to be a part of how to get around in this project, and now, perhaps, I should have
692 paid more attention when we talked about those, although everybody seems to be
693 recommending it, eliminating those. So, basically, what is proposed road wise for Twin
694 Hickory?

695
696 Mr. Tyler - For the record, my name is Webb Tyler, and I am engineer with
697 Youngblood, Tyler and Associates. The main spine road is Twin Hickory Road, Phase II,
698 which is an extension of Phase I abutting the YMCA, is a four-lane divided highway. That is
699 the highest volume of traffic road with approximately 25,000 vehicles a day anticipated on that
700 road at ultimate development and it interchanges with I-64. The second highest volume road
701 will be the road called 27-1 or now called Twin Hickory Lake Drive, which goes from the
702 high school and elementary school site and extends through the Twin Hickory development and
703 ultimately will tie back at Pouncey Tract Road and Bacova, which is off of the screen here, but
704 it is at your far left-hand side on the overall plan.

705
706 Mrs. Wade - Maybe you could point these out. I know where Twin Hickory is
707 and the other one...

708
709 Mr. Tyler - If you took an imaginary straight line, it would go over into
710 Pouncey Tract Road. You can see the yellow line.

711
712 Mrs. Wade - What is the number of that Concept Road?

713
714 Mr. Tyler - That Concept Road is called 27-1, Mrs. Wade.

715
716 Mrs. Wade - So you changed the number of that Concept Road?

717

718 Mr. Tyler - That road goes all the way.
719
720 Mrs. Wade - You have changed it considerably since the way it did appear on
721 the plan?
722
723 Mr. Tyler - Yes, ma'am. Road DD – that is where Road 27-1 will extend to
724 the intersection of Bacova.
725
726 Mrs. Wade - When that route becomes available.
727
728 Mr. Tyler - Yes, when that route becomes available.
729
730 Mrs. Wade - I know that we took the other one off.
731
732 Mr. Tyler - That is called Road DD and that was taken off.
733
734 Mrs. Wade - But we also took off AA and BB. Now what is taking the place
735 of AA and BB?
736
737 Mr. Tyler - What is taking the place of AA and BB is interconnection within
738 the overall Twin Hickory Subdivision lots, meaning we have interconnection of roads where
739 we have an ultimate design of no more than approximately 50 lots on a single access at
740 ultimate development. In other words, Road AA and BB will no longer exist in their original
741 planned format, but we will have interconnection of various subdivisions so that those
742 subdivisions will have access to both Twin Hickory Road or Twin Hickory Lake Drive via
743 access through other subdivisions. What you see before you this morning is the Old Sage
744 subdivision which extends roads across the central creek of the Twin Hickory development at
745 two points. One is at the northern road of Old Sage near the elementary school site and one is
746 at the extreme southern edge, which was the original location of Road BB, which we are now
747 calling Old School Road.
748
749 Mrs. Wade - The only place that this seems to be connecting to anything is up
750 here near the top.
751
752 Mr. Tyler - As well as the bottom, Mrs. Wade. Where the yellow line is...
753
754 Mrs. Wade - Where it goes to Twin Hickory Lake Drive, that is the main
755 entrance?
756
757 Mr. Tyler - That is correct.
758
759 Mrs. Wade - Then the one at the top.
760
761 Mr. Tyler - That is correct. There are two accesses.
762

763 Mrs. Wade - But the one at the top goes to the creek and stops.
764
765 Mr. Tyler - That is intended to extend across the creek and continue when the
766 next subdivision called "Regal Oaks" is developed, and that plan has been submitted for
767 tentative conditional subdivision approval approximately a few weeks ago, and it will be heard
768 by you next month.
769
770 Mrs. Wade - And that will come out...
771
772 Mr. Tyler - That will have two access points, one to the Old Sage
773 development through its side street, and one to the original road BB.
774
775 Mrs. Wade - I think I need a new map.
776
777 Mr. Tyler - There are two points. One is right here...
778
779 Mrs. Wade - While I think about it, you have 56 lots here and 54 lots there
780 with only one point of access.
781
782 Mr. Tyler - Right now we are proposing this Old Sage development which is
783 accessed via this point right here for the time being and will ultimately have a second access
784 through Regal Oaks following the yellow dot down to Twin Hickory Lake Drive again. This
785 development, called Regal Oaks, will be brought on line next month and will be coming before
786 you.
787
788 Mrs. Wade - And that includes...
789
790 Mr. Tyler - And that includes over the creek in two different spots, here and
791 then again, up here, with the lake right in here in the middle. That is the lake.
792
793 Mrs. Wade - OK. While we are at it, where does the next one fit in,
794 Saddleridge?
795
796 Mr. Webb - Saddleridge is this area and it will have only one access, as we
797 are currently proposing it, and that one access is right here to Twin Hickory Lake Drive and
798 Twin Hickory Lake Drive will be over to approximately the yellow dot right here, with the
799 first phase. All of Twin Hickory Road will be constructed in its entirety with the first phase.
800
801 Mrs. Wade - OK, now Twin Hickory Lake Drive will be four lanes?
802
803 Mr. Tyler - It will be a four-lane divided highway in a raised median in
804 accordance with the County Traffic Engineer's desires, and will contain ultimate development,
805 approximately 16,000 vehicles per day.
806
807 Mrs. Wade - When you get to Shady Grove...
April 20, 1999

808
809 Mr. Tyler - Right here is Shady Grove.
810
811 Mrs. Wade - What is the future, then, of Shady Grove from here on out to
812 Pouncy Tract?
813
814 Mr. Tyler - From here to Pouncy Tract Road...
815
816 Mrs. Wade - Because at the moment everybody's got to go down Twin
817 Hickory to Nuckols or else Shady Grove to Pouncy Tract, and what is Shady Grove going to
818 look like?
819
820 Mr. Tyler - Ultimately this section of Shady Grove Road will be widened to a
821 four-lane road in accordance with what is being proposed by HHHunt on this section of Twin
822 Hickory Road and the earlier section of Twin Hickory Road. When Shady Grove Road is
823 widened to Pouncy Tract Road, I can't give you an explanation as to when it will be, I can tell
824 you that is shown on the proposal on the Major Thoroughfare Plan and is planned to be a four-
825 lane divided highway. It will then continue across Pouncy Tract Road and tie in over the
826 interstate and go to Gayton and Broad with a hoped-for interchange at I-64. I use that "hoped-
827 for" interchange, and that is, and it will be the main spine, one of the secondary spine of the
828 northwestern part of the County of Henrico, second only to Nuckols Road.
829
830 Mrs. Wade - OK. Thank you. I would appreciate an updated plan as time goes
831 on.
832
833 Mr. Tyler - I will be glad to. As far as pedestrians access, the Old Sage
834 development is proposing a sidewalk in that common area to connect to the elementary school.
835
836 Mrs. Wade - How do they get to the sidewalk connecting to the elementary
837 school?
838
839 Mr. Tyler - Well, within the subdivisions we are seeing that people can walk
840 along the edge of the curb and gutter road, and we don't have internal sidewalks, but up here
841 we have got connections between lots and against major roads we have sidewalks, or at other
842 critical areas to interconnect all of the other adjacent community developments of the middle
843 school, the park, Pouncy Tract Park, Striker Park, the elementary school, the high school, the
844 library, the future park, and the YMCA.
845
846 Mrs. Wade - You can see why it is more complicated than Wyndham. It has a
847 lot more features, desirable things.
848
849 Mr. Tyler - And ultimately we've got a community center right here, Mrs.
850 Wade, that will also have interconnection and that is where the underpass is going to be, right
851 there.
852

853 Mrs. Wade - Where? Somebody asked me about the community center?
854

855 Mr. Tyler - Right where that yellow dot is, that is the community center.
856 And what you see in front of you represents the first phase of development. The elementary
857 school will have access, its primary access across from the Saddleridge Subdivision, and you
858 have a median break there. They will have a secondary access right here along Twin Hickory
859 Road, but that is for emergency vehicles. Both of those accesses are median breaks. We have
860 coordinated with the school on the boundary lines and that provides the pedestrian access, but
861 also within that pedestrian access also provides the sanitary sewer for the school going down
862 the creek, down Allen's Branch, and provides storm sewer access to the elementary school.
863 The water mains, 16 inch water mains in this area and in here, provide the water to serve the
864 school and over in this area is going to be the future ground-mounted storage tank, not the
865 elevated water storage tank, but ground-mounted storage tank that will be, that the County will
866 construct on its 106 acres about in this area that will provide improved pressure.
867

868 Mrs. Wade - OK, thank you. So, how long then before Old Sage is going to
869 have secondary access?
870

871 Mr. Tyler - About 30 days.
872

873 Mrs. Wade - You mean the roads won't be built by then? You will have
874 approval.
875

876 Mr. Tyler - Approval will be within 30 days and we anticipate construction to
877 occur immediately on Regal Oaks, and that will provide secondary access for the Old Sage
878 development.
879

880 Mrs. Wade - And vice-versa.
881

882 Mr. Tyler - And vice-versa. Yes, ma'am.
883

884 Mr. Silber - I think the Commission also needs to be aware that there has been
885 a request that will come up next month for a rezoning and a conditional use permit, provisional
886 use permit for controlled density development. Mr. Tyler, if you can point where that is, at the
887 end of Shady Grove...
888

889 Mr. Tyler - This area right in here is called "Proposed Autumnwood
890 Subdivision". Autumnwood is a proposed R-2A, Controlled Density Subdivision, that is 50
891 lots, having access here. There is no access between this community and the main body of the
892 residential community here. There is pedestrian access here and here, but there is no
893 transportation or vehicle access between this intersection down to this intersection, which was
894 the old alignment of Roads AA and BB.
895

896 Mr. Vanarsdall - You are saying that there won't be any.
897

898 Mr. Tyler - No, sir. There will not be.
899

900 Mr. Silber - At this point, Mr. Tyler, I think that is still probably being
901 discussed.
902

903 Mr. Tyler - That is correct. That is our proposal.
904

905 Mr. Silber - There was some concern because when Roads AA and BB were
906 eliminated, it was the Planning office's understanding that there would still be road connections
907 between Shady Grove and Twin Hickory Lake, but we didn't think that there should be a
908 collector road system through there, because we thought that would encourage a cut-through
909 arrangement, but we still thought there should be interconnection with residential streets. I
910 believe that is still being discussed and will be discussed more thoroughly with their controlled
911 density development. I guess my question would be the approval of this plan that you have
912 before you today...
913

914 Mr. Tyler - Of Old Sage does not preclude us from doing that in any way,
915 shape or form. In other words, the approval of the Old Sage development right here does not
916 preclude our ability to continue with a road pattern in that format, because you are not
917 approving anything over in this area today.
918

919 Mrs. Wade - Obviously it is important in a large planned development like this
920 to have good access and it is going to be a lot of traffic out this way.
921

922 Mr. Tyler - Yes, ma'am. That is why we agreed to have Concept Road 27-1
923 to a four-line road divided highway when, in fact, only 16,000 vehicles a day are anticipated to
924 occur on that road. That is less than one-half of the volume capability that road has of
925 carrying. For example, it is the same typical section as Parham Road, but it just barely got
926 into across the threshold of the minimum that required the four lane divided road, but there is
927 much greater access or capacity still available. The same is true with Twin Hickory Road.
928 That is a four-lane divided road that, with great reluctance, we have agreed to the right-turn
929 lane, but yet when the County builds Parham Road at Countryside, they don't put right-turn
930 lanes in, but that road carries 30,000 vehicles plus a day.
931

932 Mrs. Wade - Well, in the overall picture those roads are not unrelated to the
933 density.
934

935 Mr. Tyler - I understand that. But, what I am saying to you is, there is at
936 least a 30 to 40%, as much as 50% surplus capacity that is not even projected at ultimate build
937 out with Twin Hickory, including the high schools, including the elementary schools, including
938 the normal growth in the area, and we still haven't gotten but about 65% of the capacity of the
939 worst road and 50% of the capacity of the best road.
940

941 Mrs. Wade - But it is over the maximum for the two-lane, which is what you
942 said, basically.

April 20, 1999

943
944 Mr. Tyler - It is a four-lane divided highway with left-turn storage lanes,
945 raised medians, and with great reluctance, right-turn lanes.

946
947 Mrs. Wade - In most cases, we have found that where we build it, they come.

948
949 Mr. Tyler - We agreed to right-turn lanes where we only have 54 lots on an
950 access, but Countryside has over 200 lots, when the County built the road, with no right-turn
951 lane on Parham Road with an access of 35,000 vehicles a day, Mrs. Wade. We have tried our
952 very best to have adequate roads.

953
954 Mrs. Wade - Thank you.

955
956 Ms. Dwyer - All right, so the R-2A parcel is going to be a school and the other
957 is going to be a controlled density?

958
959 Mr. Tyler - The school is zoned R-2 and sits on, the elementary school, and
960 sits on this 20 acre parcel of land right here. This parcel right here, which is a case that is
961 coming before you, was originally only one-half R-2A right here and this section was R-3, and
962 we had requested rezoning for it all to be R-2A controlled density.

963
964 Mrs. Wade - It has been noted that the school is going on the only R-2 piece in
965 the whole project. OK, thank you.

966
967 Ms. Dwyer - It looks like the sidewalk, I believe it is on what you called "Old
968 School" and why does it end at that particular point?

969
970 Mr. Tyler - Because along that section of road we have common area on both
971 sides with no lots fronting it. And, at that point, we do not believe we have less than 50 lots,
972 and we believe that the people can use the edge of the roadways at that point.

973
974 Ms. Dwyer - It doesn't lead to a feature. It will just end.

975
976 Mr. Tyler - It just ends, and when we have less than 50 lots we have not
977 indicated that the sidewalks would continue. When we have greater than 50 lots, or features or
978 other justification, we have extended a sidewalk, for example, against a major road.

979
980 Mrs. Wade - And these trails, these sidewalks and things, are they suitable for
981 bicycles and things since we have talked about pedestrian?

982
983 Mr. Tyler - Yes, ma'am. Both suitable for bicycles as well as baby carriages
984 or the modern kind of baby carriages with the jogging. They are a hard surface type of
985 wearing surface and are anticipated to be wider than your normal sidewalk so that there is
986 adequate room for passing joggers and that kind of thing.

987

988 Mrs. Wade - Thank you.
989
990 Mr. Tyler - I don't know if we are allowing roller blading on the sidewalks.
991
992 Ms. Dwyer - Are there any other questions by Commission members? I just
993 want to comment on that Old School sidewalk. I understand what you are saying about the 50
994 lots, but it seems like it would be better to end it at a road where there is a road entering Old
995 School or some, rather than just, it looks like it leads to nowhere.
996
997 Mr. Tyler - It just hangs there. We will certainly consider that, continue to
998 consider that. This is, in all candor, Ms. Dwyer, this is my first effort to come up with a plan
999 that was the culmination of probably a dozen people's comments, and I told Mr. Whitney that,
1000 although I take pride in authorship, I know it may need some adjustments, and your comments
1001 are so duly noted, if I can already tell, that there is already one little piece I missed connecting
1002 in this area. I tried, if it is any consolation, I tried to put myself on every single lot, make
1003 myself 10 years old and make sure I could get to every single feature that surrounds the Twin
1004 Hickory development and within the Twin Hickory development on a bicycle or walking.
1005
1006 Ms. Dwyer - Is there a pedestrian access there that you just pointed out that
1007 wasn't shaded in yellow?
1008
1009 Mr. Tyler - There is one that is missed right here, right in this area, which
1010 would allow these community residents to go up in here and get into the elementary school,
1011 middle school rather. If I lived over in here, I could come down here and then to either the
1012 middle school or the park, or into Striker Park.
1013
1014 Ms. Dwyer - Maybe that would be a good street to bring the sidewalk from
1015 Old School, since you do have that pedestrian access at the end of that cul-de-sac.
1016
1017 Mr. Tyler - Do you mean continuing this way?
1018
1019 Ms. Dwyer - No, just a little bit to that cul-de-sac.
1020
1021 Mr. Tyler - To this next cul-de-sac right in here?
1022
1023 Ms. Dwyer - Where if someone wanted to come along there and then gain
1024 access through that pedestrian...
1025
1026 Mr. Tyler - OK, that is why they make erasers, ma'am.
1027
1028 Ms. Dwyer - OK, any other questions by Commission members?
1029
1030 Mrs. Wade - That is not on here. That is the next one.
1031
1032 Ms. Dwyer - No other questions? Mrs. Wade, are we ready for a motion?

1033
1034 Mrs. Wade - I think so. Apparently, the additional access would be coming
1035 along shortly, and they appear to be taking all issues into consideration and have provided the
1036 additional pedestrian access the master plan and the water quality plan, I gather, is satisfactory.
1037
1038 Mr. Whitney - Yes, it is. It is still under review, but it is satisfactory at this
1039 point in time.
1040
1041 Mrs. Wade - OK. I move, therefore, that subdivision Old Sage at Twin
1042 Hickory, the revised plan that we received, be approved with the standard conditions and
1043 annotations on the plan and conditions Nos. 12 through 16 and, this, of course, is conditional
1044 approval. I move it be approved.
1045
1046 Mr. Archer - Second.
1047
1048 Ms. Dwyer - We have a motion by Mrs. Wade and a second by Mr. Archer.
1049 All in favor say aye. All opposed say no. The motion passes.
1050
1051 Mr. Vanarsdall - I was looking for a date on the revised plan. I believe that it is
1052 April 20, 1999.
1053
1054 Mr. Whitney - The revised staff plan is dated April 20, 1999.
1055
1056 Mrs. Wade - It has Hearthstone on it?
1057
1058 Mr. Whitney - Hearthstone was the proposed name, but I didn't want to get into
1059 that.
1060
1061 Mr. Silber - I would like to say for clarification, for the record, that it has
1062 been noted as Revised Staff Plan 4/20/99. The plan that was shared by the applicant with the
1063 date of 4/9/99 was stamped in the Planning Office on 4/16/99.
1064
1065 Ms. Dwyer - Well, that should identify it.
1066
1067 The Planning Commission voted to approve subdivision Old Sage at Twin Hickory (April 1999
1068 Plan), subject to the annotations on the revised plan, the standard conditions for subdivisions
1069 served by public utilities, and the following additional conditions:
1070
1071 12. The limits and elevation of the 100 year frequency flood shall be conspicuously noted on
1072 the plat and construction plans and labeled "Limits of 100 Year Floodplain." Dedicate
1073 floodplain as a "Variable Width Drainage & Utility Easement."
1074 13. The detailed plant list and specifications for the landscaping to be provided within the 25-
1075 foot-wide planting strip easement along Twin Hickory Lake Drive and proposed Old
1076 School Road shall be submitted to the Planning Office for review and approval prior to
1077 recordation of the plat.

- 1078 14. A county standard sidewalk shall be constructed along the west side of Twin Hickory
 1079 Lake Drive and north side of proposed Old School Road.
- 1080 15. Any necessary off-site drainage easements must be obtained prior to final approval of the
 1081 construction plans by the Department of Public Works.
- 1082 16. Prior to requesting the final approval, a draft of the covenants and deed restrictions for
 1083 the maintenance of the common area by a homeowners association shall be submitted to
 1084 the Planning Office for review. Such covenants and restrictions shall be in form and
 1085 substance satisfactory to the County Attorney and shall be recorded prior to recordation
 1086 of the subdivision plat.

1087
 1088 **SUBDIVISION**
 1089

Saddleridge @ Twin Hickory (April 1999 Plan) **Youngblood, Tyler & Associates, P.C. for HHHunt Corporation:** The 16.52-acre site is located on the east line of proposed Twin Hickory Lake Drive proposed, approximately 800 feet south of proposed Twin Hickory Road Phase II on part of parcel 27-A-4. The zoning is R-4C, One-Family Residence District (Conditional). County water and sewer. **(Three Chopt) 54 Lots**

1090
 1091 Ms. Dwyer - Is there anyone in the audience in opposition to Saddleridge at
 1092 Twin Hickory (April 1999 Plan) Subdivision?
 1093

1094 Mrs. Wade - Now this one doesn't seem to have any other access?
 1095

1096 Mr. Whitney - That is correct. Mr. Tyler explained that. Saddleridge has one
 1097 access to Twin Hickory Lake Drive, the access being adjacent to the entrance to the elementary
 1098 school.
 1099

1100 Mrs. Wade - And it has 54 lots?
 1101

1102 Mr. Whitney - That is correct, on one point of access.
 1103

1104 Ms. Dwyer - Mr. Whitney, did you want to make a presentation?
 1105

1106 Mr. Whitney - Thank you, Madam Chairman. We are just rolling from Old
 1107 Sage into this. Staff also received a revised plan for this subdivision. I am not going to hand
 1108 out anything to you. I will just make some general comments. On your plan, lot 42, which
 1109 would back up to Twin Hickory Lake Drive, there is an existing cemetery. The applicant has
 1110 indicated that this lot will now be shown as a cemetery lot to provide access to the cemetery.
 1111 In time, when the legalities of moving the cemetery are accomplished, then Lot 42 would
 1112 become a buildable lot. The common area that is indicated around proposed Twin Hickory
 1113 Pond, on the revised plan, the applicant has indicated a buffer around this. It is in the 10 foot
 1114 access area, which satisfies both the Public Works Department and the Planning Office. With

1115 that, staff can recommend approval of this subdivision, and I will take any questions that you
1116 may have.

1117
1118 Mrs. Wade - Are you recommending approval of 54 lots?

1119
1120 Mr. Whitney - Actually, it is your call. It is the Planning Commission's call to
1121 approve this over 50 lots.

1122
1123 Ms. Dwyer - Where is the common area over near the lake? Could you point
1124 that out on the map?

1125
1126 Mr. Whitney - It would be in this area. On your map, it would be behind lots 27
1127 through 34. It is at the bottom of your map connecting to the common area that goes up
1128 through the subdivision.

1129
1130 Ms. Dwyer - And what will that common area across the street that is
1131 designated "Non Tidal Wetlands" and the common area around the bubble, what will all of
1132 that look like?

1133
1134 Mr. Whitney - I will defer that to Mr. Tyler.

1135
1136 Ms. Dwyer - I will ask him later. Did you have anything else that you wanted
1137 to say?

1138
1139 Mr. Whitney - No, I believe that is all I have.

1140
1141 Ms. Dwyer - Any questions for Mr. Whitney?

1142
1143 Mrs. Wade - And the pedestrian master plan is in order here, also?

1144
1145 Mr. Whitney - Well, we have sidewalk on the opposite side of this subdivision,
1146 Saddleridge. I did not know where the location of sidewalks would be until Friday. I will
1147 point out that I did recommend Condition No. 14 of a sidewalk being constructed on the east
1148 side of Twin Hickory Lake Drive. That will have to be addressed or that condition removed if
1149 the Planning Commission feels that the sidewalk on the west side of Twin Hickory Lake Drive
1150 is adequate.

1151
1152 Mr. Silber - I think, Mr. Whitney, that should be addressed, and one way of
1153 doing that would be, perhaps, to say that there will be a sidewalk provided on one side of the
1154 road. I think if you tried to figure out whether east or west is preferred, you may guess
1155 wrong. I believe the way that it is worded right now, the sidewalk would be required on the
1156 east side and the overall sidewalk plan is being shown here.

1157
1158 Ms. Dwyer - So are you recommending a revision to this condition?

1159

1160 Mr. Silber - I think we should revise Condition No. 14.
1161
1162 Mrs. Wade - To say what then?
1163
1164 Mr. Silber - I would think it could probably say, "A County standard sidewalk
1165 shall be constructed along Twin Hickory Lake Drive" and leave it at that.
1166
1167 Mr. Whitney - That would be satisfactory, I believe.
1168
1169 Mrs. Wade - It is pretty definitely the east, but if you are afraid that is not
1170 clear, OK.
1171
1172 Ms. Dwyer - Well, it is shown now on the west side.
1173
1174 Mr. Whitney - That is correct.
1175
1176 Ms. Dwyer - And the condition says "east".
1177
1178 Mrs. Wade - So that would mean both sides. It seems that in this area with all
1179 that is going on, maybe they ought to have one on both sides.
1180
1181 Mr. Silber - I see what you are saying. It is the Commission's pleasure.
1182
1183 Mrs. Wade - Because there is no direct access for this to anything connected.
1184
1185 Mr. Silber - If you were walking to, say the recreation facilities proposed, you
1186 would have to cross this four-lane road from this subdivision to get on the sidewalk, and then
1187 cross back...
1188
1189 Ms. Dwyer - Mr. Tyler.
1190
1191 Mr. Tyler - Are there any other questions? For the record, my name is Webb
1192 Tyler and I am with Youngblood, Tyler and Associates. I am representing H. H. Hunt. The
1193 common area, to answer your question, Ms. Dwyer, the common area to the north of proposed
1194 Twin Hickory Pond, about a two to three acre pond, is to be left in its wooded state, as it
1195 presently exists in its natural wooded state and would be used for passive recreation. It is not
1196 just wetlands. It is some good land, probably, over half of it is land that is buildable but will
1197 remain in a passive nature. In regard to the common area within the boot-shaped cul-de-sac, at
1198 the extreme right or the eastern edge, that will not be designated as common area but will
1199 actually be right of way in accordance with the County's Public Works Department's desires,
1200 but there will be landscaping and/or natural woods left in that phased island whereby a
1201 maintenance agreement allowing the homeowner's association to maintain that landscaping
1202 within that raised island of the boot would be permitted within the County's own right of way.
1203 We have done it both ways in the past, meaning the island is a common area not owned by the
1204 County of Henrico, or the alternative, the island is within the right of way, owned by the

1205 County of Henrico, but a maintenance agreement exists between – for the landscaping –
1206 between the homeowner’s association or the foundation and the County of Henrico allowing
1207 the maintenance of the landscaping of natural areas within those islands to occur. Otherwise,
1208 the County bears no expense for maintaining them; that is the homeowner’s association, but
1209 who owns the physical land in the island is the County of Henrico.

1210
1211 Yes, it is true that this subdivision has 54 lots on a single point of access. We believe and we
1212 recognize that doesn’t meet the precise letter of the County Planning Commission’s policy of
1213 50 lots; however, I won’t reiterate my experience with that simply to say, that there have been
1214 exceptions granted to that in the past under similar circumstances. The entrance to Saddleridge
1215 subdivision is across from the entrance to the elementary school, the main vehicular and bus
1216 entrance to the elementary school at that median break and we do not desire to have a sidewalk
1217 along this side of Twin Hickory Lake Drive but rather along the western side of Twin Hickory
1218 Lake Drive. It is our position that that is an adequate pedestrian access for the residents. At
1219 this point, it is not our intent, as regards the cemetery lot, it is not our intent to, our present
1220 intent, to exhume any bodies in the existing cemetery; that is within the cemetery lot.
1221 However, to keep that option available and in accordance with the original deed of about 100
1222 years ago, we had set aside a quarter of an acre of land for the cemetery lot in accordance with
1223 the wishes of the ancestors that were owners of record.

1224
1225 Ms. Dwyer - Does that amount to Lot 42?

1226
1227 Mr. Tyler - That amounts to Lot 42. The deed specifically set aside a quarter
1228 of an acre. We have located a few grave sites, that are fenced off, which are only on an area
1229 that is about 20 by 20 or about 400 square feet, and we have allocated for what the deed
1230 describes, approximately 1200 to 1300 square feet. If we – if a County Judge gives us
1231 permission to transport these people to a registered cemetery, such as Westhampton Memorial
1232 Park, and only if we are allowed by a Judge and none of the ancestors object, then we would
1233 be allowed to do that in accordance with State statutes and at that point that parcel would
1234 become a buildable lot provided we can prove, via a court order, that we have removed all
1235 remains.

1236
1237 Mr. Silber - Mr. Tyler, the comment you made about the common area within
1238 the boot and also the case that would become right of way, Old Sage..

1239
1240 Mr. Tyler - I believe that is the Public Works Department’s position. I will
1241 confess I was told that there was a voice mail message on my recorder from later yesterday
1242 afternoon that I have not heard, but I did have a discussion with Todd about that yesterday and
1243 he was going to check, and I told him that I did not object either way as long as we had the
1244 right to maintain landscaping and existing wooded areas depending on the grading within the
1245 boot.

1246
1247 Mr. Silber - I think that could be worked out. Regarding the sidewalk
1248 comment, I don’t know if you were putting on your hat and playing your 10-year old, but

1249 when you came out of this subdivision when you were 10, did you contemplate crossing this
1250 four-lane phase, 16,000 vehicular trips per-day road, to get to the sidewalk on the other side?

1251
1252 Mr. Tyler - I let my own children at age 8 cross roads after being given
1253 proper supervision where the traffic volumes are greater.

1254
1255 Mr. Silber - OK. It seems to have some logic to having a sidewalk on this
1256 side now that I see that there is a sidewalk along Twin Hickory Road running east-west and
1257 then there is RTH zoning in the subdivision for residential development, so that tying into,
1258 essentially into that recreational facility may be appropriate, sidewalks on both sides down to
1259 that point.

1260
1261 Mrs. Wade - I was going to ask the same question about him and his bike, but
1262 anyway...

1263
1264 Ms. Dwyer - As I recall, this was a relatively high density development to
1265 understanding that there were a number of amenities to be provided.

1266
1267 Mr. Tyler - We don't disagree. I think the question is, "What is prudent and
1268 what is excessive" and we believe that what we have is prudent, and hope that it does not get
1269 excessive.

1270
1271 Mrs. Wade - Well, we might think 54 lots is excessive.

1272
1273 Mr. Tyler - I would hope that if you require us to put sidewalks on both sides
1274 that you would certainly require that of the County of Henrico when they build the high school
1275 to put sidewalks on both sides of the roads and not make us put in right-turn lanes, but yet the
1276 County doesn't put in right-turn lanes.

1277
1278 Mrs. Wade - Well, we are not responsible for that.

1279
1280 Ms. Dwyer - I think the point is to provide access to the community center.
1281 Any other questions of Mr. Tyler or Mr. Whitney on this case? Thank you. Ready for a
1282 motion.

1283
1284 Mrs. Wade - I move that Saddleridge at Twin Hickory (April 1999 Plan) be
1285 approved subject to the annotations on the plan; there will be basically, from what he said, for
1286 at least a while, only 53 lots, with conditional approval, the standard conditions for
1287 subdivisions served by public utilities and additional conditions Nos. 12 through 16, including
1288 the sidewalk on the east side as appears on the agenda.

1289
1290 Mr. Vanarsdall - Second.

1291
1292 Mrs. Dwyer - We have a motion by Mrs. Wade and a second by Mr.
1293 Vanarsdall. All in favor of the motion say aye. All opposed say no. The motion passes.

1294
1295 Mr. Silber - One point of clarification, Mrs. Wade, on Condition No. 14.

1296
1297 Mrs. Wade - I thought you wanted to scratch out the – I said with the
1298 sidewalks – but he is concerned about the east side.

1299
1300 Mr. Silber - No, I just didn't hear what you said. I thought I heard you say
1301 sidewalks on each side.

1302
1303 Mrs. Wade - "Including No. 14 with the sidewalks, with the subdivision".
1304 Both sides. Yes. We have already approved it on the other side.

1305
1306 Mr. Silber - Yes, Old Sage did have Condition No. 14 that sidewalk would be
1307 provided along the west side. Your motion then is to require it on the east side. OK, so the
1308 condition would stay as it is.

1309
1310 Mr. Archer - OK, so we leave the language as it is.

1311
1312 The Planning Commission voted to approve Subdivision Saddleridge at Twin Hickory (April
1313 1999 Plan), subject to the annotations on the plan, the standard conditions for subdivisions
1314 served by public utilities and the following additional conditions:

- 1315
1316 12. The limits and elevation of the 100 year frequency flood shall be conspicuously noted on
1317 the plat and construction plans and labeled "Limits of 100 Year Floodplain." Dedicate
1318 floodplain as a "Variable Width Drainage & Utility Easement."
1319 13. The detailed plant list and specifications for the landscaping to be provided within the 25-
1320 foot-wide planting strip easement along Twin Hickory Lake Drive shall be submitted to
1321 the Planning Office for review and approval prior to recordation of the plat.
1322 14. A County standard sidewalk shall be constructed along the east side of Twin Hickory
1323 Lake Drive.
1324 15. Any necessary off-site drainage easements must be obtained prior to final approval of the
1325 construction plans by the Department of Public Works.
1326 16. Prior to requesting the final approval, a draft of the covenants and deed restrictions for
1327 the maintenance of the common area by a homeowners association shall be submitted to
1328 the Planning Office for review. Such covenants and restrictions shall be in form and
1329 substance satisfactory to the County Attorney and shall be recorded prior to recordation
1330 of the subdivision plat.

1331
1332 **LANDSCAPE PLAN**

1333
LP/POD-41-97 Dave Gerstenmeir: Request for approval of a landscape plan as
Westham Office Park required by Chapter 24, Sections 24-106 and 24-106.2 of the
Henrico County Code. The 2.1-acre site is located on the west
line of North Ridge Road, approximately 100 feet north of
Holmes Avenue on parcels 113-A-38A and 37. The zoning is O-

1C, Office District (Conditional). (Tuckahoe)

1334
1335
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Ms. Dwyer - Is there anyone in the audience in opposition to LP/POD-41-97, Westham Office Park Landscape Plan? No opposition. Mr. Strauss.

Mr. Strauss - Thank you, Madam Chairman. This application was the subject of a rezoning in August, 1996, so proffers regarding landscaping apply to this case. A 30-foot wide landscape buffer is required along the boundary adjacent to the Hampton Ridge Subdivision. Due to the amount of neighborhood interest, two meetings were held with adjacent home owners to discuss the proposed landscaping for this project. The plan we have distributed to you this morning is a result of those meetings with the neighborhood. The revisions include additional planting along the common property line of the Hampton Ridge Subdivision, and the Commission this morning - if you approve this plan - would also be approving a revision to the fence around the BMP. It was to be chain link, but after several discussions with the neighborhood, it was decided that a more aesthetic solution was desirable, so they are going to do a split-rail fence with mass planting of winter barberry around the BMP. The neighbors were in agreement with the owners to do that. Staff has reviewed the plan and we can recommend approval as annotated, and for the record, this should be revised staff plan of April 20, 1999. I will be happy to answer any questions you may have.

Ms. Dwyer - Any questions of Mr. Strauss by Commission members?

Mrs. Wade - What kind of BMP? Wet or dry?

Mr. Strauss - It is a dry BMP, and as you can see from the plan, they are proposing deciduous trees, shade trees along the front from the parking area and, along the back will have a long line of both Leyland Cypress and Austrian Pine and the plan is annotated with - it is rather hard to read at this scale - but there is a note that there would be a split-rail around the BMP at the top of the slope, and then, in fine print...

Ms. Dwyer - Could you read that for us, please?

Mr. Strauss - I'll do my best. "A four-foot split-rail fence with continuous row of evergreen barberry shrubs to impede pedestrian access".

Ms. Dwyer - Do barberry have to be placed there or if they have another plant that they...

Mr. Strauss - Well, staff is recommending this particular plant because it has large thorns and it can grow 6 to 8 ft. tall. We consider that to be an appropriate "mass planting" type of material for this situation.

Ms. Dwyer - Let me ask a question. On my zoning materials, building against right against this road was identified as Building B. Is that right? Well, I am looking at the POD, I guess. The POD and the building letters are switched and I guess it is of no major April 20, 1999

1378 consequence, I just wanted to make sure. The building right next to Ridge is identified as
1379 Building B and the one farther back is Building A.

1380
1381 Mr. Strauss - I believe that they were reversed on the landscape plan according
1382 to the conversation we had earlier with the transfer of approval, they were switched. B is the
1383 one that is closer to Holmes Avenue, according to the previous POD. B is the one that is
1384 actually built, and it was transposed on this landscape plan.

1385
1386 Ms. Dwyer - Maybe we should just make that change, so we know.

1387
1388 Mr. Strauss - OK, we can do that.

1389
1390 Ms. Dwyer - Any questions by Commission members of Mr. Strauss? Does
1391 anyone on the Commission want to hear from the applicant or have any questions for the
1392 applicant? Is there anything else?

1393
1394 Mr. Strauss - No, ma'am.

1395
1396 Ms. Dwyer - All right. I move the approval of LP/POD-41-97, Westham Office
1397 Park, and this would be the revised plan dated April 20, 1999, including all conditions and
1398 annotations and other things that apply to landscape plans.

1399
1400 Mrs. Wade - Second.

1401
1402 Ms. Dwyer - We have a motion by Ms. Dwyer and a second by Mrs. Wade.
1403 All in favor say aye. All opposed say no. The motion carries.

1404
1405 The Planning Commission voted to approve LP/POD-41-97, Westham Office Park Landscape
1406 Plan, subject to the revised plan dated April 20, 1999, the annotations on the plan and the
1407 standard conditions for landscape plans.

1408
1409 **SUBDIVISION**

1410
Bannister Estates - N. Mullens Lane (April 1999 Plan) **Thomas & Associates for Kathleen B. Bannister and Martin J. Bannister:** The 5.46-acre site is located on the northern terminus of N. Mullens Lane on part of parcels 143-A-40 and 38. The zoning is R-3, One-Family Residence District and ASO (Airport Safety Overlay District). Individual well and septic tank/drainfield. (Varina) 3 Lots

1411
1412 Ms. Dwyer - Is there anyone in the audience in opposition to Bannister Estates –
1413 Mullens Lane (April 1999 Plan)? No opposition. Mr. McGarry.

1414

1415 Mr. McGarry - Madam Chairman, this plan would combine portions of two
1416 parcels and then turn around and subdivide them into three flag lots located at the end of North
1417 Mullens Lane, lots 2 and 3 each have areas that are typically level enough to have a house site.
1418

1419 Lot 1 is split by a swale with steep slopes on either side. There is a change of about 50 feet in
1420 elevation along that lot. As a result of that, staff has added a condition that is on your agenda to
1421 address that.
1422

1423 Staff can recommend approval of this layout, subject to the annotations on the plan, standard
1424 conditions for subdivisions not served by Public Utilities, and then Condition No. 11 on your
1425 agenda which states "If public sewer is confirmed to be available within 300 feet of any proposed
1426 dwelling, connection to the public sewer is required" and staff is of the belief, as is Utilities, that
1427 there is a major sewer line within 300 feet, and condition on the addendum, that should be
1428 numbered 12 instead of 16. That reads "Prior to final approval, the applicant must submit proof
1429 that a dwelling can be constructed on Lot No. 1".
1430

1431 I will be happy to answer any questions.
1432

1433 Mrs. Wade - Is it on Page 4 of the addendum?
1434

1435 Ms. Dwyer - Any questions of Mr. McGarry by Commission members? Is this
1436 the kind of flag lot that we have been discussing recently?
1437

1438 Mr. McGarry - Absolutely.
1439

1440 Ms. Dwyer - The kind that we don't like to see?
1441

1442 Mr. McGarry - Absolutely.
1443

1444 Ms. Dwyer - That is what I thought. What has happened in my district is that
1445 something like this is approved and then they come in and ask the BZA for a variance to
1446 eliminate this bubble, which acts as a cul-de-sac, just for future information. Would you like to
1447 hear from the applicant, Ms. Quesinberry?
1448

1449 Ms. Quesinberry - Yes, I would.
1450

1451 Ms. Dwyer - Would the applicant come forward, please?
1452

1453 Mr. Todd Jolliffe- My name is Todd Jodliffe and I represent Thomas and Associates
1454 and Mr. and Mrs. Bannister.
1455

1456 Ms. Dwyer - What is your last name, sir?
1457

1458 Mr. Jolliffe- Jolliffe.
1459

1460 Ms. Quesinberry - Mr. Jolliffe, are you developing these three lots?
1461
1462 Mr. Jolliffe - No, I am the surveyor of the lots. Mr. Bannister is out of the
1463 room right now. He is the developer.
1464
1465 Ms. Quesinberry - Do you understand our concern with the possibility that at least one
1466 of these lots is not going to be buildable?
1467
1468 Mr. Jolliffe - Yes, I do. I have talked with Mr. Bannister about it, but he got a
1469 phone call from, I believe it was Mr. McGarry, asking him about that. That is something that
1470 we would be looking into.
1471
1472 Ms. Quesinberry - Do you know how he would situate the future building on these
1473 lots? One of the concerns that the Commission has is that when you have flag lots like this, you
1474 have the front door of one home looking into the backyard of...
1475
1476 Mr. Jolliffe - No, they would all be facing towards the side of the property.
1477 However, it is situated on the plan, they would all be facing in the same direction.
1478
1479 Ms. Quesinberry - There is room for that?
1480
1481 Mr. Jolliffe- There should be, yes.
1482
1483 Ms. Quesinberry - Even if it is divided into three lots?
1484
1485 Mr. Jolliffe - Yes, the sidelines can be moved a little bit with the zoning, so that
1486 there will be enough of a building envelope in there to fit three houses in there.
1487
1488 Ms. Quesinberry - That is all of the questions that I have.
1489
1490 Ms. Dwyer - How are these lots oriented to the buildings that are around it off
1491 of Mullens Lane?
1492
1493 Mr. Jolliffe - I believe that all of the buildings face Mullens Lane and these
1494 would be facing towards the sides of any houses that were there, but there is also going to be
1495 plenty of natural space in between that they would not be looking directly into the side of
1496 anybody's house.
1497
1498 Ms. Dwyer - These are large lots, right?
1499
1500 Mr. Jolliffe - Yes, they are. They are all an acre and a half to two acre lots.
1501
1502 Mr. Silber - Where do you think the house would be situated on Lot 1?
1503

1504 Mr. Jolliffe- On Lot 1, it would be close to that line. We would probably have
1505 to be close up on the setback line and it would be up towards the front so that there wouldn't be
1506 a long way back to there with the creek on one side and with the slope there.

1507
1508 Mr. Silber - It looks like the creek runs right through the center of Lot 1.

1509
1510 Mr. Jolliffe- No, it is more off to the side. The topographic maps from the
1511 County are a little bit different than what really is out there and with these, plus the fact that we
1512 can shift those interior lot lines over just a little bit, that will give it a little bit more of a cushion
1513 in between the actual building site and the creek.

1514
1515 Mr. Silber - The topo lines are off slightly, so do you see the house sitting up
1516 on the bluff?

1517
1518 Mr. Jolliffe- Yes.

1519
1520 Mr. Silber - Just be aware of how the County measures or determines front
1521 yard on the flag lot situation.

1522
1523 Mr. Jolliffe - Right. Mr. McGarry has filled me in on that.

1524
1525 Ms. Dwyer - Any further questions by Commission members?

1526
1527 Mr. Archer - Mr. Jolliffe, have you looked at this configuration and the stem of
1528 the flag will actually be part of each individual lot?

1529
1530 Mr. Jolliffe - Well, they are not counted in the building area, in the area of the
1531 lot, but they will be parts of the lot. The owners will own them and maintain them, the owner of
1532 each individual lot.

1533
1534 Ms. Dwyer - So there will be three separate driveways coming in?

1535
1536 Mr. Jolliffe - Correct.

1537
1538 Ms. Dwyer - I have seen in other situations where they've had a single road
1539 coming in to serve all, in this case, three lots, and each land owner has a cross-easement with
1540 each other land owner, so that there is only one driveway coming in and it is maintained by three
1541 property owners as an agreement, and that might be something to look into as a preferable
1542 practical solution instead of having three driveways come in side by side, to have the one
1543 driveway that is...

1544
1545 Mr. Jolliffe - That is the potential, and then you would have to have, of course,
1546 the road maintenance agreement for all three owners to sign. Everybody would have to agree to
1547 maintain it. That is something I can discuss with Mr. McGarry and see how he...

1548

1549 Ms. Quesinberry - I would just like to add another condition, if you would agree this
1550 morning. You have the cul-de-sac shown on your map.
1551
1552 Mr. Jolliffe - That is correct.
1553
1554 Ms. Quesinberry - I know you intend to do that.
1555
1556 Mr. Jolliffe - That is already County property in there and they have agreed to
1557 maintain it and everything.
1558
1559 Ms. Quesinberry - And I understand that, but we have a little bit of anguish with the
1560 BZA and this kind of, although it really does not affect you at this time, but should we get to that
1561 point, just as kind of a reminder to them from us that we really would like to see, should
1562 someone not want to follow through on this. Would you mind if we just added a condition that
1563 this cul-de-sac be part of the right-of-way?
1564
1565 Mr. Jolliffe - That the cul-de-sac remain? I don't see any problem with that.
1566
1567 Ms. Quesinberry - I don't see any problem right now, but I'd like to add it as a
1568 condition.
1569
1570 Mr. Jolliffe- We will agree with that condition, no problem.
1571
1572 Mr. Silber - Is the cul-de-sac fully developed at this point?
1573
1574 Mr. Jolliffe- I haven't personally been out on the site itself for that.
1575
1576 Mr. Silber - Does the right of way exist as a full bubble?
1577
1578 Mr. McGarry - Yes, it exists. It is a graveled area but there is plenty of room to
1579 turn around without any obstruction.
1580
1581 Mr. Silber - Will the County require them to make any improvements in that
1582 right of way?
1583
1584 Mr. McGarry - I understand the County is not going to require any additional
1585 improvements than what is already there. Isn't that right?
1586
1587 Mr. Jolliffe - Yes, that is what the letter stated that was sent to Mr. Bannister.
1588
1589 Ms. Dwyer - Could you come down to the podium, sir? And please state your
1590 name so that we will have what your statement is on the record.
1591

1592 Mr. Bannister - Martin Bannister, and we have a letter from the County stating that
1593 if there are any improvements to be made to the cul-de-sac, they will be done at the County's
1594 expense.
1595
1596 Mr. Silber - Who is that letter from?
1597
1598 Mr. Bannister - Assistant Director of Public Works.
1599
1600 Mr. Silber - And the name on that, is that Mr. Priestas?
1601
1602 Mr. Bannister - Lee Priestas, yes sir, it is.
1603
1604 Mr. Silber - What is the date on that letter?
1605
1606 Mr. Bannister - The date is February 3, 1999.
1607
1608 Mr. Silber - I think Ms. Quesinberry's point is that she would prefer the cul-de-
1609 sac remain a public right of way, maintained and approved as much as it is improved now, that it
1610 not be approved and later removed by a variance requests from the zoning people.
1611
1612 Mr. Bannister - This land was given to the County back in 1980, I believe it was,
1613 for the purpose of a cul-de-sac.
1614
1615 Ms. Dwyer - Did you want to read the specific language for Condition No. 13?
1616
1617 Mrs. Wade - Can't the BZA over-ride any condition on here?
1618
1619 Ms. Quesinberry - They could, but my intention is to send a message. They can do
1620 what they want to do. I want them to know that we did consider this and consider it important to
1621 remain.
1622
1623 Ms. Dwyer - So, are you coming up with some language?
1624
1625 Mr. McGarry - I have some language if you don't have any.
1626
1627 Ms. Quesinberry - Well, Ted, by all means.
1628
1629 Mr. McGarry - The existing cul-de-sac on North Mullens Lane shall be retained in
1630 public ownership. That would be No. 13.
1631
1632 Ms. Dwyer - Is that satisfactory?
1633
1634 Ms. Quesinberry - That is satisfactory with me.
1635
1636 Ms. Dwyer - Are you ready for a motion?
April 20, 1999

1637
1638 Ms. Quesinberry - Yes. I move that Subdivision Bannister Estates – N. Mullens Lane
1639 (April 1999 Plan), be approved, subject to the standard conditions for subdivisions not served by
1640 public utilities and the following conditions: Condition No. 11 and Condition No. 12 on the
1641 addendum and Condition No. 13 that we just added this morning that “The existing cul-de-sac
1642 shall on North Mullens Lane shall be retained in public ownership”. So, that should be
1643 Conditions Nos. 11, 12 and 13.

1644
1645 Mr. Vanarsdall - Second.

1646
1647 Ms. Dwyer - We have a motion by Ms. Quesinberry and a second by Mr.
1648 Vanarsdall. All in favor say aye. All opposed say no. The motion carries.
1649 The Planning Commission voted to approve Subdivision, Bannister Estates –N. Mullens Lane
1650 (April 1999 Plan), subject to standard conditions for subdivisions not served by public utilities
1651 and the following additional conditions:

- 1652
1653 11. If public sewer is confirmed to be available within 300 feet of any proposed dwelling,
1654 connection to the public sewer is required.
1655
1656 12. Prior to final approval, submit proof that a dwelling can be constructed on Lot 1.
1657 13. The existing cul-de-sac on North Mullens Lane shall be retained in public ownership.

1658
1659 Mr. Vanarsdall - Madam Chairman, do you want to take the 10:30 a.m. Expedited
1660 Agenda items?

1661
1662 Ms. Dwyer - Sounds like a good idea to me. Mr. Wilhite, would you like to go
1663 over the 10:30 Expedited Agenda items?

1664
1665 Mr. Wilhite - Yes, ma’am. On the 10:30 a.m. Expedited Agenda we have four
1666 requests for expedited approval. The first appears on page 24, POD-17-99.

1667
1668 **PLAN OF DEVELOPMENT (Deferred from the March 23, 1999 Meeting)**
1669

POD-17-99
Eubank Center
Engineering Design Associates for John A. & W. L. Heisler,
IV: Request for approval of a plan of development as required
by Chapter 24, Section 24-106 of the Henrico County Code to
construct a one-story, 12,040 square foot office warehouse. The
.71-acre site is located on the north line of Eubank Road, 250
feet east of Klockner Drive on parcel 172-3-C-5. The zoning is
M-1, Light Industrial District and ASO (Airport Safety Overlay
District). County water and sewer. (Varina)

1670
1671 Mr. Wilhite - Staff recommends approval.
1672

1673 Ms. Dwyer - Page 24, POD-17-99, Eubank Center. Is there anyone in the
1674 audience opposed to POD-17-99, Eubank Center. No opposition. Any questions by
1675 Commission members? I'm ready for a motion.
1676

1677 Ms. Quesinberry - I would like to move approval of POD-17-99, Eubank Center,
1678 subject to the standard conditions for developments of this type along with the following
1679 conditions: Conditions No. 23 through Condition No. 31.
1680

1681 Mr. Vanarsdall - Second.
1682

1683 Ms. Dwyer - We have a motion by Ms. Quesinberry and a second by Mr.
1684 Vanarsdall. All in favor of the motion say aye. All opposed say no. The motion carries.
1685

1686 The Planning Commission voted to approve POD-17-99, Eubank Center, subject to the standard
1687 conditions for developments of this type and the following additional conditions:
1688

- 1689 23. The easements for drainage and utilities as shown on approved plans shall be granted to
1690 the County in a form acceptable to the County Attorney prior to any occupancy permits
1691 being issued.
- 1692 24. The developer shall provide fire hydrants as required by the Department of Public
1693 Utilities in its approval of the utility plans and contracts.
- 1694 25. The certification of building permits, occupancy permits and change of occupancy
1695 permits for individual units shall be based on the number of parking spaces required for
1696 the proposed uses and the amount of parking available according to approved plans.
- 1697 26. Any necessary off-site drainage easements must be obtained in a form acceptable to the
1698 County Attorney prior to final approval of the construction plans by the Department of
1699 Public Works.
- 1700 27. Deviations from County standards for pavement, curb or curb and gutter design shall be
1701 approved by the County Engineer prior to final approval of the construction plans by
1702 the Department of Public Works.
- 1703 28. Insurance Services Office (ISO) calculations must be included with the utilities plans
1704 and contracts and must be approved by the Department of Public Utilities prior to the
1705 issuance of a building permit.
- 1706 29. Approval of the construction plans by the Department of Public Works does not
1707 establish the curb and gutter elevations along the Henrico County maintained right-of-
1708 way. The elevations will be set by Henrico County.
- 1709 30. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the
1710 Planning Office and approved prior to issuance of a certificate of occupancy for this
1711 development.
- 1712 31. Prior of issuance of a building permit, the developer must furnish a letter from Virginia
1713 Power stating that this proposed development does not conflict with their facilities.
1714

1715 **PLAN OF DEVELOPMENT**
1716

Glen Allen Free Will Baptist Church - Old Washington Highway

Will Baptist Church: Request for approval of a plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a one-story, 13,500 square foot church with basement. The 5.2-acre site is located at 11101 Old Washington Highway on parcel 22-A-24A. The zoning is A-1, Agricultural District. County water and sewer. **(Brookland)**

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Mr. Wilhite-

Staff recommends approval.

Ms. Dwyer -

Is there anyone in the audience in opposition to POD-1-99, Glen Allen Free Will Baptist Church on Washington Highway? No opposition? Are there any questions by Commission members?

Mr. Vanarsdall -

I move POD-1-99, Glen Allen Free Will Baptist Church – Washington Highway, be approved with standard conditions for developments of this type and the annotations on the plans, and conditions Nos. 23 through 28, condition No. 28 being on our Addendum.

Mr. Archer -

Second.

Ms. Dwyer -

We have a motion by Mr. Vanarsdall and a second by Mr. Archer. All in favor say aye. All opposed say no. The motion carries.

The Planning Commission voted to approve POD-1-99, Glen Allen Free Will Baptist Church – Washington Highway, subject to the standard conditions for developments of this type, the annotations on the plans, and the following additional conditions:

23. The developer shall provide fire hydrants as required by the Department of Public Utilities in its approval of the utility plans and contracts.
24. Any necessary off-site drainage easements must be obtained in a form acceptable to the County Attorney prior to final approval of the construction plans by the Department of Public Works.
25. Deviations from County standards for pavement, curb or curb and gutter design shall be approved by the County Engineer prior to final approval of the construction plans by the Department of Public Works.
26. Insurance Services Office (ISO) calculations must be included with the utilities plans and contracts and must be approved by the Department of Public Utilities prior to the issuance of a building permit.
27. Approval of the construction plans by the Department of Public Works does not establish the curb and gutter elevations along the Henrico County maintained right-of-way. The elevations will be set by Henrico County.
28. The right-of-way for widening of Old Washington Highway as shown on approved plans shall be dedicated to the County prior to any occupancy permits being issued. The right-of-way dedication plat and any other required information shall be submitted

1755 to the County Real Property Agent at least 60 days prior to requesting occupancy
1756 permits.

1757
1758 **PLAN OF DEVELOPMENT**
1759

POD-23-99 Charles C. Townes & Associates for Wella Manufacturing of
Wella International - 4650 Virginia: Request for approval of a revised plan of
Oakley's Lane - Warehouse development as required by Chapter 24, Section 24-106 of the
Addition Henrico County Code to construct a one-story, 77,600 square
(POD-116-88 Revised) foot warehouse. The 25-acre site is located at 4650 Oakley's
Lane on parcel 155-A-3C. The zoning is M-1C, Light
Industrial District (Conditional) and ASO (Airport Safety
Overlay District). County water and sewer. (Varina)

1760
1761 Mr. Wilhite - Staff recommends approval.
1762

1763 Ms. Dwyer - Is there anyone in the audience in opposition to POD-23-99,
1764 Wella International, an addition to the warehouse? No opposition? Any questions by
1765 Commission members? No questions. Ms. Quesinberry.
1766

1767 Ms. Quesinberry - I would like to move approval of POD-23-99, Wella International
1768 - 4650 Oakley's Lane - Warehouse Addition (POD-116-88 Revised), subject to the standard
1769 conditions for developments of this type and the following conditions: Conditions Nos. 23
1770 through 27.
1771

1772 Mr. Vanarsdall - Second.
1773

1774 Ms. Dwyer - We have a motion by Ms. Quesinberry and a second by Mr.
1775 Vanarsdall. All in favor say aye. All opposed say no. The motion carries.
1776

1777 The Planning Commission voted to approve POD-23-99, Wella International - 4650 Oakley's
1778 Lane - Warehouse Addition (POD-116-88 Revised), subject to the standard conditions for
1779 developments of this type and the following additional conditions:
1780

1781 23. The developer shall provide fire hydrants as required by the Department of Public
1782 Utilities in its approval of the utility plans and contracts.

1783 24. Any necessary off-site drainage easements must be obtained in a form acceptable to the
1784 County Attorney prior to final approval of the construction plans by the Department of
1785 Public Works.

1786 25. Deviations from County standards for pavement, curb or curb and gutter design shall be
1787 approved by the County Engineer prior to final approval of the construction plans by
1788 the Department of Public Works.

1789 26. Insurance Services Office (ISO) calculations must be included with the utilities plans
1790 and contracts and must be approved by the Department of Public Utilities prior to the
1791 issuance of a building permit.

1792 27. Approval of the construction plans by the Department of Public Works does not
1793 establish the curb and gutter elevations along the Henrico County maintained right-of-
1794 way. The elevations will be set by Henrico County.
1795

1796 **PLAN OF DEVELOPMENT**
1797

**POD-31-99 Foster & Miller, P.C. for Brett Pace and Jones Realty &
Ackley Park Construction Corporation: Request for approval of a revised
(POD-112-96 Revised) plan of development as required by Chapter 24, Section 24-106
of the Henrico County Code to construct two, one-story
office/warehouses totaling 23,300 square feet. The 2.465-acre
site is located along the south line of Ackley Avenue at its
intersection with Peyton Street on parcel 61-A-75N. The
zoning is M-1, Light Industrial District. County water and
sewer. (Brookland)**

1798
1799 Mr. Whitney - Staff recommends approval of this development.
1800

1801 Ms. Dwyer - Is there anyone in the audience in opposition to POD-31-99,
1802 Ackley Park? (Someone in the audience speaks). Certainly. We will move this off of the
1803 Expedited Agenda and hear it in the normal course of business.
1804

1805 Mr. Vanarsdall - All he had was a question, wasn't it?
1806

1807 Mr. Archer - He may not be opposed.
1808

1809 Ms. Dwyer - Are you opposed? Well, we'd like to just go ahead and hear it
1810 now, if possible, so come forward.
1811

1812 Mr. Vanarsdall - If it is OK with you and it is not long and drawn out.
1813

1814 Mr. Dan Beyer - Thank you, Madam Chairman, and members of the Commission.
1815 I am Dan Beyer, Vice President of Topside Building Supply, which is an adjacent property
1816 owner. I just have one comment and I'm sorry we didn't get a copy of this earlier or I didn't
1817 find a copy earlier. The interest or concern that we have is not with this particular project, but
1818 rather that some consideration be given by the County to putting some type of traffic control at
1819 Ackley and Parham Road. If you are in that area in the morning rush hour, between 7:30 and
1820 9:30, it is almost impossible with a larger vehicle to get across the highway, and also in the
1821 afternoon. Our only comment is that if there is an opportunity that you have to influence the
1822 County to put some type of traffic regulation there, we would really appreciate that.
1823

1824 Mr. Vanarsdall - This has come up before. It came up the last time we had the
1825 subdivision across the street and it has come up time and time again, and if Mr. Todd Eure is
1826 in the audience...
1827

1828 Ms. Dwyer - Would you raise your hand Mr. Eure? Would you speak to Mr.
1829 Beyer after the case has been heard?
1830
1831 Mr. Vanarsdall - Would you talk to him on this and see how close we are or have
1832 come to getting this. You know, they go by the number of vehicles.
1833
1834 Ms. Dwyer - If you would like Mr. Eure to testify, we can hear this case later.
1835 All right. Any questions by Commission members on Ackley Park?
1836
1837 Mrs. Wade - None other than what true-color masonry is. Mr. Whitney, what
1838 is true-color masonry?
1839
1840 Mr. Whitney - Where are you seeing that Mrs. Wade?
1841
1842 Mrs. Wade - It is on the architecturals.
1843
1844 Mr. Whitney - I didn't notice that before and I do not know the answer to that
1845 question. Gary Webster from Foster and Miller is here. Maybe he can answer that question.
1846 I don't know if that is a typo or what.
1847
1848 Mr. Archer - I think it means instead of a painted color, imbedded in the block.
1849
1850 Mr. Webster - Excuse me, I didn't hear the question.
1851
1852 Mr. Archer - What is true-color masonry?
1853
1854 Mr. Webster - True color? I have no idea. I am the engineer and not the
1855 architect.
1856
1857 Mr. Whitney - Maybe you are right, Mr. Archer.
1858
1859 Mr. Archer - I think I am right, but I am not certain. I think it does mean that
1860 the entire block is actually that color instead of painted.
1861
1862 Mrs. Wade - Is the CMU the solid color (unintelligible) because I am just
1863 curious.
1864
1865 Mr. Whitney - I will get back to you on that, Mrs. Wade. True color masonry.
1866 No one seems to know the answer. Are there any architects in the house?
1867
1868 Mrs. Wade - What color is it?
1869
1870 Mr. Archer - Mr. McGarry said that we don't know what color, but whatever
1871 it is, it is always true!
1872

1873 Mrs. Wade - Well, it is M-1 anyway, unconditional.
1874
1875 Mr. Vanarsdall - I wonder why nobody knows.
1876
1877 Mr. Archer - I guess not. I think it is better than painted.
1878
1879 Mr. Vanarsdall - Can you find that out?
1880
1881 Mr. Whitney - Yes, I can find that out.
1882
1883 Ms. Dwyer - Do you want to bump this off until later in the meeting?
1884
1885 Mr. Vanarsdall - Yes. Let's leave it the way it was to start with. I didn't know
1886 we were going to get involved in all of this.
1887
1888 Ms. Dwyer - OK. We will move this one to the end of the line and maybe in
1889 the meantime we can find the answer to the question.
1890
1891 Mr. Webster - I will make some phone calls and see if I can find out. True
1892 color? I will find out what it is.
1893

1894 **SUBDIVISION**
1895

Edgehill Lawn Charles H. Fleet & Associates, P.C. for Richmond
(A Resubdivision of Lot 6, Metropolitan Habitat for Humanities, Inc.: The 0.574-acre site
Edgehill Lawn) is located at the southeast intersection of Buckner and Amherst
(March 1999 Plan) Streets on parcel 181-1-H-6. The zoning is R-4, One-Family
Residence District. Individual wells and County sewer.
(Varina) 3 Lots

1896
1897 Ms. Dwyer - Is there anyone in the audience in opposition to Subdivision
1898 Edgehill Lawn (A Resubdivision of Lot 6, Edgehill Lawn)? No opposition. Mr. Whitney.
1899
1900 Mr. Whitney - Thank you, Madam Chairman. This is a resubdivision of an
1901 existing lot in Edgehill Lawn Subdivision, Lot 6. It will be served by public sewer and
1902 individual wells. Your Addendum, excuse me, the Condition No. 4 has been amended to
1903 satisfy the combination of public utility and well sites, and I point that to your attention. The
1904 County Health Department would have to approve the well location before a building permit is
1905 issued. This is being built by Richmond Habitat for Humanities, and Karen Miller is their
1906 representative. She is here if you have any questions for her. I will take any questions from
1907 you at this time. Staff is recommending approval of this subdivision.
1908
1909 Ms. Dwyer - So all three will be Habitat homes?
1910
1911 Mr. Whitney - That is correct.

1912
1913 Ms. Dwyer - Any questions for Mr. Whitney by Commission members?
1914 Would you like to hear from the applicant? Would the applicant please come forward?
1915
1916 Ms. Karen Miller - Madam Chair and members of the Commission, my name is
1917 Karen Miller and I am the Project Director with Richmond Habitat for Humanity.
1918
1919 Ms. Quesinberry - I just have a couple of questions, Ms. Miller. Do you know what
1920 you are going to be using for exterior materials on these homes or is it low maintenance. That
1921 is what I am interested in.
1922
1923 Ms. Miller- Yes, these are simple, decent affordable starter homes, and we
1924 will be using stick belt construction and vinyl siding and asphalt shingles. Most likely the
1925 homes will have a front porch that will be stained.
1926
1927 Mrs. Quesinberry - Are these homes going to look all alike, or are the fronts going to
1928 be identical, or are you going to do some variation or some A's on the roofs differently, or
1929 anything?
1930
1931 Ms. Miller - Most likely. We try not to put the same façade side by side and
1932 as Project Director those are decisions that I make, and I am intending on not having the same
1933 façade side by side, so there will be three different facades.
1934
1935 Ms. Quesinberry - OK. And what about the driveways? It says proposed
1936 driveways. Are you going to have an asphalt driveway?
1937
1938 Ms. Miller - We will probably have an asphalt driveway.
1939
1940 Ms. Quesinberry - Is that a strong "probably"?
1941
1942 Ms. Miller - It is a strong one. Yes.
1943
1944 Ms. Quesinberry - OK. And, are you currently looking in this area to build
1945 additional home sites? What is going on in this particular neighborhood?
1946
1947 Ms. Miller - Well, this is actually a real good location for us and we have had
1948 some current property owners approach us. We have been approached by some of the existing
1949 property owners and they are very supportive of Habitat building in this particular
1950 neighborhood. We are not proposing to do a major impact; probably with the approval of this,
1951 this lot would yield three homes and we would probably propose an additional four to five
1952 homes over the next two years.
1953
1954 Ms. Dwyer - Any other questions by Commission members?
1955

1956 Ms. Quesinberry - Just one more. When you develop this site, with thee homes, are
1957 you going to do it at the same time or this going to be a timed project?
1958
1959 Ms. Miller - The three homes will be started at the same time and completed
1960 closely at the same time.
1961
1962 Ms. Dwyer - Do you have sponsors?
1963
1964 Ms. Miller - Yes, we do for those homes.
1965
1966 Ms. Quesinberry - Can you say who those are?
1967
1968 Ms. Miller - I would rather not at the moment, but yes, most of our sponsors
1969 are banks and churches and sometimes the City of Richmond and various institutions.
1970
1971 Ms. Quesinberry - I just wanted to be sure that we are all in agreement as you are
1972 working here. We won't end up with little boxes that look exactly alike and that
1973 architecturally and aesthetically it is very pleasing, and I know you agree with that, but I just
1974 wanted to be sure you had the resources to be able to do it nicely.
1975
1976 Ms. Miller - Yes. I am very sensitive to those issues. I just started with
1977 Richmond Habitat in December and we have a Design Committee that is currently revamping
1978 some of our existing inventory of homes and design and we are looking to make some
1979 modifications and improve the quality of our homes. We are also working with various other
1980 garden communities to come in and assist with landscaping and we are working with other
1981 manufacturers to get some materials donated in kind that will help with that process.
1982
1983 Ms. Quesinberry - And will you have the landscaping in place before occupancy?
1984
1985 Ms. Miller - We will probably, given that the homes are starting the end of
1986 summer, probably the fall would be a really good time for planting, so we anticipate that the
1987 landscaping will be completed prior to the homeowner's moving in.
1988
1989 Ms. Quesinberry - OK. I don't have any more questions.
1990
1991 Ms. Dwyer - Does anyone else? Thank you. Are you ready for a motion?
1992
1993 Ms. Quesinberry - Yes. I would like to move approval of Edgehill Lawn (A
1994 Resubdivision of Lot 6, Edgehill Lawn) (March 1999 Plan) subject to standard conditions for
1995 subdivisions served by public utilities, with the additional condition of No. 4 Amended.
1996
1997 Mrs. Wade - Second.
1998
1999 Ms. Dwyer - All right. We have a motion by Ms. Quesinberry and a second by
2000 Mrs. Wade. All in favor of the motion say aye. All opposed say no. The motion carries.
April 20, 1999

2001
2002 The Planning Commission voted to approve Subdivision Edgehill Lawn (A Resubdivision of
2003 Lot 6, Edgehill Lawn) (March 1999 Plan), subject to the annotations on the plans, the standard
2004 conditions for subdivisions served by public utilities, and the following additional condition:

2005
2006 3. **AMENDED** – The well location shall be approved by the County Health Department
2007 before a building permit is issued. Connection shall be made to the public water system
2008 when available within 300 feet of the site.

2009
2010 **THE COMMISSION TOOK A 10 MINUTE RECESS AT THIS TIME.**

2011
2012
2013 **PLAN OF DEVELOPMENT (Deferred from the March 23, 1999, Meeting)**

2014
POD-13-99
Banks Brothers First
Health II – Innsbrook
(POD-18-89 Revised)

TIMMONS for Banks Richmond Ltd. Partnership and DPR
Construction Services: 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, 39000 square
foot office building addition to an existing office site. The
7.881-acre site is located on the west line of Cox Road, 900 feet
± south of Waterfront Place, 4300 Cox Road on parcel 38-3-B-
7. The zoning is O-3C, Office District (Conditional) and C-1,
Conservation District. County water and sewer (Three Chopt)

2015
2016 Ms. Dwyer - Is there anyone here in opposition to POD-13-99, Banks Brothers
2017 First Health II – Innsbrook (POD-18-89 Revised)? No opposition. Mr. Whitney.

2018
2019 Mr. Whitney - Staff is recommending approval with the standard conditions for
2020 developments of this type, Condition No. 9 Amended, No. 11 Amended, and Conditions Nos.
2021 23 through 31. With that I will take any questions you may have.

2022
2023 Ms. Dwyer - Any questions for Mr. Whitney by Commission members?
2024 Would you like to hear from the applicant, Mrs. Wade?

2025
2026 Mrs. Wade - I don't think so. Is it going to look the way it is indicated on the
2027 architecturals, only two story instead of three?

2028
2029 Mr. Whitney - Yes, that is correct. It has not been indicated to me that the
2030 architecturals would not be any different than what has been presented to you.

2031
2032 Mrs. Wade - OK. I don't have anything else. I don't need to talk to the
2033 applicant unless somebody else does.

2034

2035 Ms. Dwyer - Are there any questions by Commission members for the
2036 applicant? No questions. Ready for a motion.

2037
2038 Mrs. Wade - I move POD-13-99, (POD-18-89 Revised), the revised plan that
2039 we received today, the smaller building and no parking deck, move it be approved, subject to
2040 standard conditions for developments of this type, the annotations on the plans, and added
2041 conditions Nos. 9 Amended, No. 11 Amended, and Nos. 23 through 31.

2042
2043 Mr. Vanarsdall - Second.

2044
2045 Ms. Dwyer - We have a motion by Mrs. Wade and a second by Mr.
2046 Vanarsdall. All in favor say aye. All opposed say no. The motion carries.

2047
2048 The Planning Commission voted to approve POD-13-99, Banks Brothers First Health II –
2049 Innsbrook (POD-18-89 Revised), subject to the annotations on the plan, the standard conditions
2050 for developments of this type and the following additional conditions:

- 2051
2052 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for
2053 review and Planning Commission approval prior to the issuance of any occupancy
2054 permits.
- 2055 11. **AMENDED** - Prior to the installation of the site lighting equipment, a plan including
2056 depictions of light spread and intensity diagrams and fixture mounting height details shall
2057 be submitted for Planning Office review and Planning Commission approval.
- 2058 23. The easements for drainage and utilities as shown on approved plans shall be granted to
2059 the County in a form acceptable to the County Attorney prior to any occupancy permits
2060 being issued.
- 2061 24. The limits and elevations of the 100-year frequency flood shall be conspicuously noted
2062 on the plat and construction plans and labeled “Limits of 100 Year Floodplain.”
2063 Dedicate floodplain as a “Variable Width Drainage & Utility Easement.”
- 2064 25. The developer shall provide fire hydrants as required by the Department of Public
2065 Utilities in its approval of the utility plans and contracts.
- 2066 26. Any necessary off-site drainage easements must be obtained in a form acceptable to the
2067 County Attorney prior to final approval of the construction plans by the Department of
2068 Public Works.
- 2069 27. Deviations from County standards for pavement, curb or curb and gutter design shall be
2070 approved by the County Engineer prior to final approval of the construction plans by
2071 the Department of Public Works.
- 2072 28. The loading areas shall be subject to the requirements of Chapter 24, Section 24-97(b)
2073 of the Henrico County Code.
- 2074 29. Insurance Services Office (ISO) calculations must be included with the utilities plans
2075 and contracts and must be approved by the Department of Public Utilities prior to the
2076 issuance of a building permit.
- 2077 30. Approval of the construction plans by the Department of Public Works does not
2078 establish the curb and gutter elevations along the Henrico County maintained right-of-
2079 way. The elevations will be set by Henrico County.

2080 31. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the
2081 Planning Office and approved prior to issuance of a certificate of occupancy for this
2082 development.
2083

2084 **PLAN OF DEVELOPMENT**
2085 **(Deferred from the March 23, 1999, Meeting)**
2086

POD-6-99
Rite Aid @ Church
And Pump Roads

Jordan Consulting Engineers, P.C. for Earl Thompson, Inc. and Sigma Development of Virginia Inc.: Request for approval of a plan of development and an alternative fence height as required by Chapter 24, Sections 24-106, and 24-95(1) of the Henrico County Code to construct a one-story, 9,615 square foot pharmacy with a drive-thru window. The 1.90-acre site is located on the southwest corner of Pump and Church Roads on part of parcel 66-A-11J. The zoning is B-3, Business District and A-1, Agricultural District. County water and sewer. (Tuckahoe)

2087
2088 Ms. Dwyer - Is there anyone in the audience in opposition to POD-6-99, Rite
2089 Aid @ Church and Pump Roads? No opposition? Mr. Wilhite.
2090

2091 Mr. Wilhite - This was deferred from last month's meeting. There is a revised
2092 plan included in your packet. The plan shows a building that has been reduced down in size
2093 from 9,615 square feet down to 8,805 square feet. It also shows relocation of the entrances to
2094 Church and Pump Road closer to the intersection. The Traffic Engineer has looked at the
2095 entrances and is OK with the location shown. The revised plan does not need the alternative
2096 fence height request that was before you last month. The issues of water quality have been
2097 worked out previously and one comment that we would make to the revised plan is that the
2098 sand filter shown along Church Road is shifted out of the 10 foot landscaping strip for the
2099 parking lot. The main issue on this site is the location of John Rolfe Parkway and the 2010
2100 Major Thoroughfare Plan. John Rolfe Parkway's location is shown running right through the
2101 middle of this site. On April 27, there is a public hearing scheduled before the Board
2102 considering alternatives to this location of John Rolfe Parkway and it is anticipated that on May
2103 11 the Board may be acting on alternatives to this location. Staff does have concerns about
2104 recommending approval of this development plan with the conflict with the 2010 Major
2105 Thoroughfare Plan. Ideally, what would be best would be if this plan could be deferred until
2106 after May 11 and the Board's hearing on these alternative locations. However, the Planning
2107 Commission does not have the authority to defer this case any longer. That would have to be
2108 done at the applicant's request. In order for staff to recommend approval, we do propose two
2109 additional conditions that appear on your Addendum. The first one requires that the applicant
2110 work out with the Director of Public Works the exact areas to be dedicated on Church and
2111 Pump Road and also the improvements within these dedicated areas, and that would have to be
2112 done prior to signing the construction plans. The proposed condition No. 32 would require
2113 that the Major Thoroughfare Plan be amended to show any changes adopted by the Board of

2114 Supervisors and that also would have to be done prior to signing the construction plans. With
2115 those two additional conditions, staff would recommend approval of this POD request.

2116
2117 Ms. Dwyer - So, Condition No. 31 as it appears on the Addendum relates to
2118 right of way widening and improvements to Church and Pump Roads?
2119

2120 Mr. Wilhite - That is correct. They do show right of way widening on Church
2121 and Pump for this proposed development, but until the issue of the routing of John Rolfe
2122 Parkway gets worked out, it is not going to be known exactly how much dedication will be
2123 required and what type of improvements are going to be necessary.
2124

2125 Ms. Dwyer - I think the current plan shows Pump being relocated from its
2126 current alignment and then teeing off into the new John Rolfe Parkway.
2127

2128 Mr. Wilhite - That is one of the alternatives that is being looked at. Yes.
2129

2130 Ms. Dwyer - And then Condition No. 32 reflects Staff's concern about the fact
2131 that the Major Thoroughfare Plan shows John Rolfe running through the middle of the
2132 property.
2133

2134 Mr. Wilhite - That is correct.
2135

2136 Ms. Dwyer - What is the position of the Department of Public Works on this
2137 case?
2138

2139 Mr. Wilhite - The Department of Public Works had originally recommended
2140 that this case be denied. They could not recommend approval because of the conflict with
2141 2010, and I believe with these two added conditions, if they were to be adopted, then they
2142 could recommend approval.
2143

2144 Ms. Dwyer - Any questions for Mr. Wilhite? Thank you, Mr. Wilhite. Will
2145 the applicant come forward, please?
2146

2147 Mr. Gary Gallagher - Madam Chairman and members of the Planning Commission, I
2148 am Gary Gallagher with Sigma Development of Virginia, Inc. and the co-applicant. I also
2149 have Frank Cowan who represents Earl Thompson, the property owner, who would like to
2150 speak on the case, also. I will be brief. We understand that the plan meets all of the Codes,
2151 the zoning criteria, with the exception of its lack of conformity with the Thoroughfare Plan.
2152 We understand that the Major Thoroughfare Plan is under consideration for modification,
2153 which is has been for several years now. We just received these two additional comments
2154 which attempt to resolve the conflict with the Major Thoroughfare Plan. We cannot accept,
2155 however, the comments since they just create an additional limbo effect and any deviation to
2156 the plan caused by any scrutiny by the Planning Director would essentially void our POD or
2157 make us have to continue to tweak it and tweak it and tweak it. We, therefore, respectfully

2158 request that you approve the plan with the conditions up to and including No. 30, but not
2159 including Nos. 31 and 32, and I will be available for any questions.

2160
2161 Ms. Dwyer - Are there any questions for Mr. Gallagher? I have one. Maybe
2162 more. I know this has been an intersection of great contention over many years, but I am also
2163 aware that there has been a concentrated amount of activity recently on this. I think that, I
2164 know one public hearing has already been held and another one is scheduled, as Mr. Wilhite
2165 has indicated on April 27 and the Board is scheduled to vote on this May 11, so we actually
2166 have two public hearings and a scheduled Board decision date for May 11. I know that you
2167 have waited a long time, or that Mr. Thompson has waited a long time trying to resolve these
2168 issues. But, in light of the fact that we do have a schedule in front of us, it seems to me that it
2169 would be beneficial to wait another month to see what the Board does, since they are scheduled
2170 to vote on May 11, and that would enable all of us to know where the roads are going to be
2171 and where you can place this building within that – if it is revised – within that revised road –
2172 configuration.

2173
2174 Mr. Gallagher - Respectfully, Madam Chairman, we feel that the vote on this is
2175 purely a ministerial act and the plan complies with all Code regulations. We understand that
2176 the County has, within its rights, the ability to move roads, take rights of way and do what the
2177 County needs to do in its normal course of business. We relied on that last year and filed a
2178 simple rezoning on an adjacent piece of property where John Rolfe Parkway was also slated to
2179 go through, which complied with the Comp. Plan and should have been an easily approvable
2180 case. We had complied with Codes and regulations and we had lots of flexibility. We
2181 ultimately withdrew that case because of political opposition and, for the fact that the County
2182 initiated a move in the roadway, which ostensibly frees this property up to be developed and
2183 we don't see any reason why we can't go forward and develop it. If the County does vote on
2184 the Plan for the right of way and do whatever they have to do, we will have to react to that,
2185 but we would like to have an approved POD based on legal rights to do so. So, again, I
2186 respectfully request that that happen.

2187
2188 Ms. Dwyer - What would you do if on May 11 Alternative J, for instance, was
2189 adopted by the Board?

2190
2191 Mr. Gallagher - Alternative J hardly affects this property. As a matter of fact, it
2192 may add a little bit of right of way back into the ownership, so it may benefit the property, so
2193 we see that building and we'd like to capitalize on it and not lose any time.

2194
2195 Ms. Dwyer - So you would present another POD to the Commission to account
2196 for that?

2197
2198 Mr. Gallagher - That may happen or we may just allow that right of way to come
2199 in and be landscaped.

2200
2201 Ms. Dwyer - If Alternative J is adopted, then you'd certainly be able to comply
2202 with Conditions Nos. 31 and 32. Is that correct?

2203
2204 Mr. Gallagher - That may be possible, but what I am afraid of is this is at the total
2205 discretion of the Director of Public Works. If he decides that he needs two more feet of right
2206 of way which we are not legally bound or required to grant right of way under the present
2207 conditions. We have actually shown a right of way dedication on the plan of our own volition
2208 in anticipation of some right of way taking required, but we are technically not required to do
2209 that, but if the County comes along and says, " We need an extra two feet", it could render my
2210 landscape buffers void and it would throw me completely back into limbo again. I would
2211 essentially have no POD again. I am back to the discretion of the Board to approve a yet again
2212 modified POD.

2213
2214 Ms. Dwyer - Upon what did you base the right of way dedication noted on the
2215 plan?

2216
2217 Mr. Gallagher - Our engineer consulted with the Department of Public Works and
2218 basically took the position that if John Rolfe Parkway were not required and Church Road and
2219 Pump Road were to be modified based on an interim plan, if you will, or the requirement to
2220 widen Church Road without any John Rolfe Parkway, and thereby possibly have to modify the
2221 intersection with Pump, the right of way that is shown should accommodate such a widening.

2222
2223 Ms. Dwyer - So this plan is based the non-existence of John Rolfe Parkway?

2224
2225 Mr. Gallagher - Essentially as it stands today.

2226
2227 Ms. Dwyer - And any ancillary improvements or changes to Church and Pump
2228 as a result of John Rolfe Parkway, so all of that has been ignored in this plan?

2229
2230 Mr. Gallagher - I won't say ignored. If you will, a compromise plan that will
2231 probably work in the ultimate condition, but again we can't say down to the foot, and it could
2232 take, to comply with these conditions could take 90, 120 or 180 days. We don't know when
2233 the County is going to step up and actually design John Rolfe Parkway and Church Road. I
2234 was at some of the hearings and they said some of this design work may take a year. The right
2235 of way taking may take another year. So we would be sitting here based on these conditions
2236 waiting on the Director of Public Works to say the right of way is frozen; we are locked in.
2237 You can get your plans approved. So, there is no definite time line for me to be able to
2238 develop this property based on these conditions. That is why they are unacceptable to us.

2239
2240 Ms. Dwyer - Any questions of Mr. Gallagher?

2241
2242 Mr. Silber - Mr. Gallagher, I had one question. If Alternative J is chosen, it
2243 is my understanding that there may be some right of way taken or dedication needed on Church
2244 Road. Have you looked at, so that you know what impact that would have on your current
2245 design?

2246

2247 Mr. Gallagher - We have tried to work with Public Works to get an exact
2248 determination of what that right of way would be. They don't know themselves. We have
2249 come up with what I would call a compromise estimate which is, which we believe is
2250 reasonable. However, it may be likely that they will need an extra two feet to achieve the
2251 roadway widening. I don't know. But, if they do, they can come and take it, you know.
2252

2253 Mr. Silber - But if, you know, we can play the "what ifs" for a long time, but
2254 what if this approval is granted without conditions 31 and 32 as you have suggested and the site
2255 is under development and construction and the County, with Alternative J, determines that it
2256 needs another 10 or 12 feet along Church Road, that could have a major impact on your
2257 design. It could set you back, couldn't it?
2258

2259 Mr. Gallagher - It could set us back, but obviously then the County wouldn't have
2260 to compensate for that.
2261

2262 Mr. Silber - Yes, I realize that.
2263

2264 Mr. Gallagher - And we have tried to be flexible all along and I think Ms. Dwyer
2265 knows that. I am not here trying to be inflexible, but I have been to some of the hearings and
2266 there is every bit as much rejoicing over the previous alternative to John Rolfe Parkway as
2267 there is to the new one, and so we don't know where the chips fall on that, and we don't know
2268 when they will fall. So, we'd like to go and take our chances with an approved plan of
2269 development and we understand that the County can move and change and take and do all the
2270 things that it has to do to conduct County business, and we respect that. But, we would like
2271 for that not to impact our ability to develop property in the normal course.
2272

2273 Mr. Vanarsdall - So what you are saying is that you would not defer it for 30 days?
2274 You would not entertain the idea of deferring it?
2275

2276 Mr. Gallagher - Mr. Vanarsdall, we have deferred several times now, and we just
2277 got this condition handed to us this morning. Last month we deferred because we didn't get a
2278 plan in in time to, in fact, address all of the conditions, and we don't see any reason to defer
2279 any further.
2280

2281 Mr. Vanarsdall - The Board meets on the 11th and we meet again on the 13th, but
2282 that wouldn't be a 30-day deferral. It would, of course, be a zoning meeting.
2283

2284 Mr. Gallagher - Respectfully, I think the consensus in our camp is that we need a
2285 vote.
2286

2287 Mr. Archer - Mr. Gallagher, have we been this close to a point where the
2288 Board was about to make a decision?
2289

2290 Mr. Gallagher - We were there at our last meeting, sir. We had the tardiness of
2291 our plan submittal, which became an issue, and a fence height deviation became an issue,
April 20, 1999

2292 which, to our knowledge, had not been an issue until our appearance at the Board last month.
2293 So, we were caught off guard, if you will.

2294
2295 Mr. Archer - Thank you.

2296
2297 Mr. Frank Cowan - Madam Chairman and members of the Commission, my name is
2298 Frank Cowan and I am an attorney. I represent Earl Thompson. It is my understanding that
2299 the plan of development before the Commission meets all of the Ordinance's rules, regulations
2300 and requirements of Henrico County as set forth in the Henrico County laws and regulations.
2301 We believe this plan should be approved as a ministerial fact. The issues – the long and the
2302 short of it is – Earl Thompson, Inc. owns a piece of land that we seek to develop and have this
2303 property plan approved for the development. If the County desires to not let him develop,
2304 based on the fact that they want to use the land or they want to control the land, then they
2305 should pay him for the land and through proper condemnation proceedings we don't think,
2306 under the laws of Virginia, that you can hold up a proper plan of development, which the Staff
2307 has said meets - all of the details have been worked out – it has met the Ordinances and the
2308 conditions of the County, based on the fact that the County, down the road, may do X, Y or Z,
2309 or something else. I mean, we are not here to be unreasonable. We don't want to be
2310 unreasonable and I don't think that we are being unreasonable. But we have a valid plan of
2311 development that meets all of the Ordinances and conditions of the County, and we believe it
2312 should be approved. We want to fix our rights and our remedies at this point in time and not
2313 continue to defer this down the road where changes may occur that we will, in essence, be
2314 agreeing to by continuing to defer this. We want our rights fixed and our remedies fixed, and
2315 I think that is fair and reasonable. If there are any ordinances and conditions or rules that we
2316 don't comply with, I would like to know it, but it is my understanding that we comply with all
2317 of the Ordinances, so...

2318
2319 Ms. Dwyer - Any questions for Mr. Cowan? Mr. Cowan, I notice on this plan
2320 that your client has dedicated part of his property for Pump and Church Roads? Is that
2321 correct?

2322
2323 Mr. Cowan - I believe that is true.

2324
2325 Ms. Dwyer - Is your client unwilling to dedicate different portions of the
2326 property if, say, the alignment of Church and Pump were changed?

2327
2328 Mr. Cowan - We are not necessarily saying. We are not here to fight the
2329 County and we just want our plan approved. We are certainly not here saying that if some
2330 other kind of plan on the road network comes along and it is reasonable for them to make a
2331 dedication, and in their best interests that they would hold up and not make a dedication of
2332 right of way, see here is part of the problem. We are talking about all of these "what ifs" that
2333 have been going on for years, and we are trying to get our position fixed that we meet all of
2334 the requirements and regulations and we want our rights and our obligations fixed at this point
2335 in time. I am not saying that we would not make a reasonable dedication in the future. I am

2336 not saying that we would. We would have to see what it amounts to. But we certainly want to
2337 cooperate in any reasonable way.

2338
2339 Ms. Dwyer - All right, so you'd be willing to work through the Director of the
2340 Department of Public Works to determine what the right of way widening needs to be for the
2341 parcel?

2342
2343 Mr. Cowan - Well, we would be willing to listen and to talk, but anything that
2344 I say, by saying that, I am not intending to say that we are waiving any rights that we have. I
2345 mean, I am basically saying that whatever happens down the road, you know, it happens. And
2346 we will evaluate our position then. Where we are now is, I have a client that has got a piece of
2347 land that he has had for a long time and he wants to develop it. And he has met all of the
2348 requirements of law and if the County wants to hold him up from developing it, based on the
2349 fact that John Rolfe Parkway may be there sometime, or some other road may be there some
2350 time, then they ought to buy his land. If they are not prepared to do that through appropriate
2351 condemnation procedures, if they are not willing to do that, then they ought to approve his
2352 plan. That is what I am saying. Let me say this. We want to fix our rights. I have said I am
2353 from Chesterfield.

2354
2355 One of the best political cartoons I ever saw was a little boy with his granddad, and they were
2356 walking down the road hand in hand, and the little boy said, "Granddad, what was it like when
2357 you were a boy?" And he said, "Coca colas were a nickel, and they were going to build 288."
2358 So, all I am saying is we don't want the County to turn us loose on our land or buy our land on
2359 appropriate procedures, and we respectfully ask you to approve this plan.

2360
2361 Mr. Vanarsdall - I think Earl Thompson drew that, didn't he?

2362
2363 Mrs. Wade - Did you joke around when you were on the Planning Commission
2364 in Chesterfield?

2365
2366 Ms. Dwyer - Any questions for Mr. Cowan? Thank you.

2367
2368 Mr. Cowan - I want you to understand that we are not here being hostile, but
2369 we have to assert our rights and that is what we are doing. Thank you.

2370
2371 Ms. Dwyer - All right. This case has been kicking around for a while and did
2372 you have anything you wanted to add, Mr. Wilhite? I see you rising.

2373
2374 Mr. Wilhite - No, ma'am. Not unless you have a question.

2375
2376 Ms. Dwyer - What about the sand filter and I know this is a minor point, but
2377 you did say that you wanted that moved out of the 10-foot?

2378

2379 Mr. Wilhite - Yes, we just wanted to make sure that the sand filter when
2380 constructed is not going to effect any landscaping that is required between the parking lot and
2381 the right of way, so we would request that be moved to the parking lot.
2382

2383 Mr. Cowan - That is acceptable to us.
2384

2385 Ms. Dwyer - Will that be an annotation on the plan?
2386

2387 Mr. Wilhite - Yes, ma'am.
2388

2389 Ms. Dwyer - That is acceptable to the applicant so we are straight on that
2390 minor point. This case has been around for a while. Mr. Thompson and Mr. Gallagher have
2391 met with me several times and we have all been hoping that the road issue would be resolved
2392 so that Mr. Thompson could make good use of his property as he is entitled to do.
2393 Unfortunately, as things go, the road issue still hangs in the balance and is still unanswered,
2394 and I believe that the applicant is not trying to harass the County but rather trying to draw the
2395 line and say that it is time for me to be able to exercise my property rights, and I can't wait
2396 any longer. It puts this Commission in a very difficult position because we have a plan before
2397 us that runs counter to the Major Thoroughfare Plan. The John Rolfe Parkway is proposed to
2398 run straight through the middle of this site. If some of the alternatives are adopted that have
2399 been discussed, then the site would be effected. It may be that more land will be added to the
2400 site, as obscured right of way, but again, it is a mystery to us at this point what is going to
2401 happen, and we need to make a decision. So, I move for the approval of POD-6-99, Rite Aid
2402 @ Church and Pump Roads, including all of the annotations on the plan and standard
2403 conditions that are appropriate for developments of this type, and including conditions Nos. 23
2404 through 30, but not including Conditions 31 and 32. Do I have a second?
2405

2406 Ms. Quesinberry - Second.
2407

2408 Ms. Dwyer - Motion by Ms. Dwyer and a second by Ms. Quesinberry. All in
2409 favor of the motion say aye. All opposed say no. The motion carries.
2410

2411 The Planning Commission voted to approve POD-6-99, Rite Aid @ Church and Pump Roads,
2412 subject to the annotations on the plans, the standard conditions for developments of this type
2413 and the following additional conditions:
2414

2415 23. The easements for drainage and utilities as shown on approved plans shall be granted to
2416 the County in a form acceptable to the County Attorney prior to any occupancy permits
2417 being issued.

2418 24. The developer shall provide fire hydrants as required by the Department of Public
2419 Utilities in its approval of the utility plans and contracts.

2420 25. A standard concrete sidewalk shall be provided along the north side of Church Road.

2421 26. Any necessary off-site drainage easements must be obtained in a form acceptable to the
2422 County Attorney prior to final approval of the construction plans by the Department of
2423 Public Works.

- 2424 27. Deviations from County standards for pavement, curb or curb and gutter design shall be
 2425 approved by the County Engineer prior to final approval of the construction plans by
 2426 the Department of Public Works.
- 2427 28. In the event of any traffic backup which blocks the public right-of-way as a result of
 2428 congestion caused by the drive-up delivery facilities, the owner/occupant shall close the
 2429 drive-up delivery facilities until a solution can be designed to prevent traffic backup.
- 2430 29. Insurance Services Office (ISO) calculations must be included with the utilities plans
 2431 and contracts and must be approved by the Department of Public Utilities prior to the
 2432 issuance of a building permit.
- 2433 30. Approval of the construction plans by the Department of Public Works does not
 2434 establish the curb and gutter elevations along the Henrico County maintained right-of-
 2435 way. The elevations will be set by Henrico County.

2436
 2437 **PLAN OF DEVELOPMENT**
 2438

POD-27-99 **HIS Land Surveying Inc. for David L. Campbell:** Request for
Camco Racecar Products - approval of a plan of development as required by Chapter 24,
Drybridge and Old Section 24-106 of the Henrico County Code to construct a one-
Williamsburg Roads story, 7,200 square foot race car parts and assembly building.
 The 1.96-acre site is located on the southwest corner of the
 intersection of Drybridge and Old Williamsburg Roads on part
 of parcel 165-A-58. The zoning is B-3, Business District.
 County Water and Septic Tank/Drainfield. **(Varina)**

2439
 2440 Ms. Dwyer - Is there any opposition to POD-27-99, Cameco Racecar
 2441 Products? Is there anyone in the audience in opposition to this case? No opposition. Mr.
 2442 Wilhite.

2443
 2444 Mr. Wilhite - Staff is recommending approval with the standard conditions,
 2445 annotations and conditions Nos. 23 through 31. It has been indicated to me for the
 2446 representative for the applicant that he does have some concerns over the requirements of right
 2447 of way improvements on Drybridge Road and Old Williamsburg Road and also there may be
 2448 some concerns about the condition that relates to keeping the garage doors closed during the
 2449 operation of this business. I'd be happy to answer any questions you might have.

2450
 2451 Ms. Dwyer - Any questions of Mr. Wilhite by Commission members? No
 2452 questions. Would you like to hear from the applicant?

2453
 2454 Ms. Quesinberry - Does the Commission have any questions of the applicant? Yes,
 2455 sir.

2456
 2457 Mr. Paul Melvin - Good morning. My name is Paul Melvin and I am the applicant's
 2458 representative. Mr. Campbell, the owner, feels that requirements are a little excessive and
 2459 feels that because of this the project has rendered economically not feasible. So, he is going to
 2460 withdraw his application and take his project somewhere else. Thank you.

2461
2462 Ms. Dwyer - Any questions of the applicant by Commission members? No
2463 questions. Thank you.
2464
2465 Mrs. Wade - We have to vote on PODs, don't we? Not zoning cases, but
2466 PODs.
2467
2468 Ms. Dwyer - I think we have to vote on POD withdrawals.
2469
2470 Ms. Quesinberry - I would like to move the withdrawal of POD-27-99 by the
2471 applicant as requested.
2472
2473 Mrs. Wade - Second.
2474
2475 Ms. Dwyer - We have a motion by Ms. Quesinberry to approval withdrawal of
2476 POD-27-99 and a second by Mrs. Wade. All in favor say aye. All opposed say no. The
2477 motion carries.
2478
2479 At the applicant's request, the Planning Commission voted to approve withdrawal of POD-27-
2480 99, Camco Racecar Products – Drybridge and Old Williamsburg Roads.

2481
2482 **PLAN OF DEVELOPMENT**
2483

POD-14-99 **Engineering Design Associates for F. W. Properties III, L.L.C**
Audubon Village Apartments **and Beacon Construction Company:** Request for approval of a
plan of development as required by Chapter 24, Section 24-106
of the Henrico County Code to construct (9) two-story and (1)
one-story apartment buildings totalling 214 units, and a one-
story 3,193 square foot office/community building. The
14.78-acre site is located on the south line of Audubon Drive
approximately 165 feet west of Laburnum Avenue on parcel
162-A-72B. The zoning is R-5, General Residence District
and ASO, (Airport Safety Overlay District). County water and
sewer. (Varina)

2484
2485 Ms. Dwyer - Is there anyone in the audience in opposition to POD-14-99,
2486 Audubon Village Apartments? We do have opposition. We will get to you in a moment. Ms.
2487 News.
2488

2489 Ms. News - Staff has completed its review of the revised plan, which has just
2490 been distributed to you. The applicant has addressed the majority of the staff's concerns with
2491 the revised plan. The dedication and construction of three lanes of Audubon Drive, which will
2492 provide a connection from Laburnum Avenue to Oakley's Lane, in accordance with the Major
2493 Thoroughfare Plan, is required with this project. Two conditions are recommended to tie the
2494 dedication and construction of the road to this project: Condition No. 30 in your Agenda and
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2495 Condition No. 31 in your Addendum. Condition No. 30 in your Addendum will not be used
2496 and it is not recommended. The submission of the subdivision and construction plans for the
2497 road has occurred and is scheduled for next month's Planning Commission hearing. A
2498 sprinkler system has been added and the utilities and grading reworked, which satisfies the
2499 major concerns of the Fire, Utility and Building Inspections Department. Tree-save areas have
2500 been shown along Audubon Drive, although the final tree save will be affected by the sight
2501 distance at the western entrance and grading coordination with the road. The Department of
2502 Public Works has agreed to streambank stabilization in lieu of piping along the eastern property
2503 line in the interest of saving trees at the neighbor's request. Staff has two remaining concerns,
2504 namely the screening of the HVAC units along the rear of units facing Audubon and the
2505 provision of additional dumpsters, as well as finding appropriate locations for the dumpsters on
2506 the site. Staff's research indicates that five to six dumpsters would be a more appropriate
2507 quantity than what is proposed, although there are not very many ideal locations available on
2508 the site. The applicant prefers to address both of these issues with the landscape plan. With
2509 the resolve of these two issues, all minimum code requirements have been met and staff can
2510 recommend approval of the plan. Staff is aware, however, that the adjacent neighbors are here
2511 to present their concerns regarding this plan.
2512

2513 Ms. Dwyer - Thank you. Are there any questions by Commission members of
2514 Ms. News?

2515
2516 Mrs. Wade - Is there one tot lot? That is in Phase 2, isn't it?

2517
2518 Ms. News - The tot lot, yes, they are showing it within the Phase 2 drawing.
2519 They show that area to be left treed until it is developed.

2520
2521 Ms. Dwyer - Will there be no recreation area or open space available in Phase
2522 I?

2523
2524 Ms. News - Perhaps the applicant can address that. They are building the
2525 road there, so they may be able to fit the tot lot in, just south of the road where it is shown.

2526
2527 Mrs. Wade - Is this an addition to their current project, or is it separate from
2528 it? It looks like apartments are already there.

2529
2530 Ms. News - That is a separate apartment project.

2531
2532 Ms. Dwyer - Are there any other questions for Ms. News? Thank you. Will
2533 the applicant come forward, please?

2534
2535 Ms. Laraine Issac - Good morning. I'm Laraine Isaac with Engineering Design
2536 Associates. The plan before you today is for the construction of Audubon Village Apartments.
2537 Although the property has been zoned for multi-family use for over 30 years, it has not been
2538 developed mainly due to the large investment required to construct Audubon Drive. This
2539 section of Audubon is a much needed connection between Laburnum Avenue and Oakley's

2540 Lane. It should dramatically decrease the traffic on Finley. The zoning ordinance does allow
2541 for three-story units in R-5, but the decision to build two-story units was made so that there
2542 was continuity and consistency between this development and the adjacent single-family
2543 residential. In order to preserve natural vegetation between the development and the adjacent
2544 single-family development, Building 9D was situated 74 feet from the property line. In
2545 response to concerns expressed by the adjacent neighbors, the developer has agreed to move
2546 that building another 20 feet from the property line. The minimum setback required by Code
2547 is 30 feet. We will now be providing over three times minimum setback. Moving this
2548 building will also allow us to increase the natural buffer area to 70 feet; that is seven times the
2549 minimum required by Code. In response to concerns by neighbors about pedestrian traffic
2550 through their yards, the developer has agreed to build a 6-foot solid board fence along the
2551 property line. The BMP will be enclosed with a fence, and we are working with Public Works
2552 to insure that both drainage and safety issues are adequately addressed. The County is
2553 fortunate that a developer with such an excellent reputation around Virginia is developing this
2554 site. Not only does Beacon Construction build but they also manage their developments. As
2555 the property owner, Beacon Construction will become a new member of the Henrico County
2556 community. I believe that the plan before you today represents a well thought out design.
2557 Two-story units, maximum areas of tree preservation, the construction of Audubon Drive, and
2558 setbacks far exceeding the County's minimum requirements, and I ask that this plan be
2559 approved. I will be happy to answer any questions.

2560
2561 Ms. Dwyer - Any questions by Ms. Isaac's by Commission members?
2562

2563 Ms. Quesinberry - (Unintelligible - mike not picking up voice.)
2564

2565 Ms. Isaac - The owner, Beacon Construction, is also here, a member of his
2566 management team and the architect if you have questions of them.
2567

2568 Ms. Dwyer - I have a question, Ms. Isaac. How many, it looks like there will
2569 be over 200 units, 214 is that right? How many people would you expect to populate this
2570 apartment complex, given 214 units?
2571

2572 Ms. Isaac - Purely off the top of my head, I would say 500 to 600.
2573

2574 Ms. Dwyer - And the only open space that has been provided that could be
2575 used for passive recreation or otherwise is this tot lot area as shown on the plan?
2576

2577 Ms. Isaac - Well, we have huge areas that could be used for passive
2578 recreation as far as setbacks and natural areas.
2579

2580 Ms. Dwyer - Which areas are those?
2581

2582 Ms. Isaac - The largest is the area adjacent to the single-family residential,
2583 but we have open areas throughout the site. All of our setback have been increased.
2584

2585 Ms. Dwyer - I am not talking about the setbacks. I'm just talking about as a
2586 practical matter. Where are people going to have a picnic table, or pick-up soccer ball, or
2587 where will that take place, in light of the fact that you have 600 people?
2588

2589 Ms. Isaac - We do have the recreation area and the swimming pool.
2590

2591 Ms. Dwyer - Where is that?
2592

2593 Ms. Isaac - That is located at the far western edge nearest Laburnum.
2594

2595 Ms. Dwyer - Is that Building A-1? Building A, the community building?
2596

2597 Ms. Isaac - Very far on your left (pointing on the map) is the community
2598 center with a swimming pool.
2599

2600 Ms. Dwyer - The laundry, office, maintenance and community building? And
2601 so how much of that building would be dedicated to the community building?
2602

2603 Ms. Isaac - The majority of it is for a very small office for rental and the rest
2604 of it is for a community building.
2605

2606 Ms. Dwyer - Do you know the square footage?
2607

2608 Ms. Isaac - Not off the top of my head. The architect may be able to address
2609 that.
2610

2611 Ms. Dwyer - Any other questions for Ms. Isaac?
2612

2613 Mrs. Wade - The buildings have fronts on both sides, back and front? I mean,
2614 it looks like they are on both sides.
2615

2616 Ms. Isaac - Right, you enter through a common walkway.
2617

2618 Ms. Dwyer - Let me ask you about this area long where the residences are.
2619 There is a stream going through here, is that right?
2620

2621 Ms. Isaac - A stream - ditch - that meanders there. It meanders through
2622 there.
2623

2624 Ms. Dwyer - Do we have a ditch that is wet some of the time?
2625

2626 Ms. Isaac - Yes.
2627

2628 Ms. Dwyer - And then some vegetation, so that is not really a recreational
2629 area, a place for a child to play or something baseball or ... and I don't see any areas on here
2630 for that.
2631
2632 Ms. Isaac - No. The area where the tot lot is going, that will be an open
2633 area.
2634
2635 Ms. Dwyer - Any other questions?
2636
2637 Mrs. Wade - When will they anticipate building Phase 2?
2638
2639 Ms. Isaac - It will either follow immediately after Phase 1 but no longer than
2640 a year later.
2641
2642 Mrs. Wade - You see the X's on some of the buildings? What do they mean?
2643 I wonder if those are the units for the disabled?
2644
2645 Ms. Isaac - That is handicapped accessible.
2646
2647 Ms. Dwyer - Thank you, Ms. Isaac. Will the applicant come forward, please?
2648 And anyone who would like to speak, if you could just all come down and then we will save a
2649 little time getting to and from the podium.
2650
2651 Mr. David Turner - Good morning. Members of the Board (sic), my name is David
2652 Turner and I live at 4724 Kenlock Court. It is going to be B-11 on your drawing. And my
2653 concerns are an additional setback of at least 20 feet. She said 70 feet, but it is only one
2654 building, and that is the one that you see next to the pond, if I am correct. But, she did not
2655 indicate what the setback would be from our parking lot. You have one building or two
2656 buildings directly behind our houses where the stream is.
2657
2658 Ms. Dwyer - So you are asking for?
2659
2660 Mr. Turner - An additional 20 feet with that one building. I think it is 9-A or
2661 9-1, I think it is, right behind 9-B (looking at map).
2662
2663 Ms. Dwyer - So you are looking for the three buildings that are shown as 9-D
2664 to be moved 20 more feet away from the property line, is that what you'd like.
2665
2666 Mr. Turner - 9-D, yes, ma'am.
2667
2668 Ms. Dwyer - Any questions for Mr. Turner by Commission members?
2669
2670 Mr. Turner - I want to thank Ms. Quesinberry. She has been very helpful and
2671 she came out to our site and she knows a great deal of our views as far as what we are
2672 concerned with, as far as safety and welfare of our subdivision. We haven't seen an actual
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2673 print out as to exactly what the building is going to look like. Is it going to be aluminum
2674 siding, brick? Or is it going to be in the form of Newbridge Circle or Newbridge Road
2675 Apartments? We don't know what they are going to look like as far as that concern is.
2676

2677 Mrs. Quesinberry - You are going to see that in just a few minutes, Mr. Turner.
2678

2679 Mr. Turner - All right. OK.
2680

2681 Ms. Dwyer - We do have elevations that we can put up there.
2682

2683 Mr. Turner - The setbacks would be effective if you alleviate one of the
2684 parking spaces or a group of parking spaces and the building could be set back further from the
2685 parking lot, from the stream, and also, I think there is a request for a fence to be put up. The
2686 request is going to come up later on, but it is going to have a major impact on our
2687 neighborhood. We have people walking through already, along with the noise level. We
2688 request that those trees be left up if possible, plus Interstate 95 and 64 and the Airport, planes
2689 coming in and going out. We would also like that to come to consideration, the noise level. It
2690 is going to be a great deal of noise level. You're talking anywhere from 600 to maybe 700
2691 people, they have to play. They have to go somewhere to recreate, but there is no where for
2692 them to go, but to the recreation building and to the pool. If that is the case, it may be a long
2693 shot just to alleviate Building 9-D altogether. That would take away some of the aspects of
2694 crowding in the apartment building right next door to the subdivision. You could alleviate that
2695 whole section of 9D.
2696

2697 Mr. Walker- Madam Chairman, I think that is a major hope for us, but if it
2698 cannot be, we'd like to know if there can be more consideration given to the integrity of the
2699 land by having some more trees or shrubbery that exists within that area.
2700

2701 Ms. Dwyer - Would you state your name for the record, please?
2702

2703 Mr. Melvin Walker - I am sorry. I am Melvin Walker. I am at 4704 Kenlock Court.
2704

2705 Ms. Dwyer - Thank you, Mr. Walker. Any questions of Mr. Walker by
2706 Commission members? Thank you. Would anyone else like to speak?
2707

2708 Ms. A. Lowery - Hello, my name is Armsa Lowery and I live at 4708, and my
2709 concern is pretty much the same concerns that were just mentioned earlier, and we would like
2710 to thank the people who came out to try to see if they could work with us, but my concern is
2711 the same thing, as well as one additional concern with the apartments. They mentioned
2712 something about those in the back, and I didn't know how high those apartments were going to
2713 be with the fence that they might propose. Nothing was mentioned on that, but I did know
2714 they mentioned something about the windows facing our property, so I didn't know. That was
2715 not made clear.
2716

2717 Ms. Dwyer - You want to know how high the buildings area and whether there
2718 are second story windows that will be facing your property?

2719
2720 Ms. A. Lowery - Correct, because they are talking about building the fence, but we
2721 don't even know how high the fence is going to be as opposed to the windows that will be
2722 facing us. When all of bought our property, we were mis-told by the people that we bought it
2723 from that the property was owned by, at that time, by Lucent Technology, and we was told
2724 that would be undeveloped for a while. All of us were misinformed, so when we bought that
2725 property, privacy was a main issue as to why we purchased the property in the beginning.

2726
2727 Ms. Dwyer - Thank you, Ms. Lowery. Anyone else?

2728
2729 Mr. Kenneth Lowery - My name is Kenneth Lowery and so far we appreciate the
2730 developers working with us. We, being as homeowners, this is our investment. These are not
2731 starter homes, so a lot of folks build homes there expecting to live there for a long time, and
2732 these apartments are going to have an effect on our neighborhood, and right now, we just want
2733 to work with the developers and hope the developers will work with us. Thank you.

2734
2735 Mr. Archer - Mr. Lowery, there appears to be in Kenlock Court, and I am just
2736 looking at what I have in front of me, up at the end of the cul-de-sac, there are four lots
2737 shown, but I don't see a footprint of a house on any of those lots. Are those lots not
2738 developed?

2739
2740 Mr. Lowery - No, the whole community is developed.

2741
2742 Mr. Archer - So there are houses built in the cul-de-sac?

2743
2744 Mr. Lowery - Yes. It is a cul-de-sac and the major thing, especially with
2745 apartments, and everything, other apartments are south of us, and we know that the folks that
2746 rent these things are going to be respectable, but I know they are going to have kids, and that
2747 lays out the concerns. The kids are not going to respect our property and I know a lot of these
2748 things are going to come over on our landscaping and our part of the project.

2749
2750 Ms. Dwyer - Would you prefer a board fence or a chain-link fence?

2751
2752 Mr. Lowery - Well, board; actually we would prefer the board with some
2753 shrubbery to grow around it for eventually the fence is going to rot out, or it is going to get
2754 into a condition where they are either going to have to replace it after a period of time. If
2755 some kind of shrubbery were growing along with the fence, when the fence gets to that point,
2756 it would be something there.

2757
2758 Ms. Dwyer - Are there any questions of the opposition by Commission
2759 members? Thank you very much.

2760
2761 Ms. Quesinberry - Thank you all for coming out here today.

2762
2763 Ms. Isaac - As I earlier stated, we have agreed to move Building 9D 20 more
2764 feet from the property line. We are now showing it at 94 feet – an additional 20 feet of
2765 buffering – and I have a plan here that reflects that change.

2766
2767 Ms. Quesinberry - And that is all three of those pods for 9D, the entire building?

2768
2769 Ms. Dwyer - Is that to 90 feet or 70 feet? (All commissioners are looking at
2770 map and discussing project).

2771
2772 Ms. Isaac - With that change, with that 20 foot setback, that puts the units
2773 closer to the dwellings including their backyards and our setback, but a 134 feet that is between
2774 house and apartment complex, with 70 feet of natural buffer strip. Now there is no way we
2775 can block windows, but at 134 feet, we are farther away than had this property been developed
2776 as single-family, and you would have had second-story windows backing up which could have
2777 been as close as 80 feet, so we feel the 134 feet between buildings, plus 70 feet of natural
2778 landscaping should address any problem of privacy.

2779
2780 Mrs. Wade - Would you describe these buildings that are on the screen just for
2781 them?

2782
2783 Ms. Isaac - The buildings proposed are brick and vinyl.

2784
2785 Mrs. Wade - I think they said they had not seen what the buildings looked like
2786 in the back, and they are going to look in the back the same way they look in the front.

2787
2788 Ms. Isaac - Right.

2789
2790 Ms. Dwyer - And what is the commitment to brick as opposed to vinyl on the
2791 building?

2792
2793 Ms. Isaac - As far as the percentage? I'd like the architect to address that
2794 question.

2795
2796 Mrs. Wade - What will the gables be?

2797
2798 Ms. Isaac - Brick. Preston Basnight is the architect and he could answer
2799 some of these questions I think, better than I can.

2800
2801 Mr. Basnight - The brick as it is set up right now is on the gables, the forward
2802 gables on each building on each side of the breezeway access, and it returns, depending on the
2803 depth of the gable four to seven feet down each side of those gables, and it changes to vinyl
2804 siding and at this point in time, it is either going to be wood railings or it may be at the option
2805 of the owner, vinyl railings or aluminum railings on the balconies and the decks, and then
2806 vinyl siding on around the end. The majority of the laundry, office, maintenance, community

2807 building is going to be brick except for one elevation on the back. And it would be on that
2808 front board right there (pointing to map). On the LOM building, which is top four elevations
2809 on that sheet, the back rear elevation has that element with an arched window in it, and that
2810 will be the only vinyl siding on that building. That will be all brick except for that. That is
2811 the amount of brick, as far as the percentages, I'd say on the main buildings, each building pod
2812 would probably be about 30% brick and 70% vinyl siding, and the other one is about 95%
2813 brick on the LOMC building.

2814
2815 Mrs. Wade - When you use the term gable, do you mean the whole wall all the
2816 way to the ground?

2817
2818 Mr. Basnight - Yes, ma'am. All the way down, all the way from grade to the
2819 pitched roof.

2820
2821 Mrs. Wade - OK, because that is the correct architectural term, because I
2822 heard somebody recently talking about brick gables, and I couldn't quite figure it out.

2823
2824 Mr. Basnight - Well it is a gable roof. A lot of people call it a gable roof or
2825 double-pitched roof, but it is gabled roof and it ties into the main gable going in the opposite
2826 direction, 90 degrees to it.

2827
2828 Ms. Dwyer - And the gables on the ends will not be brick. They will be vinyl?

2829
2830 Mr. Basnight - They will be vinyl, but you will be seeing the brick beyond in the
2831 end elevations, you see the brick beyond the return on the gable section.

2832
2833 Ms. Dwyer - Any other questions by Commission members?

2834
2835 Ms. Quesinberry - I have a few questions for Ms. Isaac and am trying to recap some
2836 of our issues. This complex is quite compact and I think, as Ms. Dwyer pointed out, in 214
2837 units there are a lot of people, and I certainly think it would be nice if there was some passive
2838 open space - but there doesn't appear to be any. Mr. Turner, one of the things I wanted to say
2839 to you, and Mr. Walker, is even in the event that the entire building of 9D were eliminated and
2840 we know that is not going to happen, but if that happened in a complex like this, I think you
2841 would have 200 kids playing in your backyard, and that would not be very desirable either.
2842 And, it goes without saying that the neighbors that live on Kenlock Court are certainly the
2843 people that are most impacted and affected by this development, and they are the people that
2844 we are trying to find some relief for, and I appreciate the developer and Ms. Isaac working
2845 with us, and the neighbors have done great job of trying to stay informed and work with the
2846 developers, too, to make sure that we can come up with something that is going to promote
2847 quite a stable, tranquil community that everybody is used to. And, to that end, I wanted to ask
2848 you a couple of things, first of all about our property line here, and then some things about the
2849 complex itself. I know we are 134 feet from the property line, the property owners on
2850 Kenlock Court to the back of the Apartment Building 9D.

2851

2852 Ms. Isaac - Yes.
2853
2854 Ms. Quesinberry - OK, and we know we have some natural tree and buffering and
2855 we have that little meandering kind of creek in there. Still, we really would like a wood fence
2856 of some type and we can work that out at the time of landscaping, but I would like you to
2857 commit to placement of that fence where it will best shield the neighbors from unwanted noise
2858 or pedestrian traffic and give them the best view that we can possibly give them, and I know
2859 the developers have talked about placing that on the property line, but after the clearing area
2860 takes place, and we have a better view of exactly what the buffered areas will look like, I
2861 would like to leave that issue open to moving the fence closer to the back of the apartments,
2862 not down in the valley, if you will, but get the best elevation of the fence for protection of the
2863 neighbors that live on Kenlock Court and move that back. I know there were some concerns
2864 by the developer about being able to access his own property, but I think we could work those
2865 issues out with a locked gate with a key with the management, or something like that. We've
2866 done that before, with the understanding that when we have worked out the landscaping issues
2867 and the fence issues that we get that fence in the best place, and it may be along - maybe along
2868 the lines of closer to the apartment building - than right on the property line for the neighbors,
2869 so that we get the best aesthetic view and shielding for the neighbors in this area. And, also,
2870 on the BMP, I know we don't want to get into a lot of issues on the BMP, but that is in Phase
2871 1 and the neighbors, the Lowerys, the Walkers, the Sheriffs in particular are going to be
2872 looking at a cleared area from their backyards onto that BMP in Phase 1.
2873
2874 Ms. Isaac - We will be leaving trees along the property line and clearing only
2875 for the limits of the BMP.
2876
2877 Mrs. Quesinberry - I understand that and the BMP is going to be wet and you are
2878 going to put some kind of a fence on the lower slope?
2879
2880 Ms. Isaac - Yes, we are working with the Department of Public Works on
2881 that now.
2882
2883 Mrs. Quesinberry - And landscaping around that?
2884
2885 Ms. Isaac - Yes.
2886
2887 Mrs. Quesinberry - OK. We're OK, you and I are OK on working on this fence
2888 during the landscaping. Correct?
2889
2890 Ms. Isaac - I agreed to discuss it with you further.
2891
2892 Mrs. Quesinberry - We agreed we are going to have a fence.
2893
2894 Ms. Isaac - We agreed we are going to have a fence.
2895
2896 Mrs. Quesinberry - A board fence?

2897
2898 Ms. Isaac - A board fence.
2899
2900 Mrs. Quesinberry - Low maintenance.
2901
2902 Ms. Isaac - Low maintenance.
2903
2904 Mrs. Quesinberry - Seven feet high, at least.
2905
2906 Ms. Isaac - We can go seven.
2907
2908 Mrs. Quesinberry - The best height elevation that we can get it.
2909
2910 Ms. Isaac - I think there is another consideration that needed to be taken
2911 before I commit. I will commit to keep discussions open with you.
2912
2913 Mrs. Quesinberry - OK, I will get back to that. The complex itself, some of the
2914 other issues that we are working with, the number of dumpsters, and the appropriate place for
2915 dumpsters. That is an issue with a compact development like this and are you going to be able
2916 to address some of those?
2917
2918 Ms. Isaac - The staff has expressed their concerns when the project was
2919 developed and we worked with the developer. We were under the impression that this was
2920 adequate. This is what they do for a living. I am not in a position to say whether it is or it
2921 isn't. We can investigate it.
2922
2923 Ms. Dwyer - How many dumpsters are there?
2924
2925 Ms. Isaac - Three dumpsters. Is it expected that you will have families, that
2926 you will have two and three bedrooms?
2927
2928 Ms. Isaac - A cross section of the population.
2929
2930 Ms. Dwyer - If you had an average of three people per apartment, that gives
2931 you between 600 and 700 people and three dumpsters, and three dumpsters for 700 people
2932 does not seem like it would be adequate to me. I assume that was what staff's concern was.
2933
2934 Ms. Isaac - It is.
2935
2936 Ms. Dwyer - And I think that is an important issue, because with a
2937 development this size, if you don't have sufficient dumpsters...
2938
2939 Ms. Isaac - We will be happy to look at the issue and we can do that before
2940 plans are put in for signature.
2941

2942 Mrs. Quesinberry - OK, and we do have the issues for the screening of the HVAC
2943 for the units along Audubon Drive. Some of those units are – it looks like 24 units – and that
2944 could be 24 air-conditioning units setting out there.

2945
2946 Ms. Isaac - I don't think it is a question of will they be screened, but I think
2947 it is what they will be screened with, and I as I told Ms. News, we wanted to use vegetation
2948 and she said they wanted to use fences, and so it was kind of left that it is a comment we will
2949 address with the landscaping plan.

2950
2951 Mrs. Quesinberry - I understand that if adequate screening can't occur with
2952 landscaping that we will have to go to screening with fences.

2953
2954 Ms. Isaac - Correct. That is understood.

2955
2956 Mr. Basnight - Could I make a comment on that? Unless it is limited by the
2957 distance of the refrigerant lines, the air- conditioning units would not be on Audubon Drive.
2958 They would be at the ends of the buildings. The only four that you would get in a 3 pod
2959 building like the one you were referring to – 24 units – would be the center element. The ones
2960 for the two ends – the air conditioning units would set on the ground at the end of the building,
2961 so you would only get four units in the area of that center pod. Other than that, they would
2962 not be on that side of the building, so you've got, you've got two buildings that would have
2963 those four units and two buildings that would not along Audubon Drive. The two to the right
2964 end towards the second access would be the ones where the center unit would have four air
2965 conditioning units.

2966
2967 Ms. Dwyer - Is this development supported by VHDA funding?

2968
2969 Ms. Isaac - Yes, it is.

2970
2971 Ms. Dwyer - Do they not have standards for providing open space in a
2972 complex that would accommodate as many as 600 to 700 people? Do they have no standards
2973 for something like that?

2974
2975 Mr. Basnight - Not that I am aware of, but I have looked at this again, and there
2976 is a possibility of a second tot lot possibly up in the area of the LOMC building around the
2977 pool area, which would be a reasonable place to put it anyway; an additional one, so there is a
2978 second tot lot possibility.

2979
2980 Mrs. Wade - Do you have a resident manager in your project?

2981
2982 Mr. Basnight - Yes, they will have one.

2983
2984 Mrs. Wade - Somebody that lives on the premises?

2985

2986 Mrs. Quesinberry - And did you have someone here today that was going to speak
2987 briefly about the management being Beacon Management, and kind of *Readers Digest* version
2988 of the screening? Screening meaning screening of applicants. I want to make sure we know
2989 which screening we are talking about, since we are doing a lot of screening.
2990
2991 Ms. Leslie Needham - I am Leslie Needham and I am with Shelter Management. The
2992 screening process for the tenants or the prospective residents including credit history check, a
2993 police check, a previous landlord check, a home visit and income verification for each tenant.
2994
2995 Mrs. Quesinberry - And this occurs everytime on every applicant?
2996
2997 Ms. Needham - Everytime on every applicant that we are processing for rental.
2998
2999 Mrs. Quesinberry - And do you have limits on the number of people that can occupy
3000 apartments based on the number of bedrooms?
3001
3002 Ms. Needham - Yes. One bedroom is two people, a two bedroom is four people
3003 and a three bedroom is six people.
3004
3005 Mrs. Quesinberry - OK, and was there an income level?
3006
3007 Ms. Needham - There is. I don't have it with me but there is.
3008
3009 Mrs. Quesinberry - There is a minimum?
3010
3011 Ms. Needham - Yes, we have a minimum and there is a max. In reference to the
3012 dumpsters, they can be emptied daily as needed. Three dumpsters emptied daily would be
3013 plenty or every two days, or sometimes we can see how the need arises.
3014
3015 Mrs. Quesinberry - And that is a good point and one of the things that we think
3016 about, too; there is a trade-off between the noise of banging and clanging emptying dumpsters
3017 and dumpsters filling full of stinky trash and there is a real balance there, so that is something
3018 we need to be aware of again in making a quiet, tranquil neighborhood, because that noise
3019 does carry, too.
3020
3021 Mrs. Quesinberry - Ms. Isaac, are you sitting down? Do you think we are done?
3022
3023 Ms. Isaac - I can only hope.
3024
3025 Mrs. Quesinberry - Not to torture my colleagues much longer, but back on the
3026 Kenlock Court boundary, we will work on that fence for the entire boundary. We are
3027 probably going to have to turn the corner just a little bit again to – I mean turning the corner
3028 here – to hook into what other fences are there or just stub it - if there is not anything there
3029 right now, but are going to have to do a solid, maintenance free as possible board fence, 7 feet

3030 high, and we are going to put it in the most appropriate place to provide the most screening,
3031 which will probably not be right on the property line.

3032
3033 Ms. Isaac - I guess one of my concerns is that my understanding of a need for
3034 a fence is to keep people from walking back and forth through people's yards and noise. I
3035 don't know #1, how much noise there is going to be...

3036
3037 Mrs. Quesinberry - I don't either, but I can only guess.

3038
3039 Ms. Isaac - And it concerns me to decide to put this fence in another location
3040 at this time, because if there is no noise to worry about, then the location of the fence on the
3041 property line would keep people from going from one property to the other. Of course, there
3042 is the concern that we are providing all of this open space and then denying it to the residents
3043 who are going to live here, but I am just telling you not to make issues of it, but my concerns
3044 and yes, I am willing to keep talking to you about it, but I just want you to know how I am
3045 seeing this fence.

3046
3047 Mrs. Quesinberry - And I appreciate that. I am just thinking about after the clearing
3048 takes place at the clearing line we will have a better view of what the natural buffer looks like
3049 and the topography of that area, and where the best place to put the fence would be to provide
3050 the most screening that we can, for this area. I want to just get your commitment that we may
3051 be off the property line, and if that turns out to be the best place, then...

3052
3053 Ms. Isaac - I will commit to continue talking to you about it and seeing what
3054 happens once grading occurs. I think we have to wait until something happens on site.

3055
3056 Mrs. Quesinberry - OK. All right. I will accept that for now.

3057
3058 Ms. Dwyer - Any other questions of the applicant by Commission members?
3059 Ready for a motion.

3060
3061 Ms. Dwyer - If I may make a comment. I realize this plan maximizes the
3062 development of this site and this is probably the most number of units that can be squeezed on
3063 here and I have no problem with the VHDA funding. I think that is important and it is a good
3064 process, but I do have grave concerns about the density of the development here. There is
3065 very little, if any, open space, and I am not talking about just for children. I mean a small tot
3066 lot with a jungle gym or some play equipment is important and is nice, but you also have a lot
3067 of adults here. There is no place to have a picnic. There is no place to throw a baseball or
3068 kick a ball or to play a game if you are a child, and I just think for the benefit of the 600 to
3069 800 souls who may live here, it would be nice for the developers to consider having some open
3070 space for those folks.

3071
3072 Mr. Vanarsdall - I certainly agree with you.

3073

3074 Mrs. Quesinberry - I'm ready for a motion. This is a pretty dense project as we have
3075 all seen, and so as usual, there are two sides to every coin. I think the developers have done a
3076 good job architecturally and their renderings are certainly very nice, and I think they have a
3077 commitment to do a quality development here; certainly one of the benefits to the County and
3078 actually to the neighbors that adjoin this property is decreased traffic on Finlay Avenue, which
3079 is a large problem right now. The development, however, does create some significant
3080 impact, in particular, on the small neighborhood of Kenlock Court, because it is right up
3081 against them and we just need to be very cognizant in planning and landscaping that the
3082 neighborhood is shielded as much as we can. It is a very nice single-family neighborhood. It
3083 is quiet, stable, and I think some would call it very beautiful, and we need to make sure that
3084 we don't impact that in any kind of negative way, so I really am appreciative of the
3085 developer's working with us, with the County staff to make sure that we get that section
3086 looking good and protecting the neighbors on that street. And, with addressing the other issues
3087 of dumpsters and landscaping at the time of landscaping, I think we can settle some of those
3088 issues quite nicely and come up with a project where neighbors are going to be able to live
3089 with neighbors. To the residents on Kenlock, I just want to thank you again for taking time
3090 and for your input, because it certainly did add to the developing of a final plan that is, I think,
3091 going to be much nicer than any plan, had you been quiet and not come forward, and given
3092 feedback and information about how this affects your neighborhood. So, I think we will come
3093 out with a better plan because you were here and you got involved with it. And, I know, in an
3094 ideal world it would be nice if you didn't have this section up against your neighborhood, but I
3095 think we talked about this before and the fact that had single-family homes come in here, they
3096 would have been two-story homes, most likely, and even if they were similar to yours, the
3097 back would have backed up to your property and you'd have had two-story structures that you
3098 would be looking on from your back property. With a two-story apartment building, such as
3099 9D, with the buffers that we are going to put in, the screening, with the fence, and the
3100 developers having agreed to move that building forward towards the complex and creating
3101 additional space there, I think with the architecture and the roof lines and the brick and the
3102 vinyl, at least I am hopeful that your view of that is going to be more in line with what you
3103 would have seen or closer to what you would have seen had that been developed as single-
3104 family homes, two-story single-family homes behind you, and it gives more of that effect, so I
3105 think that is an improvement over some of the things we have seen in the past proposed for
3106 back here, and I am hopeful that will come out all right. So, I move approval of POD-14-99,
3107 Audubon Village Apartments, subject to the annotations on the plans, the standard conditions
3108 for developments of this type and the addition of Conditions Nos. 23 through 30, and I would
3109 like to have No. 9 Amended. For the benefit of the neighbors, that means that the landscaping
3110 plan will come back to this body. We will have an additional time to look at the landscaping,
3111 fencing, and those issues at that time to hammer out the issues.

3112
3113 Mr. Vanarsdall - Mrs. Quesinberry, do you also want to pick up No. 31 on the
3114 Addendum?

3115
3116 Mrs. Quesinberry - Yes, I do. Thank you, Mr. Vanarsdall for watching my back.
3117

3118 Mr. Vanarsdall - With that, I will second it.
April 20, 1999

3119
3120 Mrs. Quesinberry - I want to include Conditions No. 23 through 30 on the original
3121 agenda and Condition No. 31 with No. 9 Amended.

3122
3123 Ms. Dwyer - So you are not including No. 30 on the Addendum?

3124
3125 Mrs. Quesinberry - No. 30 on the Addendum is not included.

3126
3127 Ms. Dwyer - We have a motion by Mrs. Quesinberry, seconded by Mr.
3128 Vanarsdall. All in favor say aye. All opposed say no. The motion carries.

3129
3130 The Planning Commission voted to approve POD-14-99, Audubon Village Apartments, subject
3131 to the annotations on the plans, the standard conditions for developments of this type and the
3132 following additional conditions:

- 3133
- 3134 9. **AMENDED** – A detailed landscaping plan shall be submitted to the Planning Office for
3135 review and Planning Commission approval prior to the issuance of any occupancy
3136 permits.
 - 3137 23. The easements for drainage and utilities as shown on approved plans shall be granted to
3138 the County in a form acceptable to the County Attorney prior to any occupancy permits
3139 being issued.
 - 3140 24. The limits and elevations of the 100 year frequency flood shall be conspicuously noted
3141 on the plat and construction plans and labeled “Limits of 100 Year Floodplain.”
3142 Dedicate floodplain as a “Variable Width Drainage & Utility Easement.”
 - 3143 25. The developer shall provide fire hydrants as required by the Department of Public
3144 Utilities in its approval of the utility plans and contracts.
 - 3145 26. Any necessary off-site drainage easements must be obtained in a form acceptable to the
3146 County Attorney prior to final approval of the construction plans by the Department of
3147 Public Works.
 - 3148 27. Deviations from County standards for pavement, curb or curb and gutter design shall be
3149 approved by the County Engineer prior to final approval of the construction plans by
3150 the Department of Public Works.
 - 3151 28. Insurance Services Office (ISO) calculations must be included with the utilities plans
3152 and contracts and must be approved by the Department of Public Utilities prior to the
3153 issuance of a building permit.
 - 3154 29. Approval of the construction plans by the Department of Public Works does not
3155 establish the curb and gutter elevations along the Henrico County maintained right-of-
3156 way. The elevations will be set by Henrico County.
 - 3157 30. Audubon Drive shall be constructed by the developer of this property concurrently with
3158 the development of this property. Plans for the construction of Audubon Drive shall be
3159 submitted for review and approved prior to the approval of construction plans for this
3160 development. Construction of Audubon Drive is required prior to issuance of a
3161 certificate of occupancy for this development.

3162
3163 **PLAN OF DEVELOPMENT**

April 20, 1999

3164

POD-35-99
Alternative Living Services
Facility - E. Parham Road
and Charles Street

Bohler Engineering, P.C. for Robert Ball: Request for approval of a plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a one-story, 21,077 square foot, 40 bed convalescent home. The 5.84-acre site is located on the southeast corner of Parham Road and St. Charles Road on parcel 53-A-80C. The zoning is R-6C, General Residence District (Conditional). County water and sewer. (Fairfield)

3165

3166 Ms. Dwyer - Is there anyone in the audience in opposition to POD-35-99,
3167 Alternative Living Services Facility – E. Parham Road and Charles Street? No opposition.
3168 Mr. McGarry.

3169

3170 Mr. McGarry - The only issue that staff wanted to point out was the location of
3171 some of the HVAC units behind the building. Because of the excavation that will occur to
3172 lower the finished floor of the building and the substantial screen that is being provided, as
3173 required under one of the proffers, the site geometry would appear to make this location
3174 acceptable. Staff can recommend approval of this plan, subject to standard conditions for
3175 developments of this type and Conditions Nos. 23 through 27. I will be happy to answer any
3176 questions.

3177

3178 Ms. Dwyer - Any questions of Mr. McGarry by Commission members? Are
3179 these buildings all brick? I wonder what the building materials are. It appears to be some
3180 variations, but I can't tell.

3181

3182 Mr. McGarry - Predominantly brick veneer and there is some gable ends which
3183 are going to be stone veneer, and for that matter, yes, there is also some vinyl siding shown in
3184 there.

3185

3186 Ms. Dwyer - Where is the vinyl?

3187

3188 Mr. McGarry - On the Parham Road view, it would appear to be the recessed
3189 portion.

3190

3191 Ms. Dwyer - So everything that has a horizontal line would be vinyl?

3192

3193 Mr. McGarry - The bottom portion is brick veneer, so it looks to be a
3194 combination of brick and vinyl.

3195

3196 Ms. Dwyer - There is a brick water table and then one of the gables, it looks
3197 like it is a dark color, which is brick and then stone?

3198

3199 Mr. McGarry - That is correct. So the gable ends, some are stone and some are
3200 brick.

3201
3202 Ms. Dwyer - But the rest are vinyl. So some are vinyl from the St. Charles
3203 Road view? Is that right?
3204
3205 Mr. McGarry - I would agree with you.
3206
3207 Mrs. Wade - What did you say about the HVAC?
3208
3209 Mr. McGarry - We don't have the cooling towers here, which makes a big
3210 difference, but I want to point out that there are 10 HVAC units around the building, five of
3211 which would be to the building's rear.
3212
3213 Mr. Archer - Madam Chairman, I might point out, I had this conversation with
3214 Mr. McGarry this morning because I was concerned about the fact that these would be lowered
3215 instead of elevated, and I wanted to find out whether or not there was a high decibel level with
3216 the lower, and I have been told that there is a lower decibel level by it being beneath the rest of
3217 the topography instead of like that other case we had a couple of weeks ago that had a cooling
3218 tower. So, I was glad to hear that, I will put it that way.
3219
3220 Mr. Vanarsdall - So you are satisfied?
3221
3222 Mr. Archer - I am, yes, if everybody else is.
3223
3224 Ms. Dwyer - The five you were mentioning, Mr. McGarry, were between this
3225 unit and the homes as opposed to being at another portion of the building? Is that what you
3226 were suggesting, that HVAC units should be adjacent to the library and not the rear?
3227
3228 Mr. McGarry - I wasn't making a recommendation. I was just pointing out the
3229 locations, that there were some towards or immediately behind the building as opposed to
3230 being to the side.
3231
3232 Ms. Dwyer - Any questions for Mr. McGarry? Would you like to hear from
3233 the applicant, Mr. Archer? Would the applicant come forward please? If you would state
3234 your name for the record.
3235
3236 Mr. Adam Volanth - I'm Adam Volanth with Bohler Engineering, and I am here
3237 representing Alternative Living Services. I would be happy to answer any questions to keep
3238 everything moving along.
3239
3240 Mr. Archer - I seem to remember when we looked at the zoning case that if
3241 there was a prototype for the building, in looking at the architectural, it seems as though this
3242 was taken from Sterling Cottage in Richmond, so I would assume that it would be the very
3243 same.
3244

3245 Mr. Volanth - Actually, Sterling Cottage is the name of the concept, and with
3246 regard to Alternative Living Services, they do have locations all over the East Coast. It is
3247 referred to typically by general area as opposed to the true county or jurisdiction that it is in.
3248

3249 Mr. Archer - I can remember, I don't know if my colleagues do, when we did
3250 a zoning case there was a color rendering which did look quite attractive, but the question that
3251 has come up today was about the amount of vinyl that was on the St. Charles Road side. Can
3252 you speak to that for a moment?
3253

3254 Mr. Volanth - That is consistent with that rendering with regard to the vinyl
3255 siding and I believe that was one of the proffers that was in there with regard to the materials
3256 of that building.
3257

3258 Mr. Archer - I was just curious. There are no residences, to my knowledge,
3259 that are across St. Charles Road from this or that site would not be visible to anybody except
3260 traffic going in and out, and as far as the HVAC units are concerned, I would think it would be
3261 more preferable to have them away from the library to maintain quietness. There is a
3262 significant amount of buffering and tree space between the units and the residences. That is all
3263 I have Madam Chairman.
3264

3265 Ms. Dwyer - Any other questions by Commission members? Ready for a
3266 motion?
3267

3268 Mr. Archer - Yes, but before we do, Mr. McGarry, do you know whether
3269 when the zoning case was done, we had some conversation about possibly sharing the
3270 driveway with the library. Do you know if that has come along any at all since we discussed
3271 it?
3272

3273 Mr. McGarry - The applicant in the zoning case agreed to share the driveway if
3274 the County library was ready to come forward, and it has not come forward.
3275

3276 Mr. Archer - I know we didn't want to hold it up for that reason, and I still
3277 don't know at what point we will have the library. I know it is coming.
3278

3279 Mr. McGarry - I don't have a time table either.
3280

3281 Mr. Archer - OK. I was just curious.
3282

3283 Ms. Dwyer - Any other questions by Commission members? Ready for a
3284 motion.
3285

3286 Mr. Archer - Madam Chairman, I move approval of POD-35-99, Alternative
3287 Living Services – East Parham Road and Charles Street, subject to the standard conditions for
3288 developments of this type and additional conditions Nos. 23 through 27, and I would like to
3289 add No. 9 Amended.

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Mr. Vanarsdall - Second.

Ms. Dwyer - We have a motion by Mr. Archer and a second by Mr. Vanarsdall. All in favor say aye. All opposed say no. The motion carries.

The Planning Commission voted to approve POD-35-99, Alternative Living Services Facility – East Parham Road and Charles Street, subject to the standard conditions for developments of this type and the following additional conditions:

9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for review and Planning Commission approval prior to the issuance of any occupancy permits.
23. The developer shall provide fire hydrants as required by the Department of Public Utilities in its approval of the utility plans and contracts.
24. Any necessary off-site drainage easements must be obtained in a form acceptable to the County Attorney prior to final approval of the construction plans by the Department of Public Works.
25. Deviations from County standards for pavement, curb or curb and gutter design shall be approved by the County Engineer prior to final approval of the construction plans by the Department of Public Works.
26. Insurance Services Office (ISO) calculations must be included with the utilities plans and contracts and must be approved by the Department of Public Utilities prior to the issuance of a building permit.
27. Approval of the construction plans by the Department of Public Works does not establish the curb and gutter elevations along the Henrico County maintained right-of-way. The elevations will be set by Henrico County.

PLAN OF DEVELOPMENT

| | |
|---|---|
| POD-28-99 Costco Gasoline - W. Broad Street (POD-101-95 Revised) | Bohler Engineering, P.C. for The Price Company: Request for approval of a revised plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a one-story, 2,816 square foot canopy with a 72 square foot controller enclosure for the retail sale of gasoline on an existing retail site. The 12.86-acre site is located on the northwest corner of W. Broad Street (U.S. Route 250) and Springfield Road (S.R. 157) on parcel 48-A-23A. The zoning is B-3C Business District (Conditional). County water and sewer. (Three Chopt) |
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Ms. Dwyer - Is there anyone here in opposition to POD-28-99, Costco Gasoline – West Broad Street (POD-101-95 Revised)? No opposition. Proceed.

Mr. Whitney - Thank you, Madam Chairman. Staff has completed the review of this application. We had a meeting with the applicant from Bohler Engineering and discussed April 20, 1999

3326 the architecturals. The applicant has offered to do the columns on the canopy split-face block
3327 to match the existing Costco building, as well as canopy structure. Although it is metal, they
3328 will be able to put a stucco application to the outside that would also match the existing
3329 construction of the Costco building. Traffic Engineering has looked at the revised plan, which
3330 accommodates the truck maneuvering for fueling of the underground fuel tanks, with some
3331 alterations of a couple of islands just west of the canopy. And with the removal of two parking
3332 spaces, the truck would be able to maneuver through there without any problems. With that,
3333 staff can recommend approval of this plan and I will take any questions you may have.

3334
3335 Ms. Dwyer - Any questions of Mr. Whitney?

3336
3337 Mr. Vanarsdall - I have one. You say we don't have a problem with parking
3338 spaces with installing this?

3339
3340 Mr. Whitney - No. They have added additional parking in the rear and we have
3341 a condition attached, the number being 27, that this would be designated as employee parking
3342 in the rear to allow the loss of parking in the front to be used by customer's only.

3343
3344 Ms. Dwyer- I am wondering about the circulation. I know, having been here
3345 many times, that the circulation leaves something to be desired as far as getting in and out of
3346 this lot and the other lot, and were there any comments from staff, other staff members, about
3347 the circulation?

3348
3349 Mr. Whitney - I think everyone has recognized the problems with traffic
3350 maneuvering in here on a very busy day at Costco. The only comment from Traffic
3351 Engineering on traffic maneuverability was for the truck movement and that has been worked
3352 out. It was a problem, but it has been worked out now with some alterations.

3353
3354 Ms. Dwyer - And we are talking about the tanker trucks that come in?

3355
3356 Mr. Whitney - That is correct.

3357
3358 Ms. Dwyer - That was my next question. How was it worked out to be
3359 acceptable?

3360
3361 Mr. Whitney - The two islands at the end of the parking rows just west of the
3362 fuel tanks, those are going to be altered to make the turns at each end of those parking rows
3363 more feasible. The truck wheels will not then drive over the curb, and with that, there are a
3364 couple of parking spaces that are eliminated there, but they will be added in the row that is on
3365 the westerly boundary of this property.

3366
3367 Ms. Dwyer - I wonder what else they can get on this site?

3368
3369 Mr. Whitney - I thought this was built out.

3370

3371 Mrs. Wade - And are you going to check their outside storage in the rear?
3372

3373 Ms. Dwyer - Any other questions of Mr. Whitney by Commission members?
3374 Thank you. Would you like to hear from the applicant, Mrs. Wade?

3375
3376 Mrs. Wade - I don't think so. Thanks. We met yesterday. It does conform to
3377 the proffers.

3378
3379 Ms. Dwyer - Does anyone have any questions for the applicant? Then, are we
3380 ready for a motion?

3381
3382 Mrs. Wade - I move that POD-28-99, Costco Gasoline – West Broad Street
3383 (POD-101-95 Revised), be approved, the revised plan with the changes to allow for the
3384 circulation around the gasoline facility. It is true they don't have a lot of excess space here. I
3385 move it be approved, subject to the annotations on the plan, standard conditions for
3386 developments of this type, and No. 9 Amended and Nos. 23 through 32.

3387
3388 Mr. Vanarsdall - Second.

3389
3390 Ms. Dwyer - We have a motion by Mrs. Wade, seconded by Mr. Vanarsdall.
3391 All in favor say aye. All opposed say no. The motion carries.

3392
3393 Mrs. Wade - And Mr. Whitney is to check on the stucco samples to be sure
3394 they match the building.

3395
3396 The Planning Commission voted to approve POD-28-99, Costco Gasoline – West Broad Street
3397 (POD-101-95 Revised), subject to the annotations on the plans, the standard conditions for
3398 developments of this type, and the following additional conditions:

- 3399
3400 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for
3401 review and Planning Commission approval prior to the issuance of any occupancy
3402 permits.
3403 23. The easements for drainage and utilities as shown on approved plans shall be granted to
3404 the County in a form acceptable to the County Attorney prior to any occupancy permits
3405 being issued.
3406 24. The entrances and drainage facilities on W. Broad Street (U.S. Route 250) shall be
3407 approved by the Virginia Department of Transportation and the County.
3408 25. A notice of completion form, certifying that the requirements of the Virginia
3409 Department of Transportation entrances permit have been completed, shall be submitted
3410 to the Planning Office prior to any occupancy permits being issued.
3411 26. The developer shall provide fire hydrants as required by the Department of Public
3412 Utilities in its approval of the utility plans and contracts.
3413 27. Employees shall be required to use the parking spaces provided at the rear of the
3414 building(s) as shown on the approved plans.
3415 28. Outside storage shall not be permitted.

- 3416 29. Any necessary off-site drainage easements must be obtained in a form acceptable to the
 3417 County Attorney prior to final approval of the construction plans by the Department of
 3418 Public Works.
 3419 30. Deviations from County standards for pavement, curb or curb and gutter design shall be
 3420 approved by the County Engineer prior to final approval of the construction plans by
 3421 the Department of Public Works.
 3422 31. In the event of any traffic backup which blocks the public right-of-way as a result of
 3423 congestion caused by the fueling facilities, the owner/occupant shall close the fueling
 3424 facilities until a solution can be designed to prevent traffic backup.
 3425 32. Storm water retention, based on the 50-10 concept, shall be incorporated into the
 3426 drainage plans.
 3427

3428 **PLAN OF DEVELOPMENT**
 3429

POD-31-99 **Foster & Miller, P.C. for Brett Pace and Jones Realty &**
 Ackley Park **Construction Corporation:** Request for approval of a revised
 (POD-112-96 Revised) plan of development as required by Chapter 24, Section 24-106
 of the Henrico County Code to construct two, one-story
 office/warehouses totaling 23,300 square feet. The 2.465-acre
 site is located along the south line of Ackley Avenue at its
 intersection with Peyton Street on parcel 61-A-75N. The
 zoning is M-1, Light Industrial District. County water and
 sewer. **(Brookland)**

3430
 3431 Ms. Dwyer - Mr. Whitney.
 3432
 3433 Mr. Whitney - Thank you, Madam Chairman. This was removed from your
 3434 Expedited Agenda at 10:30 to answer the question of what true-color masonry was. That
 3435 means that the color is the same all the way through and the applicant has indicated that the
 3436 color will be gray, all the way through.
 3437

3438 Ms. Dwyer - It is light gray or more like the old cinder block?
 3439

3440 Mr. Vanarsdall - Have you finished?
 3441

3442 Mr. Gary Webster - Madam Chairman and members of the Commission, I am Gary
 3443 Webster with Foster and Miller, here representing the applicant. We were initially on the
 3444 Expedited Agenda. I think that sort of implies that we have agreed with all of the staff
 3445 comments, which we have, and to answer your comment, this was not an issue we discussed
 3446 and since it was on the Expedited Agenda, the owner or the architect didn't come. If you
 3447 prefer split block, or if that is the desire of the Commission, we will commit to that. If not,
 3448 when I call them as a result of the questions earlier, and to my education learned what true-
 3449 block was, I didn't know either, they said it was the color of the block – it would be the same
 3450 all of the way through. I think at that time I heard, maybe it was Mr. Vanarsdall or someone
 3451 mention they would like to see it gray. Well, I posed that to Mr. Jones and he said, yes, that

3452 would be fine with them. We didn't discuss split-block, but I think in order to move the
3453 project forward, they would be receptive to whatever kind of blocks the Commission so
3454 desires.

3455
3456 Mr. Vanarsdall - Thank you, Mr. Webster.

3457
3458 Mr. Webster - I'll be glad to answer any other questions, if you have any.

3459
3460 Mrs. Wade - And are you saving trees? This came up the last time we had a
3461 POD on this site. You have a lot of pine trees along the street there.

3462
3463 Mr. Webster - Well, it did come up last time and something new since the last
3464 time, the Traffic Engineering Department at this review raised issues of a sight line, and in
3465 order to meet their sight line which at the entrances are proposed and you strike a line as is
3466 shown on the plan that I have, or as Todd Eure can explain to you better, that is going to limit
3467 saving any of the trees along Ackley.

3468
3469 Mrs. Wade - I thought they were tall pines with...

3470
3471 Mr. Webster - There are some tall pines up there, I believe, between the sight
3472 line and the necessary grading and improvements and ancillary uses which are required with
3473 the principal development, we'll do the best we can, let's say that, but I don't want to commit
3474 to you that there is a "tree-save area" specifically that we have in mind at this point.

3475
3476 Ms. Dwyer - Did Mr. Beyer have his question answered satisfactorily? I think
3477 he really just wanted to see how the Henrico County Planning Commission operates on POD
3478 day.

3479
3480 Mrs. Wade - He said he used to be on the Louisa Commission.

3481
3482 Ms. Dwyer - I know, and we worked together earlier at the State. Old friends.

3483
3484 Mr. Webster - I believe that Mr. Beyer, not to speak for him, but he seemed
3485 very appreciative of Mr. Eure's discussions and commitments and I think that concern has
3486 been addressed.

3487
3488 Ms. Dwyer - Any other questions by Commission members? Ready for a
3489 motion?

3490
3491 Mr. Vanarsdall - I recommend approval of POD-31-99, Ackley Park, (POD-112-
3492 96 Revised), be approved with the annotations on the plans and the standard conditions for
3493 developments of this type, and I'd like to add No. 9 Amended and Nos. 23 through 31.

3494
3495 Mr. Archer - I will second that.

3496

3497 Ms. Dwyer - We have a motion by Mr. Vanarsdall and a second by Mr.
3498 Archer. All in favor of the motion say aye. All opposed say no. The motion passes.

3499
3500 The Planning Commission voted to approve POD-31-99, Ackley Park, (POD-112-96 Revised),
3501 subject to the annotations on the plans, the standard conditions for developments of this type,
3502 and the following conditional conditions:

- 3503
- 3504 9. **AMENDED.** - A detailed landscaping plan shall be submitted to the Planning Office for
3505 review and Planning Commission approval prior to the issuance of any occupancy
3506 permits.
 - 3507 23. The easements for drainage and utilities as shown on approved plans shall be granted to
3508 the County in a form acceptable to the County Attorney prior to any occupancy permits
3509 being issued.
 - 3510 24. The developer shall provide fire hydrants as required by the Department of Public
3511 Utilities in its approval of the utility plans and contracts.
 - 3512 25. The certification of building permits, occupancy permits and change of occupancy
3513 permits for individual units shall be based on the number of parking spaces required for
3514 the proposed uses and the amount of parking available according to approved plans.
 - 3515 26. Any necessary off-site drainage easements must be obtained in a form acceptable to the
3516 County Attorney prior to final approval of the construction plans by the Department of
3517 Public Works.
 - 3518 27. Deviations from County standards for pavement, curb or curb and gutter design shall be
3519 approved by the County Engineer prior to final approval of the construction plans by
3520 the Department of Public Works.
 - 3521 28. The loading areas shall be subject to the requirements of Chapter 24, Section 24-97(b)
3522 of the Henrico County Code.
 - 3523 29. Storm water retention, based on the 50-10 concept, shall be incorporated into the
3524 drainage plans.
 - 3525 30. Insurance Services Office (ISO) calculations must be included with the utilities plans
3526 and contracts and must be approved by the Department of Public Utilities prior to the
3527 issuance of a building permit.
 - 3528 31. Approval of the construction plans by the Department of Public Works does not
3529 establish the curb and gutter elevations along the Henrico County maintained right-of-
3530 way. The elevations will be set by Henrico County.

3531
3532 Ms. Dwyer - We have the Minutes and the Resolution. Could we add the
3533 Minutes for March?

3534
3535 Mr. Silber - They are on the Addendum.

3536
3537 Ms. Dwyer - OK. Good. So, we are reviewing the POD Minutes for January
3538 26, 1999 and the Zoning Minutes for March 11, 1999.

3539
3540 Mrs. Wade - Well, I called in for both.

3541

3542 Ms. Dwyer - Does anyone have anything to add to what you added in?
3543 Nothing?

3544
3545 Mr. Archer - I don't remember if I called mine in or not, but just in case I
3546 didn't, Page 8, Line 274, this is the January 26, 1999 minutes, there is a statement attributed
3547 to me that says, "This plan had a few tweaks," and that sounds like a little birdy, and I think
3548 the word was "tweeks".

3549
3550 Mrs. Quesinberry - We will leave that up to Diana. She can spell it anyway she
3551 wants to.

3552
3553 Ms. Dwyer - Thank you, Mr. Archer. Anything else? Do I have a motion on
3554 the minutes?

3555
3556 Mrs. Quesinberry - I move acceptance of the January 26, 1999 Minutes from the
3557 January 26, 1999 Planning Commission meeting, as amended.

3558
3559 Mrs. Wade - Second.

3560
3561 Ms. Dwyer - We have a motion by Mrs. Quesinberry and a second by Mrs.
3562 Wade. All in favor say aye. All opposed say no. The motion carries.

3563
3564 The Planning Commission voted to approve the Minutes of January 26, 1999 from the January
3565 26, 1999 meeting, as amended.

3566
3567 Ms. Dwyer - I'm ready for a motion on the March 11, 1999 Minutes. Those
3568 are our zoning meeting minutes.

3569
3570 Mrs. Wade - All right. I move the March 11, 1999 Minutes be approved, as
3571 amended.

3572
3573 Mrs. Quesinberry - Second.

3574
3575 Ms. Dwyer - We have a motion on the March 11, 1999 Minutes by Mrs. Wade
3576 and a second by Mrs. Quesinberry. All in favor say aye. All opposed say no. The motion
3577 carries.

3578
3579 The Planning Commission voted to approve the March 11, 1999 Planning Commission minutes
3580 as amended.

3581
3582 Mr. Silber - May I make one comment on the minutes, or maybe I will just
3583 inform you of a policy we have in the office. That is, if someone comes in and wants a copy
3584 of the minutes, we do not provide a copy of the minutes to anyone until the Planning
3585 Commission has approved the minutes. We certainly allow them to look at the minutes, if
3586 copies have been provided to the Planning Commission, but we try not to let anybody see the
April 20, 1999

3587 minutes or have the minutes until the Planning Commission has it. We do the best we can and
3588 work as quickly as we can to get things to you, and I am sure with your schedules, you all are
3589 busy, too, but we try to get these approved as quickly as possible, because in some cases
3590 people are coming in wanting to appeal certain cases, and it really is difficult to put them off
3591 until the Planning Commission has a copy. So, we encourage you to look at them as quickly
3592 as possible and approve them as quickly as we can.

3593
3594 Ms. Dwyer - I think I was negligent last month, in March. We are doing
3595 pretty well. We were a little backed up, but we are now up to February in POD minutes and
3596 April in Zoning.

3597
3598 Mr. Vanarsdall - Are we ready for Mrs. Anderson?
3599

3600 **RESOLUTION: Northern Middle School Site – Substantially In Accord With the County of**
3601 **Henrico Comprehensive Plan**

3602 (Staff Presentation by Audrey Anderson)

3603
3604 Mr. Marlles - Ms. Audrey Anderson will be giving this report.

3605
3606 Ms. Anderson - As you can see, the proposed site for this public facility is located
3607 in the Brookland District at the northwest intersection of the CSX Railroad and I-295. The site
3608 is zoned R-1AC, which promotes densities up to 2.03 units per gross acre. It is One-Family
3609 Residence District, Conditional. The proposed facility is permitted in that zoning category.
3610 The proposed site is 30 acres in size and it includes part of parcels 14-A-61 and 22-A-1, 2 and
3611 10. The site is suitable for the proposed use in terms of its topography and other physical
3612 features. The existing and proposed land uses on the site and developing the site for the
3613 proposed uses would further the goals, objectives and policies of the Plan that addresses the
3614 provision of public services to the community. Based upon these considerations, the staff
3615 recommends that the Planning Commission approve the Resolution for the Northern Middle
3616 School Site as substantially in accord with the Plan of the County. We do have Mr. Grissom
3617 here from the Schools' office, if you have questions on this site.

3618
3619 Ms. Dwyer - Any questions by Commission members? I see the Concept Road
3620 21-1 comes close but not up to the site.

3621
3622 Ms. Anderson - That is right, yes.

3623
3624 Ms. Dwyer - So that road won't serve the school?

3625
3626 Ms. Anderson - Well, actually that would be the road that would serve the school
3627 that would be taken into consideration in the design of the site.

3628

3629 Ms. Dwyer - The design of the site? It looks like it actually, it doesn't actually
3630 touch the site, from my map, but that is...

3631
3632 Ms. Anderson - Well, you would need a driveway that would connect the site to
3633 that Concept Road, but that would be the access for the school to Mill Road.

3634
3635 Mr. Silber - Ms. Dwyer, I think your question about the Concept Road being
3636 an access, I believe this is simply an alignment that was placed on this map to represent a
3637 Concept Road alignment. The property is now zoned for residential. You will see a layout that
3638 will allow public road access to this site. This does not show it.

3639
3640 Ms. Dwyer - From Concept Road 21. Thank you. The road is still a concept.

3641
3642 Mr. Silber - I think this road, the subdivision layout will not reflect 21-1 in
3643 this configuration. It will be a different set of residential streets that meander through this
3644 development and have access to Mill Road both to the north and to the east and will provide
3645 access.

3646
3647 Ms. Dwyer - Thank you. Are there any other questions for Ms. Anderson?
3648 Ready for a motion?

3649
3650 Mr. Vanarsdall - I recommend approval of the Northern Middle School Site, which
3651 has been found substantially in accord with the Comprehensive Plan recommended by the staff.

3652
3653 Ms. Dwyer - Did we adopt the Resolution, Mr. Vanarsdall?

3654
3655 Mr. Vanarsdall - Yes.

3656
3657 Ms. Dwyer - Is there a second?

3658
3659 Mrs. Wade - Second.

3660
3661 Ms. Dwyer - We have a motion by Mr. Vanarsdall to adopt the Resolution for
3662 the Northern Middle School Site, seconded by Mrs. Wade. All in favor say aye. All opposed
3663 say no. The motion carries.

3664
3665 The Planning Commission voted to adopt the Resolution for the Northern Middle School Site
3666 as being Substantially In Accord with the County of Henrico Comprehensive Plan.

3667
3668 **THE PLANNING COMMISSION RECESSED AT THIS TIME FOR LUNCH.**

3669
3670 **AMENDMENT TO CHAPTER 24 (ZONING) OF THE CODE OF THE COUNTY OF**
3671 **HENRICO: An ordinance to Amend and Reordain Various Sections of Chapter 24 of the**
3672 **Henrico County Code to Permit and Regulate Cul-de-sac Lots and Stem Lots, Flag Lots and**

3673 Similar Non-standard Lot Designs in the Various Residential and Agricultural Zoning
3674 Districts.

3675
3676 AMENDMENT TO CHAPTER 19 (Subdivisions) OF THE CODE OF THE COUNTY OF
3677 HENRICO: An ordinance to Amend and Reordain Various Sections of Chapter 19 of the
3678 Henrico County Code to Permit and Regulate Flag Lots, Stem and Other Unusual Subdivision
3679 Lot Design.

3680
3681 Ms. Dwyer - Good afternoon, Mr. O'Kelly.

3682
3683 Mr. O'Kelly - Good afternoon, Madam Chairman and members of the
3684 Commission. Thank you for the introduction, Mr. Secretary. You did mention that this is an
3685 advertised public hearing with the ads appearing in the *Times-Dispatch* on April 6 and April 13.
3686 The ordinances that were advertised, the first draft ordinances, were distributed to the Planning
3687 Commission in your April rezoning case packets and those are April 6 drafts. This afternoon
3688 we are presenting substitute ordinances which are ordinance drafts noted with the County
3689 Attorney's Office draft dated April 19, 1999. Those drafts were prepared yesterday with the
3690 staff's meeting with the County Attorney's office, and helping them prepare those
3691 amendments. Those drafts were provided to you this morning and they were also faxed to
3692 representatives for the Richmond Area Homebuilders Association, which most of those
3693 representatives are here this afternoon. At the last public hearing and the Work Session held
3694 on March 23, 1999, the staff and representatives for the Richmond Area Home Builders
3695 Association held a discussion and staff pointed out issue points that, at that time, we believed
3696 were the differences between staff recommendations and what the Homebuilders would like to
3697 see in an ordinance.

3698
3699 The first issue involved the number of permitted cul-de-sac and flag lots. As the Commission
3700 may recall, the Homebuilders would like to have you consider an ordinance permitting up to
3701 five cul-de-sac lots and four flag lots to be permitted with special consideration in review by
3702 the Planning Commission. The Commission directed the staff, in response to that issue, to
3703 prepare an ordinance that would permit four cul-de-sac lots and to come up with an amendment
3704 to the Subdivision Ordinance that would allow special consideration for up to four flag lots and
3705 the staff had prepared those amendments for your April 6 ordinance draft that we distributed
3706 previously to you. The second issue involved the grandfathering and the vesting issues. The
3707 Homebuilders wanted a sunset effective date for the ordinance draft that would give them an
3708 opportunity to continue to submit additional applications for flag lots under the current
3709 regulations. The Commission's decision and direction to the staff was with any ordinance, the
3710 effective date would be that date that the ordinance was passed by the Board of Supervisors and
3711 the draft that we prepared and presented to you on April 6 did include the effective date being
3712 the date of passage by the Board of Supervisors. We met with the Homebuilders again last
3713 week and discussed that issue and they still would want a sunset provision in the ordinance and
3714 that would be the next filing deadline after the ordinance took effect, and we will discuss that
3715 issue later in the public hearing.

3716

3717 The third issue that was discussed March 23 was to develop a special approval process for
3718 stem or flag lots. Staff suggested putting provisions in the subdivision ordinance with criteria
3719 that the Commission could consider for flag lots as unusual situations and an ordinance that
3720 would include more design details up front in order for the Planning Commission to give that
3721 special consideration to those types of designs. In our meeting with the Homebuilders last
3722 week, I think they were OK with the special approval process, including flag lots or stem lots
3723 as unusual situations requiring special consideration, but they are not in favor of the additional
3724 design details the staff is requesting in order for the Planning Commission to give favorable
3725 consideration to those types of lot designs.

3726
3727 The fourth issue that was discussed on March 23 was that the Homebuilders wanted to have the
3728 whole issue of cul-de-sac and flag lots considered along with the special strategies project and
3729 not as a separate consideration, but the Planning Commission directed staff to keep these
3730 matters separate and prepare ordinances only for the cul-de-sac and stem and flag lot situations
3731 and bring those back to you for consideration. In the last 18 working days, since the Planning
3732 Commission hearing on March 23, the staff has prepared, as I mentioned, ordinance drafts
3733 with the direction from the Commission. We had two meetings subsequent to your March 23
3734 public hearing with the Homebuilders' representatives. A problem that we ran into last week,
3735 unfortunately, was that the County Attorney's staff, particularly Mr. Tom Tokarz was ill. We
3736 were not able to get with the County Attorney's office to have what the staff had reviewed by
3737 them. We were not able to do that until yesterday, and I met yesterday, pretty much most of
3738 the day, with Mr. Tom Tokarz. We finished up late yesterday afternoon, and we have a
3739 substitute draft as I mentioned that was provided to the Commission this morning that the staff
3740 would recommend that the Planning Commission consider today and perhaps approve that
3741 today, or recommend its approval to the Board. Although we have a substitute draft, we
3742 believe the differences between the staff's recommendations and the desires of the
3743 representatives of the Homebuilders remain the same. There is not a lot of substantive
3744 differences in the first draft prepared by the staff and the final draft prepared by the County
3745 Attorney's office, with the exception that the County Attorney's draft is much briefer, which is
3746 usually the case in working with Mr. Tokarz.

3747
3748 Again, to recap the issues, in the substitute draft and the original draft prepared on April 6, we
3749 believe that there is a slight difference between staff's recommendation and what the
3750 Homebuilders' desire in reference to the definition of a cul-de-sac lot. We also need to
3751 continue to work on, depending on what the Commission does today, in defining the terminus
3752 of the cul-de-sacs in addition to how the lots may be arranged around the terminus of the cul-
3753 de-sac. Again, there are probably differences in the grandfathering. Staff is not
3754 recommending any grandfathering provisions, which is the direction that the Commission gave
3755 us. Again the Homebuilders would like to have some consideration there, and at this point I
3756 think they are recommending to the Commission that you consider providing them or allowing
3757 them to file on the next filing deadline after the effective date of the ordinance, and they would
3758 also like for you to consider that the mere filing of an application would grandfather them
3759 rather than have to have approval by the Planning Commission or another governmental
3760 agency.

3761

3762 The third difference is the number of permitted lots. The staff would still philosophically
3763 have a problem with allowing more flag lots, stem lots or cul-de-sac lots than the ordinance
3764 currently provides for. I think that the Homebuilders prefer to have a minimum of five cul-de-
3765 sac lots in any ordinance that you would consider and in the case of stem lots, flag lots, the
3766 Homebuilders would prefer not to limit the number of lots that the Planning Commission
3767 would consider approving on any one cul-de-sac.

3768

3769 Ms. Dwyer - Do you mean a maximum of five cul-de-sac lots?

3770

3771 Mr. O'Kelly - Right. The maximum, I am sorry. The second ordinance the
3772 Commission is considering which we have not touched on is, or that we touched on briefly, is
3773 the Subdivision Ordinance Amendment, and quickly, the differences there would be that the
3774 Homebuilders would want to maintain maximum flexibility on lot design around the terminus
3775 of the cul-de-sac when the staff wants to promote a uniform lot arrangement to the degree that
3776 it is reasonably practicable. We would like to consider or we would recommend for the
3777 Commission to consider radial lot lines or at least as radial as possible and that is the way that
3778 we have attempted to draft the ordinance recommended to the Planning Commission. The
3779 Homebuilders would like to have maximum flexibility and they are not in favor of radial lot
3780 lines at this point in time. The second issue with the subdivision amendment is, again,
3781 regarding design issues. Staff recommends that greater detail be provided for the staff to
3782 consider recommending approval of stem lots at the time of conditional approval. We would
3783 like to have more detailed information in order to bring a favorable recommendation to the
3784 Planning Commission, and certainly we think you need that detail in order to consider
3785 approving these types of special lots. I will be happy to answer any questions, Madam
3786 Chairman. There are representatives here from the Homebuilders Association and I am sure
3787 they would like to address the amendments.

3788

3789 Ms. Dwyer - Any questions of Mr. O'Kelly by Commission members?

3790

3791 Mr. Vanarsdall - Well, I had the thought, just to run it by everybody, unless it is
3792 too many, is that we've been through this now for a while and I thought we'd find out what
3793 our difference is just like we do our zoning cases. Is the zoning case ready or the POD ready
3794 for the Commission? No, we have two issues. What are the two issues? So, what is the
3795 issue? What do we disagree on? Everything?

3796

3797 Ms. Dwyer - I have a question about Mr. O'Kelly's proposal. I understand
3798 that. If we have any questions relating to understanding staff's proposal, and then we could try
3799 to discern what the differences are between the staff's proposal and the Homebuilders'
3800 proposal.

3801

3802 Mrs. Quesinberry - On the copy of the ordinance that we received in the mail, it did
3803 not have any amendments to 24 and it only amended 19 of the Subdivision Ordinance, so that
3804 was no definition of a cul-de-sac lot that was proposed. Is that right?

3805

3806 Mr. O’Kelly - No. We had distributed to you on April 6 two amendments. One
3807 was an Amendment to Chapter 24 and the second Amendment was to Chapter 19.
3808
3809 Ms. Dwyer - I didn’t get that. I got two copies of the amendment to Chapter
3810 19. That is the problem.
3811
3812 Mr. O’Kelly - I don’t know how that happened, Madam Chairman. I wished we
3813 had caught that. Did other Commission members not get all of the information?
3814
3815 Mrs. Wade - Now, if we do something today, when will that go to the Board?
3816
3817 Mr. O’Kelly - That would be up to the County Manager’s staff when this might
3818 be placed on the Board agenda.
3819
3820 Mrs. Wade - It is indefinite then, at the moment?
3821
3822 Mr. O’Kelly - That is correct. I would imagine...
3823
3824 Mrs. Wade - Then if we did that, there would be quite a bit of time probably
3825 between when we do this and when it actually happens.
3826
3827 Mr. O’Kelly - I would imagine that the Manager would want to have work
3828 sessions just like the Planning Commission did before it is actually put on the Board agenda.
3829
3830 Mrs. Wade - So anybody who wanted to take advantage of the current
3831 conditions, assuming that they were changed, would probably have quite a long period of time
3832 to do that. I am speaking regarding the grandfathering.
3833
3834 Mr. O’Kelly - It is possible. I would think that the Manager would want to take
3835 up the Ordinance at the earliest possible date, but it probably would be no sooner than 30 days
3836 after action was taken by the Planning Commission. We have to meet advertising requirements
3837 as well.
3838
3839 Mrs. Wade - That is right. These things take a while. It is not like it would
3840 happen tomorrow and everybody who had land wouldn’t be able to deal with them.
3841
3842 Mr. Marlles - Mr. O’Kelly, to respond to what Mr. Vanarsdall has suggested, I
3843 know that you have attempted to recap or summarize the major differences from the original
3844 draft to each of the succeeding drafts, but could you, perhaps, summarize what the differences
3845 are between the most recent draft that incorporates the County Attorney’s suggestion and the
3846 Homebuilders’ position?
3847
3848 Mr. O’Kelly - Well, I will certainly try to do that again, Mr. Secretary.
3849
3850 Mr. Marlles - I recognized that you have done it.
April 20, 1999

3851
3852 Mr. O’Kelly - Keeping in mind that the County Attorney’s draft was prepared
3853 yesterday afternoon just prior to 4:00 p.m. and we also were e-mailed another draft from the
3854 Homebuilders which they have provided to you this morning, as well, or yesterday afternoon.
3855
3856 Ms. Dwyer - It might help us all, especially since this was drafted yesterday, if
3857 we would just briefly review the changes to Chapter 24 and to Chapter 19, the amendments
3858 that he proposed, just run through those and follow along just briefly, and then we will get into
3859 the differences. I think we all need that instruction.
3860
3861 Mrs. Wade - One other thing, we got something today from the Homebuilders
3862 today, too, after we got here.
3863
3864 Ms. Dwyer - We are not getting into that yet. Let’s get this.
3865
3866 Mr. O’Kelly - The top right hand corner of those amendments have HBA
3867 written on it.
3868
3869 Ms. Dwyer - Let’s start off by reviewing, if Mr. O’Kelly would review the
3870 staff proposal and enlighten us about how that does work.
3871
3872 Mr. O’Kelly - We are dealing with Amendments to Chapter 24 first and the
3873 County Attorney’s draft of yesterday. The first amendment that the staff recommends would
3874 involve the definition of a cul-de-sac lot. That would be a lot created by the intersection of the
3875 side lot lines at the center point of a public cul-de-sac street, which fronts at least 35 feet along
3876 the terminus of the street, and which meets the lot width requirement at the actual front
3877 building line. Now, the difference between this and a normal lot is the street frontage, 35
3878 versus 50, and where you measure the lot width; not at the minimum yard setback but at the
3879 actual building line. These types of lots would only be permitted on the terminus of a cul-de-
3880 sac street.
3881
3882 Ms. Dwyer - And just to stop you there so that we have a process in mind, how
3883 is the cul-de-sac lot going to be approved?
3884
3885 Mr. O’Kelly - It would be approved with the normal subdivision review by the
3886 Planning Commission.
3887
3888 Ms. Dwyer - So, no extra step has to be taken, but more information has to be
3889 provided to the Commission. Is that correct?
3890
3891 Mr. O’Kelly - Yes, that is correct.
3892
3893 Ms. Dwyer - So, essentially, it would be a matter of right, assuming that the
3894 additional information had been provided and that it met whatever standard had been set up in
3895 the ordinance.

3896
3897 Mr. O’Kelly - That is correct. The second change in Amendment #1 involved,
3898 the County Attorney felt that if we are going to use the term “stem lot” even though it still is a
3899 flag lot, that we need to define what a stem lot is, rather than refer to the definition of flag lot,
3900 so he has drafted language defining that a “stem lot is a lot which does not meet minimum
3901 street frontage or lot frontage requirements, but which has access to a public cul-de-sac street
3902 through a part of the lot being its access strip at least 20 feet wide.”

3903
3904 Ms. Dwyer - How does that differ from the way that a flag lot is defined?

3905
3906 Mr. O’Kelly - It is more simple language.

3907
3908 Ms. Dwyer - So we are not going to have flag lots?

3909
3910 Mr. O’Kelly - We will still have flag lots defined. We have to have that for the
3911 existing flag lots that have been approved since 1982, and those that are currently in the pipe
3912 line.

3913
3914 Ms. Dwyer - But we are going to eliminate the term “flag lot” from the time
3915 that this is adopted forward?

3916
3917 Mr. O’Kelly - Correct. The new lot term would be stem lot for any lots
3918 recorded or approved after the effective date of the ordinance.

3919
3920 Ms. Dwyer - OK. Because I have seen “No flag lots shall be approved after
3921 the effective date of this ordinance.”

3922
3923 Mr. O’Kelly - The third amendment in the first amendment proposed would be
3924 to revise the definition of lot width just to clarify that for flag lots, stem lots and cul-de-sac lots
3925 the width of the lot is measured at the actual front building line rather than the minimum
3926 building line. Amendment No. 2 in the Chapter 24 Amendment...

3927
3928 Ms. Dwyer - Excuse me. Why do we include flag lots in this?

3929
3930 Mr. O’Kelly - Why do we need to include flag lots? Because the lot width is not
3931 measured at the minimum front yard setback. It is measured at the actual front yard setback.

3932
3933 Ms. Dwyer - Even though we are not approving those from the date this is
3934 adopted forward, we still need them in the definition in case issues come up relating to existing
3935 flag lots.

3936
3937 Mr. O’Kelly - Correct. Amendment No. 2 is simply a housekeeping amendment
3938 providing for the exceptions to the 50 foot road frontage requirement, which would be the case
3939 for stem lots and cul-de-sac lots, and flag lots are already included in the existing language.
3940 Skipping over to Page 2, the third amendment involves primarily giving the date that flag lots

3941 would no longer be considered and maintaining the current regulation for those flag lots that
3942 are already existing or have been approved by the Planning Commission. Any question on that
3943 amendment? Amendment No. 4 is providing regulations for the new term “cul-de-sac lots”
3944 and there are five regulations that the staff is recommending as regulations for cu-de-sac lots.
3945 The minimum lot width is met at the actual front building line, two off-street parking spaces
3946 shall be provided. The actual front building line for a cul-de-sac lot shall not vary by more
3947 than 10 feet from the actual front building line on adjoining lots. What the staff is trying to do
3948 there is to provide for an orderly arrangement around the cul-de-sac and not have one home set
3949 back 80 feet and one adjacent to it set back 50 feet, and you have the front of the house
3950 looking into the rear of the house in front of it, and things of that nature. So, you don’t have a
3951 lot of variation in the arrangement of the homes actually around the cul-de-sac lot. And,
3952 regulation No. 5 under cul-de-sac lots, the staff is recommending that the side lot lines be
3953 straight lines extended from the center point of the cul-de-sac to the actual front building line.
3954 And, again, this provides for the actual pie-shaped lot that the Homebuilders said that they
3955 would like to maintain and we are trying, again, to promote some orderly lot arrangement to
3956 the lots developed around the cul-de-sac.

3957
3958 Amendment No. 5, Subsection (w) is for the regulations for the new term “stem lots” and the
3959 staff recommendation is that stem lots may be developed only if approved by the Planning
3960 Commission as an exception under Section 19-4, which is the Subdivision Ordinance, and the
3961 development of stem lots shall be in accordance with four regulations specified in Chapter 24.
3962 No. 1, “No more than four stem lots shall be permitted on a street. At least two off-street
3963 parking spaces shall be provided. No dwelling shall face the rear or side of any existing or
3964 proposed dwelling on an adjacent lot, and that the area within the access strip shall not be used
3965 to meet minimum lot area requirements” which is the same as the current regulation for flag
3966 lots. Any questions on the Chapter 24 recommendations?

3967
3968 Ms. Dwyer - Would this be a special exception then?

3969
3970 Mr. O’Kelly - Not a special exception. It is a new subsection under Section 19-
3971 4 which provides for the Planning Commission to consider exceptions in cases of unusual
3972 hardship or unusual situations. We feel that the case for stem lots is not a hardship case, but a
3973 consideration that should be made as an unusual situation, not necessarily a hardship situation.

3974
3975 Ms. Dwyer - And when you say that, I guess I am thinking about the examples
3976 that were presented to us. I think one was in Wyndham that was an unusual situation because I
3977 think it was the Chickahominy River goes through there and they needed the area.

3978
3979 Mr. O’Kelly - Right, and I am sure that Mr. Webb Tyler who presented those
3980 would probably like to speak to that again. He has what he thought were good examples and
3981 what he thought were some poor examples.

3982
3983 Ms. Dwyer - So, then a person then would file their application for a
3984 subdivision and then ask for an exception to the ordinance by the Commission to allow stem
3985 lots?

3986
3987 Mr. O’Kelly - Correct.
3988
3989 Ms. Dwyer - And then the guidelines for the Commission in determining
3990 whether to grant that exception would be what is in 19-4?
3991
3992 Mr. O’Kelly - That is correct.
3993
3994 Ms. Dwyer - Any questions on Chapter 24?
3995
3996 Mr. Archer - Mr. O’Kelly, just so that we can maybe get rid of one set of
3997 papers here, staff’s original draft is the one dated April 6. The County Attorney’s draft is the
3998 one dated the 19th.
3999
4000 Mr. O’Kelly - Correct.
4001
4002 Mr. Archer - Are we not to consider now the one dated April 6 since the
4003 County Attorney has...
4004
4005 Mr. O’Kelly - We would recommend that you consider the County Attorney’s
4006 substitute in lieu of the first draft.
4007
4008 Mr. Archer - So we in essence don’t need to be looking at that one. Is that
4009 right?
4010
4011 Mr. O’Kelly - That is correct.
4012
4013 Mr. Archer - OK. The 6th we can throw out.
4014
4015 Ms. Dwyer - What are the things, Mr. O’Kelly, that you had in the draft for
4016 Chapter 19? And I guess you are getting into that. Do you just want to review that and then I
4017 will ask my questions.
4018
4019 Mr. O’Kelly - OK.
4020
4021 Mrs. Wade - May I ask one thing? I guess it is about Chapter 24. Does this
4022 cover the number that is allowed under the next section? If there are a certain number allowed
4023 on the cul-de-sac lots, if you have a certain frontage that is provided and each zoning district
4024 has a certain number of square feet you have to have in a lot, would that not limit in a
4025 satisfactory way the number that could be on a given cul-de-sac?
4026
4027 Mr. O’Kelly - Perhaps. I am thinking that the ideal situation...
4028
4029 Mrs. Wade - I have argued this before.
4030

4031 Mr. O'Kelly - I am thinking that in the ideal situation you are probably going to
4032 get five and possibly six lots.

4033
4034 Mrs. Wade - You would still get five or six lots?

4035
4036 Mr. O'Kelly - Yes, it depends on the zoning district and the property that they
4037 are working with. Most of the examples that the Homebuilders provided to the Commission
4038 and staff provided at least five cul-de-sac lots on each of the examples.

4039
4040 Mrs. Wade - I have just been kind of working in my mind with that, limiting
4041 the number. OK. Thank you.

4042
4043 Ms. Dwyer - Are there any other questions about Chapter 24? OK. Let us go
4044 on to Chapter 19 then.

4045
4046 Mr. O'Kelly - Chapter 19, Madam Chairman, and members of the Commission,
4047 involves several amendments to the Subdivision Ordinance. The first amendment would add a
4048 subsection (c) to Section 19-4 which provides for exceptions to the subdivision regulations and
4049 subsection (c) would allow the Planning Commission to give special consideration to approval
4050 of stem lots, provided that the applicant meets the enumerated test contained in Chapter 19-4
4051 (a), and I think there are four standards there. They deal with health, safety and welfare and
4052 several other criteria and, too, that the lots meet all of the requirements, zoning requirements,
4053 for Chapter 24, which we would not recommend them to you unless they did meet all of the
4054 requirements of Chapter 24 and the additional requirements of Section 19-13 are met, and, I
4055 see an error in the County Attorney's draft, but that is referenced in Amendment No. 3 not
4056 Amendment No. 2. Amendment No. 2 would simply add an additional requirement to the
4057 Conditional Subdivision application to require proposed building setback lines, buildable area
4058 plans, typical house dimensions on lots become a standard requirement of the application. In
4059 Amendment No. 3, the Amendments to Section 19-113 deal with the design and arrangement
4060 of lots to ensure orderly lot arrangement and dwelling orientation, and here we are asking the
4061 Commission to consider at least seven items that would help you and assist you in your
4062 decision as to whether or not to permit stem lots as may be requested by the applicant. We are
4063 asking for as a special consideration the location of building setback lines and dimensions to be
4064 shown on the lots requested for approval. We are asking for buildable area plans, detailed lot
4065 layouts, proposed or typical architectural plans, if they have that information, and a proposed
4066 house orientation on the lot to ensure that the requirements for Chapter 24 for not having the
4067 front of houses looking into the rear side of houses is being met. We are also asking for any
4068 limitations for dwelling, shape, size and locations that may be on the lots, such as Chesapeake
4069 Bay Preservation Areas, wetlands, things of that nature for example, and No 5, we are
4070 suggesting that in some unusual situations that may have to provide proposed contours and a
4071 preliminary grading plan. In No. 6, for lots not served with public utilities, we will need to
4072 know the approved location for septic tank drainfields and the location of any reserved
4073 drainfield areas, and in No. 7, this is something I failed to mention. The staff is considering,
4074 from time to time we get requests for you to consider approving thru-lots, being lots that have
4075 their frontage on two local streets where the ordinance does not specifically allow for that

4076 situation. Since we are considering permitting stem lots as a special consideration, staff is
4077 recommending that we also allow you to consider thru-lots on minor streets where they are
4078 justified as a special consideration. Because of that, we feel that a regulation No. 7 requiring a
4079 landscaping plan at that time would be appropriate, so that we can screen any houses fronting
4080 on the minor street and the rear yards of houses that may also front on that minor street, or at
4081 least have their rear yard front on a minor street. Those, in essence, are staff's
4082 recommendations as far as the Subdivision Ordinance Amendments and I will be happy to
4083 answer any questions.

4084
4085 Mrs. Wade - There is nothing compulsory about this if they meet these
4086 circumstances?

4087
4088 Mr. O'Kelly - That is correct.

4089
4090 Mrs. Wade - I mean what we run into with some other PODs and all of the
4091 ordinance requirements, so it is hard to...

4092
4093 Mr. O'Kelly - It is just something that you would give special consideration to,
4094 but that does not necessarily mean that it would be approved.

4095
4096 Ms. Dwyer - I think I follow Mrs. Wade, too, in that 19-4 says, you have to
4097 find the exception would not be detrimental to public safety, health and welfare, or injurious to
4098 surrounding property improvements. I think if it were a stem lot, that you thought would
4099 create a problem, then you wouldn't be forced to approve it. That is the way that I read it.

4100
4101 Mr. O'Kelly - That is correct.

4102
4103 Mrs. Wade - It does say may approve. It does not say shall, but I want to be
4104 sure.

4105
4106 Ms. Dwyer - So the standard is set Chapter 19-4, which is you have to
4107 determine that it is not going to be detrimental to health, safety and welfare or injurious to
4108 surrounding property.

4109
4110 Mrs. Wade - Actually, this is a little hard, when you said that you and the
4111 County Attorney sat in there all day yesterday looking at this, at least for me it is.

4112
4113 Mr. O'Kelly - It gets complicated.

4114
4115 Mrs. Wade - Even though we have had a lot of information before hand.

4116
4117 Ms. Dwyer - Looking back at Chapter 19-4, in your original draft that you sent
4118 to us, you kind of repeated a number of the provisions that were 19-4(a) and you kept 3 and 4,
4119 which you have not added, because you made a blank reference to 19-4(a). One of the things
4120 that you had in there before was paragraph 3, which was not previously included, and it said

4121 that the Commission could consider the visibility or value of abutting or adjacent lots or
4122 property would not be adversely affected. Did you just decide that was already included in
4123 paragraph 2, which says that the Commission will need to find that the exception is not
4124 injurious to surrounding property?

4125
4126 Mr. O'Kelly - Well, as I mentioned in our last meeting with the Homebuilders,
4127 they had some issue with the determining the impact of value, and I explored that further with
4128 the County Attorney yesterday, and he also felt it was not, perhaps not a measurable term. I
4129 did not tell him that it was mentioned in another section of the ordinance in terms of alternative
4130 fence heights considerations, but he feels that by referring back to the list in 19-4(a) that the
4131 Commission has everything they need to make a determination, and it is not necessary to add
4132 additional language when they prefer to have this in simplified language as possible.

4133
4134 Ms. Dwyer - I think I agree with that. On the second amendment, under (k),
4135 that would apply to all lots, not just flag lots? Is that right?

4136
4137 Mr. O'Kelly - I think that might be an oversight. In the staff's original draft to
4138 you, we suggested that be a requirement for stem lots. I think that quite possibly in the review
4139 with the County Attorney that should continue to refer to stem lots and not all lots.

4140
4141 Ms. Dwyer - Instead of on stem lots, it would read on stem lots?

4142
4143 Mr. O'Kelly - Correct.

4144
4145 Ms. Dwyer - But not on cul-de-sacs?

4146
4147 Mr. O'Kelly - Correct. That is already in the standards for cul-de-sac lots.

4148
4149 Ms. Dwyer - Any other questions for Mr. O'Kelly on Chapter 19? Thank you
4150 for that overview. It will help us all since we are seeing this for the first time.

4151
4152 Mr. O'Kelly - Right.

4153
4154 Ms. Dwyer - The draft, anyway.

4155
4156 Mr. O'Kelly - Mr. Jim Theobald is here to represent the Homebuilders. Mr.
4157 Junie West, Mr. Clarke Jones is here, and Gordon Dixon with the Homebuilders Association
4158 and Mr. Webb Tyler with Youngblood, Tyler and Associates and Mr. Stuart Grattan is with us
4159 for the first time.

4160
4161 Ms. Dwyer - Would anyone like to - we will open it up now and one of the
4162 things that Mr. Vanarsdall had asked is that we clarify the differences between the
4163 Homebuilders' position and the staff's proposal, so if someone would do that, that would be
4164 helpful to us.

4165

4166 Mr. Jones - Madam Chairman, members of the Commission...
4167
4168 Mrs. Wade - Just a minute, Mr. Jones. Now is everybody here with the
4169 group? Is everybody here from the Homebuilders? Nobody else is represented?
4170
4171 Mr. Jones - I think that is correct.
4172
4173 Mrs. Wade - I think there are other groups that might be interested.
4174
4175 Mr. Jones - Everyone is here who is associated with our group. First, we
4176 want to thank the Commission for the time you have given the consideration of this, and I want
4177 to especially recognize the time that Mr. Marlls and Dave O'Kelly have given to us since our
4178 last meeting in trying to resolve our differences, and we really have only a few points that Mr.
4179 Theobald and Mr. West will address that I think will bring this all together in a neat little
4180 package. Basically, where the Homebuilders Association is coming from is good planning.
4181 That is what we are after, and to give you all the tools to make your decisions as you see fit in
4182 conjunction with the good planning. We have had some excellent input from our engineers and
4183 developers and all of which might want to have a few remarks today in an effort to explain
4184 where we are coming from. So, I think with that little short introduction, I will introduce Mr.
4185 Theobald, our attorney in this matter, and hopefully we can bring this to a fine conclusion
4186 today. Thank you.
4187
4188 Ms. Dwyer - Thank you.
4189
4190 Mr. Theobald - Thank you, Mr. Jones, Madam Chairman and members of the
4191 Commission. My name is Jim Theobald and I am here on behalf of the Homebuilders
4192 Association of Richmond. We appreciate the time that everybody has spent in doing this. You
4193 all put us under a very tight timetable and Planning staff and Homebuilders, I think, have
4194 worked diligently to try to meet your requirements, and, although we are all exchanging drafts
4195 at the 11th hour, it is after continuous input from Mr. O'Kelly, the Homebuilders and vice
4196 versa and conversations that I have had with Mr. Tokarz. Hopefully, we can look at this stuff
4197 and understand what we are all doing, although everytime I get this group out in the hallway I
4198 find there is something that somebody didn't think about earlier or somebody has a better idea
4199 or a tweak, which makes me very nervous being the mere attorney amidst all of the engineers
4200 who have to design and live with these things, and you all who have to approve them. What
4201 we have attempted to do is why we provided an alternative draft as a result of meetings last
4202 week and the prior week, knowing that you all were receiving this draft from the County
4203 Attorney this morning. Right before coming out, Ms. Coke and I have taken the language in
4204 our proposed draft and we have inter-lineated it on the County Attorney's draft. So, hopefully,
4205 the only document you need to understand everybody's position is the one that Penny has just
4206 passed out to you which highlights the differences, and we tried not to scratch anything out so
4207 you couldn't read through what we had deleted, and we really, I think, are in essential
4208 agreement on the mechanics of how this should work. These are to be cul-de-sac lots and stem
4209 lots, and we have a few issues with regard to the requirements that we believe still promote
4210 good planning and, in a few instances, better promote good planning, and so I am going to

4211 invite the engineers who are with us today to leap up when I need help, and that is going to
4212 happen very quickly, because the first issue we want to talk to you about is under the zoning
4213 ordinance, the Section 24 Amendment, the definition of a lot, cul-de-sac. And here we have
4214 suggested language you see in the side and our language basically says, "A lot, any portion of
4215 which is along the terminus of a public cul-de-sac street and which has at least 35 feet" and
4216 there you need to insert "but less than 50 feet". OK. Of road frontage. Our idea here, which
4217 I would like for Mr. West or Mr. Tyler to expand upon here in a moment is that basically,
4218 apropos your comment Mrs. Wade, if you meet the minimum road frontage along a cul-de-sac
4219 lot, then given the other requirements in the ordinance about lot configurations, minimum
4220 square footage, etc., we do not believe the concept of a radial lot where every lot and sidelines
4221 have to come to a point in the exact center of the lot necessarily promotes good planning, and
4222 what you are trying to accomplish through this ordinance amendment. And, I think that one of
4223 the engineers has a number of examples of how cul-de-sac lots that are not technically radial
4224 lots have been done very capably out at Wyndham and other places. So, the first issue that we
4225 want to talk about is eliminating the necessity that a cul-de-sac lot has to be a radial lot.

4226
4227 Mr. Tyler - I am Webb Tyler with Youngblood, Tyler and Associates. The
4228 purpose of my portion is to illustrate to you the need for the cul-de-sac lot lines, on the side lot
4229 lines not radial to the radius point. Specifically, what I have done is I have taken the
4230 Wyndham Overall Plan and I have colored up in pink all lot lines that are not radial to the
4231 center line of the bubble. All that are pink on here...in that particular illustration they are
4232 radial. It is a little bit hard to see here.

4233
4234 Ms. Dwyer - Can you make it bigger?

4235
4236 Mr. Tyler - I'm sorry?

4237
4238 Mr. Vanarsdall - Can you make it larger?

4239
4240 Mr. Tyler - Can we make it larger? This will let you zero in on it. Focus
4241 here...does that clarify it? All of those that are pink are not radial to the center line radius
4242 point - of the cul-de-sac radius point - and they are skewed. The reason they are skewed is in
4243 order to achieve a more balanced buildable area within the lot. In other words, within a
4244 particular community, you have lots of the same size and what we strive to do is to balance the
4245 buildable area within the lot so that it is comparable to the adjacent lots within this particular
4246 community. For example, we have the Park Terrace community right here. That is a smaller
4247 lot, but they are all of approximately the same size.

4248
4249 Mrs. Wade - A lot of these are next to the golf course.

4250
4251 Mr. Tyler - That is correct and then the Cherry Hill community, which is in
4252 this area, are totally different. Within the communities we have similar size lots, and by
4253 allowing the lot lines to be not radial, we are better able to achieve the balance of the buildable
4254 area within the actual subdivision itself. There are probably in excess of 100 to 150 lot lines in
4255 there that are not radial to the Wyndham development.

4256
4257 Ms. Dwyer - I am just looking at this, and I think that requiring the lot lines to
4258 be radial to the center point and the cul-de-sac bubble assumes that there is going to be equal
4259 amount, an equal distance from the bubble all the way around, and what you have here, you
4260 have sort of a truncation of that by the golf course, for instance. So, you don't have that, and
4261 is that what you are saying you need, or is that a part of the problem?
4262

4263 Mr. Tyler - It is a part of the problem. For example, if you will look over
4264 here, we have a cul-de-sac that is sometimes referred to as a boot or a Hinson bubble, which is
4265 allowed and been approved. So, it is not always the perfectly round cul-de-sac that we are
4266 dealing with. That is defined as a cul-de-sac. Here is a typical ideal Hinson bubble cul-de-
4267 sac, right there. But, yet, we also have a cul-de-sac which is defined as "that isn't defined as a
4268 cul-de-sac" and all of these. This is another example of what is defined as a cul-de-sac. All of
4269 them have different configurations, but they fall under the wording cul-de-sac. Now, everyone
4270 wants the perfect cul-de-sac, such as this, which is 50 foot radius. Then, we could design to
4271 an ideal standard. What we see is the flexibility and it is not just golf courses, but nowadays
4272 we have wetlands and RPA buffers, much more restrictive in the land uses that are required to
4273 be buffered nowadays.
4274

4275 Mrs. Wade - You didn't have many of these of this variety until, it seems to
4276 me, Wellesley came along, so Public Works used to complain about the bumps.
4277

4278 Mr. Tyler - I am not the inventor of the Hinson bubble. That is named after
4279 John Hinson of J. K. Timmons, so I will...
4280

4281 Mr. Vanarsdall - I thought you were talking about Harvey Hinson!
4282

4283 Mrs. Wade - When they first started appearing in Wellesley, there was a lot of
4284 discussion about them; now they are more common place.
4285

4286 Mr. Tyler - For whatever it is worth, the public likes them because they are
4287 the first lots to sell.
4288

4289 Ms. Dwyer - So there are two reasons then you are arguing not to have the
4290 reference to the radial lines and one is it removes the flexibility to equalize lot area..
4291

4292 Mr. Tyler - Buildable area, yes, ma'am.
4293

4294 Ms. Dwyer - And secondly, it assumes you have a perfect circle cul-de-sac and
4295 you have an equal amount of land distributed around that cul-de-sac, which is not necessarily
4296 the case in the real world.
4297

4298 Mr. Tyler - That is correct. We believe that these alternative designs which
4299 have typically raised landscaped islands in the middle of them are more aesthetically pleasing
4300 as evidenced by the fact that they, the market has said that we seek these. They like them, and

4301 they are willing to part with their dollars by paying for additional higher price for the lot, when
4302 we have a raised landscaped island in it.

4303
4304 Mrs. Wade - But you said less than 50. If there are more than 50, there is
4305 something else...

4306
4307 Mr. Tyler - I am sorry. I did not understand you.

4308
4309 Mrs. Wade - I just said that the frontage needs 35 but less than 50 and when
4310 you get past 50 it turns into something else.

4311
4312 Mr. Tyler - When it gets over 50, it is a regular lot. And, for example, some
4313 of these lots actually have 50 feet in them but many of them do not. Over in this area, these
4314 do not, for example. This does not have 50 feet of frontage on the front right in here. This is
4315 defined as the front on this particular lot. This is less than 50 feet of frontage right here on
4316 this particular lot. Some of them do have more than 50 feet of frontage but the lot lines are
4317 still not radial. For example, these lots do not have 50 feet of frontage, so their frontage is
4318 just right there at the end of the bubble.

4319
4320 Mr. Archer - Mr. Tyler, what then would be the minimum amount of frontage
4321 at the street?

4322
4323 Mr. Tyler - It would be defined as 35 feet at the right of way line. It would
4324 have to be a minimum of 35 feet under the proposal that you are considering, whereas under
4325 the old ordinance, 20 feet. Several of these lots would have to fall under the exception
4326 provision. For example, this lot would be defined as a stem-shaped flag lot and it would fall
4327 under the provision, the exception provision of your ordinance.

4328
4329 Mr. Archer - Well, disregarding stem lots, just in a cul-de-sac lot is what I am
4330 driving at, what would be the minimum frontage at the street?

4331
4332 Mr. Tyler - Thirty-five feet, sir, whether it is radial or not.

4333
4334 Mr. Vanarsdall - See that is what he has. He has "which fronts at least 35".

4335
4336 Mr. Tyler - That is correct. What we seek, we do not seek to disturb the 35
4337 foot number, sir. What we seek is to leave the 35 feet minimum street frontage in there, but
4338 not, they not be required to be radial.

4339
4340 Mrs. Wade - What about the lot width requirement at the building line?

4341
4342 Mr. Tyler- The lot width requirement at the building line, we don't have any
4343 problem with that verbiage, because it says the word "actual", so the house may be set back a
4344 little further than the minimum front yard, but it is measured at where actual means to me at
4345 least that wherever you have the minimum lot width. The only point that I seek to bring to

4346 your attention and hopefully you will change is to not make the, not require us to have the lot
4347 lines radial to the cul-de-sac radius point. That is only thing that I seek to change in my
4348 presentation.

4349
4350 Ms. Dwyer - I am sorry. What did you say, Mr. Theobald?

4351
4352 Mr. Theobald - I think when this morning as we were substituting definitions, I
4353 probably should not have taken out that last clause which says “and which meets the lot width
4354 requirement at the actual front building line”. We have no problem with that.

4355
4356 Ms. Quesinberry - What you have in there, would you read it?

4357
4358 Mr. Theobald - To be a lot, any portion of which is along the terminus of a
4359 public cul-de-sac street and which has at least 35 feet but less than 50 feet of road frontage and
4360 which meets the lot width requirement of the actual front building line”.

4361
4362 Ms. Dwyer - And why did you eliminate along the terminus of the street, that
4363 phrase?

4364
4365 Mr. Theobald - Because I just..

4366
4367 Ms. Dwyer - You have already said that. OK. I wonder, were you going to
4368 elaborate on this, also, Mr. West, at this point?

4369
4370 Mr. West - Yes. I am Junie West with TIMMONS, representing the
4371 Homebuilders as well. Two points that the non-radial lines I believe have an advantage over
4372 the radial lines. #1 – The flexibility of common lot areas. Instead of having the same number
4373 of lots, instead of having around the cul-de-sac numbers that say 1800 square foot, 2200 square
4374 foot, 2600 square foot, you are going to get more common lot areas between the lots. The
4375 other big advantage that I don’t think has been discussed is when you have a non-radial line,
4376 you can make it radial very simply by breaking it, if you would, in direction at the front
4377 setback which this is proposed to do, and running it to the cul-de-sac. And it would be radial.
4378 The problem that I see with that is you are putting a dog leg or a kink in a property line for no
4379 apparent reason when the property owner wants to run his fence down the property line, and
4380 he is turning, at certain points. You could have prevented that by having non-radial lines.

4381
4382 Ms. Dwyer - That is a good point, and as I am looking at this, I don’t see any
4383 kinks in these.

4384
4385 Mr. West - Right. That is the way you could overcome, for instance, and
4386 use this slick little...

4387
4388 Ms. Dwyer - But that is not prohibited in the ordinance in any way, the
4389 proposed ordinance.

4390

4391 Mr. West - No, it is not. It is being proposed. As a matter of fact, as a
4392 possibility, for instance, in this area here, those lots in that cul-de-sac, you could put a break in
4393 them and bring them to the cul-de-sac radially, but it doesn't do anything to improve quality of
4394 development. I think it goes in the other direction.

4395
4396 Ms. Dwyer - I don't know that I, it looks like to me the way the staff worded
4397 it, you could not have any kinks in that five lot line. It would have to be a straight line from
4398 the center point of the cul-de-sac. That is the way that I interpreted it.

4399
4400 Mr. West - He is saying, too, at the building line. At the building line, you
4401 can have a deflected....

4402
4403 Ms. Dwyer - At the building line...

4404
4405 Mr. West - Once you get to the front of the house, and I am saying you can
4406 do that with these lots here, but do you have a better product? I don't personally think so.

4407
4408 Mrs. Wade - And does all of this effect the number of lots?

4409
4410 Mr. West - No. It doesn't. All it has in effect, in my opinion, see, the one
4411 thing that the radial lot line is attempting to do is - that staff is attempting to do - in my
4412 opinion, is to develop quality into the lots. That is what we are all after. But, I think that the
4413 mechanism that we have now with the proposed ordinance changes that we didn't have before
4414 is two things. #1 - We have increased the road frontage to 35. I think that goes a long way in
4415 bringing that quality up and giving you not these convergent lot lines. #2 - The differentiation
4416 between house setbacks of proposed of 10 foot takes the additional step of insuring quality as
4417 you look at one house to another. Those two controls, combined with what I feel like are non-
4418 radial lot lines, are the best three combinations we can come up with.

4419
4420 Ms. Dwyer - And that is the definition of cul-de-sac in (b)(3), actual front
4421 building lines shall not vary more than 10 feet?

4422
4423 Mr. West - That is correct. So you have built that quality in there, the
4424 attempt is to evoke staff and the Homebuilders is to proportionally distribute both those lots
4425 around the cul-de-sac so that they make good common sense in land development. We are all
4426 after the same goal. I just feel like broken lot lines have no particular positive.

4427
4428 Ms. Dwyer - There is nothing in your proposal that would prevent broken lot
4429 lines?

4430
4431 Mr. West - There is not. That is correct. You could still have it, but you
4432 would not have to break them for the purpose of making them radial. But you could break
4433 them for something else. Yes. That is correct. There is no question.

4434
4435 Mrs. Wade - Quantity is not a factor here?

4436
4437 Mr. West - No. It is just quality, I think. Yes, and I think if you want them
4438 radial, you are going to make them, I mean the first thing you are going to do is try to make
4439 them radial. That is just good design. OK. But when they can't be radial for either lot
4440 distribution area or the configuration of the parcel, there are numerous reasons why they can't
4441 be. Quite frankly, if you go out and look at the standard subdivision out there, I don't know
4442 what the standard is, but standard in my eye, I will bet you 90% of the lot lines now are radial.

4443
4444 Ms. Dwyer - Any questions for Mr. West? I wonder if I could ask Mr.
4445 O'Kelly to respond to what has been stated. I guess the question in my mind is if we do away
4446 with having the radial lot lines up to the building line, what will we be losing in your view?

4447
4448 Mr. O'Kelly - I think you would be losing an opportunity to control the lot
4449 arrangement on the cul-de-sacs. I think maybe as an alternative you could consider non-radial
4450 lot lines and putting them in with special approval that we are suggesting be required for stem
4451 lots.

4452
4453 Ms. Dwyer - You don't think 35 foot and the limitation of 10 foot variation in
4454 front building lot lines is sufficient?

4455
4456 Mr. O'Kelly - I don't think it goes far enough. No. And I think that maybe that
4457 is one reason why Chesterfield permits only 30 feet of frontage on cul-de-sac lots, but they
4458 require their lot lines to be radial and it also helps control the density issue.

4459
4460 Mr. Archer - Madam Chairman, without over specifying, I think one of the
4461 problems that we have is we have so many different types and shapes of cul-de-sacs, and we
4462 are trying to make one set of rules to fit all, and in some cases it works, and in some cases I
4463 don't think that it does. I don't know how we would go about defining cul-de-sacs, but there
4464 are a lot of different shapes of cul-de-sacs and I am not sure that we have enough language
4465 here to specify what would aptly apply in each one of those instances.

4466
4467 Ms. Dwyer - Does Chesterfield have more than one kind of cul-de-sac? Do
4468 you know? Do they have the bubbles and then these circles; I think we have a good example
4469 here with a wide variety of cul-de-sacs shown. I am looking under Hanover where it says
4470 Henrico County and we have the bubbles and we have what is almost a rounded triangular
4471 shape, and...

4472
4473 Mr. O'Kelly - I think one of the things that the Commission needs to be aware
4474 of and perhaps Chesterfield and Hanover and some other localities do permit some variations
4475 in cul-de-sac design, but their roads are regulated by the Virginia Department of
4476 Transportation and not the local government. Here in Henrico we permit a lot more flexibility
4477 than perhaps VDOT does and maybe we need to start looking at these situations more closely.

4478
4479 Ms. Dwyer - I am looking at this combination of two kinds of bubbles together
4480 and that creates an interesting lot, but I think what we are talking about, requiring lot lines to

4481 be radial, what we run into is that might not make sense in the context of these kinds of cul-de-
4482 sacs.

4483
4484 Mr. O'Kelly - Right, and I agree with that, but what may make more sense is to
4485 have you do some special consideration on those types of cul-de-sacs similar to what we are
4486 recommending for stem lots, and that way you can get all of the information you need to insure
4487 that there is going to be a proper design there.

4488
4489 Mrs. Wade - I hope we don't get to the point where every cul-de-sac we have
4490 to make a determination on.

4491
4492 Mr. Archer - Well that is why I said what I said, Mrs. Wade. The truth is,
4493 when you think of cul-de-sac in your mind, the first thing you think about is just a regular
4494 onion shaped cul-de-sac, but yet in looking at what we have in front of us here and from
4495 personal knowledge, we know that there are a lot of cul-de-sacs that are just shaped like an
4496 onion, and I think that is where we run into trouble, because we are trying to make a set of
4497 rules that are applicable in all of those cases, and sometimes it just won't wash.

4498
4499 Mr. Vanarsdall - I think that is what Jim Theobald said in the last meeting, that one
4500 size won't fit all.

4501
4502 Mrs. Wade - No, and I don't think it should, but we need to be a little bit
4503 careful about trying to get too subjective or having to look every month at a dozen cul-de-sacs
4504 to see what we think about each lot on it, and that would not help anybody.

4505
4506 Ms. Dwyer - It would be better philosophically to have a standard in the
4507 ordinance to limit the number of exceptions.

4508
4509 Mrs. Wade - To a certain extent, I think so. Obviously, we have had a lot of
4510 flexibility and we've been involved with most all of them and they have been allowed under the
4511 current code.

4512
4513 Mr. Vanarsdall - If you were to ask ten people to draw a cul-de-sac, they would
4514 draw a mushroom.

4515
4516 Mr. Archer - Did I say onion? I meant mushroom!

4517
4518 Mr. Vanarsdall - And that is just the way, that is what most people think about
4519 them.

4520
4521 Mr. Archer - But we know that there are a lot more creative cul-de-sacs than
4522 just that one shape.

4523
4524 Mr. Vanarsdall - Well, the word cul-de-sac is a French word that means round.

4525

4526 Ms. Quesinberry - Mr. O'Kelly, does it help or confuse the issue if you merge both
4527 of the definitions so that you have the County Attorney's definition as it stands and you
4528 add an or a non-radial lot, any portion of which is along the terminus of a public cul-de-sac,
4529 etc. , per Mr. Theobald? Is that, would that cover radial type lots as well as something that
4530 does not quite fit a radial type lot along the cul-de-sac, at least 35 feet, but less than 50 feet.
4531 But we are saying that they are either radial or they are not radial, and there are a lot of cul-de-
4532 sacs.

4533
4534 Mr. O'Kelly - Correct.

4535
4536 Ms. Quesinberry - And we want at least 35 feet and not less than 50.

4537
4538 Ms. Dwyer - Well, I think the Homebuilders' definition would take care of
4539 that, but theirs says it does not have to be radial, basically.

4540
4541 Mrs. Wade - What is the definition again for a cul-de-sac in the ordinance? It
4542 seems to me that that was the first question that I asked when we started this. What is a cul-
4543 de-sac? Do we have a definition for a cul-de-sac and I thought that we did.

4544
4545 Mr. O'Kelly - We have a definition of a cul-de-sac street, but not cul-de-sac lot.

4546
4547 Mrs. Wade - But the cul-de-sac lot is going to have to be on a cul-de-sac street,
4548 isn't it?

4549
4550 Ms. Dwyer - A permanent circular turnaround. A local street, one end of
4551 which is closed with a permanent circular turnaround. So, that could be quite a variety of
4552 things.

4553
4554 Mrs. Wade - Obviously that applies to all of these things.

4555
4556 Ms. Dwyer - If it didn't, we would have to undo Wyndham. I think we have
4557 both sides of the story on the question of radial lots.

4558
4559 Mr. Theobald - I think that is both sides of the radial. Remember when we
4560 started all of this was to cure flag lot problems, and I think what you see here are examples of
4561 non-radial lots. This is probably not the main event here today, this discussion, but I think that
4562 what you have been shown is that non-radial lots result in good planning and you do have the
4563 guarantees in your ordinance as to minimum street frontages, etc., and I would encourage you
4564 not to find additional things to dump into the special exception, or we will all be doing nothing
4565 but special exceptions the rest of our lives, so the next suggested change we felt could be
4566 improved upon by defining what we meant by terminus in a public cul-de-sac street, since it is
4567 referenced in both our version and the County's version of a definition of a cul-de-sac lot. As
4568 we were sitting around, we were wondering just if any portion of a lot is within the bubble,
4569 just where does it start, particularly if you are going to start limiting the number, and so this is
4570 just an idea to tell everybody that basically we considered the first point of a cul-de-sac to be

4571 where that standard right of way starts to deviate, so that would apply to all instances including
4572 these boot type designs, so I think that is just for all of our benefit.

4573
4574 Mrs. Wade - What is wrong with the way that it is now other than the stem
4575 lots?

4576
4577 Mr. Theobald - Well, we had to distinguish between something, there are lots that
4578 don't meet the 50 feet width, which are regular lots, and there are things that are in excess of
4579 the 20 foot minimum flag lots, and that is why we created this middling definition of a cul-de-
4580 sac lot, or the pie-shaped lots, which I don't think when we started this process that anybody
4581 thought had been abused. It was the flag lots that had really generated the issues, and that is
4582 why we find ourselves in this middle category and I think we are with staff that you've got to
4583 have that in-between status or you miss the whole concept of the pie-shaped lots. The next
4584 issue briefly is at the top of your page 2 on your zoning ordinance, and this again has to do
4585 with the concepts of grandfathering. Here, I just have a couple of points to make. Number 1,
4586 while I would like to think that all of this was on a slow boat, somebody has put it on a rocket
4587 and I don't know who, but for whatever reasons, we are considering amending ordinances
4588 when they have been passed out the same day, so it is in somebody's interest to riffle this on
4589 through and so I would expect this to go to the Board at the first possible opportunity, just
4590 based on what has occurred. Given that fact, as I stated at the work session, I believe the
4591 development community, in fundamental fairness, deserves an opportunity to go through
4592 another cycle of fillings to include flag lots, because people spent real money relying on the
4593 existing ordinance, and if this were to go to the Board I think at the first possible moment, then
4594 I think we would miss any opportunity to file any additional lots, and I have conversed with the
4595 County Attorney. There were some discussions about the legality of such a grandfathering
4596 provision at the work session. He has confirmed to me that such a grandfathering provision is
4597 legal. It is done in many different situations, and, basically, it is up to you whether you find it
4598 acceptable. So, my suggestion here would be that if we have submitted for conditional
4599 approval prior to the first filing date after the new ordinance takes effect, and then you
4600 subsequently approve that the conditional submission, then the old rules would apply. And,
4601 assuming this really is on a fast-track, that would probably give people one more opportunity
4602 to file. And so that grandfathering provision is something that I think is extremely important
4603 to the members of the Homebuilders Association and I would hope that you would agree that
4604 there is some equity in that position.

4605
4606 Mrs. Wade - Are you saying that when you buy ten acres, or let's say 50
4607 acres, you know exactly how many houses you are going to be able to get on there?

4608
4609 Mr. Theobald - I think when a developer agrees to buy a piece of land at a per
4610 acre price, then he has - he had better have some horseback idea of lot yield - and while it is
4611 going to be prior to any lot delineation, etc., he has a sense, given the lay of the land and
4612 existing contours as to how at least a road system might layout. So, he's got in mind not in a
4613 finite sense, admittedly. This does not relate to any cases we are working on.

4614

4615 Mrs. Wade - That was a trick question, because then they come in and say we
4616 got this out of the other and we've got to have - to squeeze lots more together.

4617
4618 Mr. Theobald - Well, we think we deserve one more filing deadline in trying to
4619 approve some flag lots. The next point I would make, on the same page, you see the changes
4620 under cul-de-sac lot, regulations, and here we continue to think that under #4 there is no real
4621 reason to limit the number of cul-de-sac lots to but four. We think, I think as you suggested
4622 earlier, Mrs. Wade, with the minimum road frontage and other regulations in place, I think we
4623 have shown you in the packet, in the examples we gave to you long ago, we have shown you
4624 how five cul-de-sac lot configuration works with quality design and house spacing, etc. We
4625 prefer, frankly, not to have any limit but to the extent that you find a cap to be in order, we
4626 think five should be the cap.

4627
4628 Ms. Dwyer - May I ask you a question about that, Mr. Theobald?

4629
4630 Mr. Theobald - Yes.

4631
4632 Ms. Dwyer - Presently, cul-de-sac lots which includes stem lots are limited to
4633 four, so what you are proposing is cul-de-sac limit of five and no limit for stem lots. Is that
4634 right?

4635
4636 Mr. Theobald - You have a limit of four stem lots in your proposal.

4637
4638 Ms. Dwyer - Four stem lots and there is a limit to flag lots as well.

4639
4640 Mr. Theobald - That would be four flags, four stems and we are debating the
4641 number of cul-de-sac lots.

4642
4643 Ms. Dwyer - That is what I meant. Today there is a limit of four, that we
4644 would now call a cul-de-sac or stem lot, but you are proposing a limit of five cul-de-sac lots,
4645 which increases.

4646
4647 Mr. Theobald - Pie lots were never the problem. The pie-shaped lots...

4648
4649 Ms. Dwyer - No, but they were limited. The pie-shaped lots were limited or
4650 are limited now, and so the combination of pie-shaped lots and stem-shaped lots are limited to
4651 four. Under your proposal, the pie-shaped lots would be limited to five, which is an increase
4652 of one, and in addition to that, there is no limit to the stem -shaped flag lots.

4653
4654 Mr. Theobald - There is a limit of four on the stem.

4655
4656 Ms. Dwyer - OK. I guess I am getting confused with what your last proposal
4657 was.

4658

4659 Mr. Theobald - We think the examples we have given you in every zoning
4660 classification, none of which show more than five cul-de-sac lots, some of which only show
4661 four, are all examples of good planning and acceptable lot configuration type, and so rather
4662 than debate the four versus the five, I think we need to look at the examples to see whether or
4663 not it accomplishes what you believe is good planning.
4664

4665 Ms. Quesinberry - Mr. Theobald, as I recall we have looked at some of these
4666 examples that had more than four. The lot sizes were larger than the zoning classification
4667 here.
4668

4669 Mr. Theobald - Could you repeat that please, for me? Mrs. Quesinberry, I am not
4670 sure I understand.
4671

4672 Mr. Archer - It seems like to me I remember that.
4673

4674 Ms. Quesinberry - When you did a, b and c, and this is going back with the best
4675 case scenario, most of the time across all of the zoning classifications, the best case scenario
4676 had larger size lots to begin with. You got more around the cul-de-sac, but you had larger lots
4677 to begin with...
4678

4679 Mr. West - I am not sure what your perception is. Let me state what we are
4680 requesting. First of all, I think that we are requesting five cul-de-sac lots because we
4681 demonstrated that the use of five cul-de-sac lots by this demonstration is a net loss of one lot to
4682 the current ordinance the way it stands today with the availability of flag lots. We have
4683 demonstrated that. OK. This is a loss of one lot and we demonstrated that with a, b and c, and
4684 crossed virtually every zoning district with the package we handed out last Commission
4685 meeting. OK.
4686

4687 Ms. Dwyer - I understand that is the way you want it, but our ordinance as
4688 proposed does not necessarily incorporate the limitations that you have used.
4689

4690 Mr. West - Here are the limitations we are proposing. That might be the
4691 confusing part. The limitations that we are proposing, and I don't think the verbiage says that
4692 exactly, is that you have five cul-de-sac lots on a cul-de-sac and that is it. That would not
4693 include any additional stem lots.
4694

4695 Ms. Dwyer - Where does that say that?
4696

4697 Mr. West - I don't think that it does. See, I think your perception is that we
4698 are asking for nine different lots.
4699

4700 Ms. Dwyer - I am saying the ordinance seems to permit that.
4701

4702 Mr. West - And that is not our proposal. I don't think that is our intent. Our
4703 intent is - I don't have the verbiage - but I will tell you my intent. The intent is that you still

4704 have four if you introduce what we call a flag lot today or stem lot. You still were proposing a
4705 maximum of four.

4706
4707 Ms. Dwyer - Where do you propose that?

4708
4709 Mr. West - Well, I am just telling you. I don't think staff has proposed that
4710 verbiage or we haven't proposed that verbiage because we didn't think that was a
4711 misunderstanding, but I am hearing a misunderstanding. We are talking about a maximum of
4712 five, no matter what?

4713
4714 Mr. Vanarsdall - So, you are saying that introduces the stem lots and the flag lots?

4715
4716 Mr. Theobald - Well, if you have five cul-de-sac lots, you can't have any stem
4717 lots or flag lots. Right.

4718
4719 Ms. Dwyer - The County Attorney's proposal would seem to allow, and we are
4720 not talking about limitations imposed by lot sizes and all of that, they say a limit of four cul-de-
4721 sacs and/or stem lots...

4722
4723 Mr. West - Well, I think that it was an either/or intention. I may be wrong
4724 and misunderstand it. I know what our work sessions have been along. We never intended that
4725 the combination of all of these would ever exceed five. And it was also the intention that four
4726 flag lots were enough. And if you introduce a flag lot and you introduce a stem lot, you can
4727 put cul-de-sac lots in here, but you still have a four limit.

4728
4729 Ms. Dwyer - Well, I guess we need to write that down somewhere.

4730
4731 Mr. West - Probably so. I think it was a misunderstanding on what we have
4732 been working on for 8 or 9 months.

4733
4734 Mr. Theobald - Somebody stop me here, but we need to integrate the concept,
4735 perhaps, of we wouldn't have more than five total of cul-de-sac lots plus stem lots or any cul-
4736 de-sac and of those, you've got either your four that could apply to stems, or you've got your
4737 five to apply to cul-de-sacs. In other words, of these other configured lots, you wouldn't have
4738 more than five. Will that work?

4739
4740 Ms. Dwyer - No more than five in the aggregate.

4741
4742 Mr. Vanarsdall - You wouldn't have more than five?

4743
4744 Mr. Theobald - Right.

4745
4746 Mrs. Wade - Whether they were stem or cul-de-sac lots basically?

4747

4748 Ms. Dwyer - But you could have four stems and one cul-de-sac lot, which I am
4749 not sure we want to encourage either.

4750
4751 Mr. Theobald - Well, the stems have to come to you under the special exception
4752 anyway. Anyhow, that is a good idea in terms of how we don't boot up the four plus four or
4753 five plus four, etc.

4754
4755 Mrs. Wade - Where do we have four stem lots?

4756
4757 Mr. Theobald - On page 3 at the top.

4758
4759 Mrs. Wade - As a practical matter, where do we have them? Anywhere on the
4760 ground?

4761
4762 Ms. Dwyer - Well, the one we had today was three. But, you could easily
4763 have four like that. You know, if you had enough space.

4764
4765 Mr. Archer - Mr. Theobald, before you go on, in looking at four again, does
4766 that language apply in any zoning classification? To the R-4s?

4767
4768 Mr. Theobald - Yes, to everything, R-5A, Controlled Density. So, here again, I
4769 guess under this definition of cul-de-sac lots, we have proposed no more than five and I guess
4770 we need to integrate a concept here of some tie between the total number of cul-de-sac lots and
4771 stems. The change to number five there is the same issue. That is our radial lot issue, and
4772 that is it on the zoning ordinance.

4773
4774 On the subdivision ordinance, in the lead in reference, you will note five lines down, we took
4775 out the reference to cul-de-sac lots because those do not require the granting of an exception,
4776 and I don't think that reference should be in that, if you see in the very first paragraph.

4777
4778 Ms. Dwyer - Is that OK with you, Mr. O'Kelly? Never mind.

4779
4780 Mr. Theobald - The next change is one that I think we have, or Mr. O'Kelly has
4781 already addressed, and in No. 2, this addition to (k) was not intended to apply to any lots, but
4782 really only to flag lots, and I think he is correct. We have already dealt with cul-de-sac lots,
4783 and so, you would delete the reference to any lots. We did also want to delete in that reference
4784 the reference to typical house dimensions in that that is really something that is not known at
4785 the point of conditional. The subsection relates to conditional subdivision approval. I
4786 neglected to continue crossing out - are you crossing out on your copies? OK. So, we have
4787 taken out and typical house dimensions and then you are going to see at the bottom of the page
4788 a lot of other information that we suggest that would not be appropriate from the beginning.
4789 Moving forward to that, the discussion...

4790
4791 Ms. Dwyer - Excuse me. I am sorry, Mr. Theobald. Didn't you want for (k)
4792 to just make the reference to stem lots?

4793
4794 Mr. Theobald - Correct. That is correct. Mr. O’Kelly clarified that the reason
4795 cul-de-sac doesn’t need to be in there was that it has already been accommodated elsewhere in
4796 this ordinance, so...you do need to reference stem lots.

4797
4798 Ms. Dwyer - Instead of cul-de-sac lots.

4799
4800 Mr. Archer - That is in (k)?

4801
4802 Mr. Theobald - Yes. I guess we would need to reference flag lots there.
4803 Actually, thinking in terms of their configuration requirements, it is just that we are trying to
4804 define flag lots as being those lots approved prior to a certain date and stem lots being those
4805 that are now going to require a special approval by you after that date. But, otherwise, they
4806 are the same. Moving down to what should be No. 3, in terms of additional information to be
4807 submitted, with regard to stem lots, I may let some of the engineers here address this in more
4808 detail, but it was our feeling that, first of all, this language would make it mandatory. It says
4809 “Applicant shall provide the following information” rather than it just being “if we possess it”
4810 or “if convenient” and I am just going to suggest to you that most of this information is not
4811 capable of being known unless you have sold a house on these lots and maybe somebody else
4812 would like to address this level of detail.

4813
4814 Mr. Webb Tyler - For your purposes of what we are talking about is a timing issue.
4815 When we stand before you and seek approval of a conditional subdivision plan, at that time
4816 typically we have not engaged, or the developer has not engaged or contracted with a builder
4817 and, therefore, that builder has not come forth with any plans, much less a buyer.

4818
4819 Mrs. Wade - Or builders.

4820
4821 Mr. Tyler - Or builders. What we have at that time is the developer’s desire
4822 for a certain size lot based upon maybe some discussions with various builders that may or
4823 may not be the minimum lot area set by the ordinance. For example, next month you will
4824 have plans that show lots as wide as 100 feet wide in Twin Hickory when the ordinance and
4825 proffers allow it only to be 85 feet wide minimum, so it is not always just maximizing the
4826 density, it is going to multiple product types, meaning 65 foot, 75 foot, 85 foot, 95 to 100 foot
4827 wide product type. And, so you have multiple price ranges in a planned community just like
4828 on a street. You will have multiple price ranges on Springfield Road; the difference between
4829 Hartley Plantation and some of the adjacent ones, the point being is that we don’t know what
4830 the house, the actual dimensions of the house will be at the time that we design the subdivision.
4831 We have a general range. We have some approximations of the buildable area that we are
4832 striving for, but we do not have actual house plans, and, consequently, what we would do is
4833 we would be making up some house plans to meet the requirement or we would just be calling
4834 our local builder friends. Have you got a house plan, because I need to show something to the
4835 Commission, which is not the intent here. The intent is to give you valid information, not just
4836 meet some requirement for the sake of conversation. The building setbacks, I think that is in
4837 error. We can give you the building setbacks and we can tell you that we can give you the

4838 building dimensional setbacks, in other words, the side yards, the front yards, the rear yards
4839 are quite common place. There are differences of opinion among us within the Homebuilders
4840 group. I believe that in order to make the stem or flag-shaped lot favorably considered by you
4841 that we should give you the house orientation, but I may be in the minority in that group from
4842 my side of the table, but I don't believe that we should have front to rears, but I also believe
4843 that, as much as I don't particularly like flag lots, stem-shaped flag lots, I also believe we
4844 should be able to go front to sides, and we do that on a public street. We can assume a
4845 rectangular shaped house, but we don't know if that is going to be a valid house shape at that
4846 time and give you a grading plan, but that would just be more information that is to help you
4847 give you some comfort, but the validity of that information I don't think is any good, because
4848 we don't have good information at that earlier stage of the project.

4849
4850 Mrs. Wade - One thing that is going to be virtually impossible to overcome is
4851 the problem the women had with you this morning, but she didn't stay for the afternoon, that
4852 the subdivision was finished and then a subdivision came next door, and she wound up with the
4853 back of one of those houses in her front yard, so you can't protect against all of these things.
4854 It is a subdivision, but we are talking about the same one, but a lot of that makes sense. A lot
4855 of those things you can't know.

4856
4857 Mr. West - I agree with most everything Mr. Tyler indicated.

4858
4859 Ms. Dwyer - Did you state your name?

4860
4861 Mr. West - Junie West with TIMMONS. There you go. I don't think that
4862 any of that criteria should apply to cul-de-sac lots. I don't think that it does. I think that it is
4863 granting exceptions for stems, cul-de-sac lots and unusual design. I just want to make sure that
4864 we are clear on that, but the items that I do think are practical and needed to insure quality are
4865 the items listed for the stem lots and exceptions to the cul-de-sac lot policy, buildable area, I
4866 think you have to find out where is this exception house going to be built. I would agree with
4867 Mr. Tyler that house orientation would be desirable because then you have a design perimeter
4868 that is the direction this house is to be located in the final plan, and existing contours and
4869 topography are a requirement today, and I would continue to suggest they be a requirement.
4870 But, again, beyond those perimeters, I would again, within the Homebuilders' technical
4871 engineers who have reviewed this, I personally think that showing your wells and septic at the
4872 drainfield at the time of the preliminary review is still a good idea because that is a limitation
4873 about where you can put the house, as well. I personally support that.

4874
4875 Mrs. Wade - You are going to have to have an acre lot, anyway, in that case.

4876
4877 Mr. West - Right. But, if you have poor soils, you need to know where the
4878 drainfield is going to go. That may be the best part of the lot, where you want to put your
4879 house. But, I think beyond that the other items are just not, you can make them up, you can
4880 come up with them, but I don't think that they are practical and I don't think that they are
4881 right, and I don't think that they are technically correct, and I don't think that you can live
4882 with what you put in front of the Commission because you just don't know the product. You

4883 don't know the buyer. You don't know the builder. And those things become very difficult.
4884 But, I think if you can focus on a buildable area and an orientation, that is the important factor.
4885 Where is the house going to sit? What is the area where it can be placed? What is going to be
4886 its orientation with respect to the lots around it?

4887
4888 Ms. Dwyer - So what is the problem with stating the location of building
4889 setback lines and dimensions? Why is that a problem?

4890
4891 Mr. West - That is not a problem. I am sorry. If it pertains to the exception
4892 lots, just for stems, I am not opposed to that.

4893
4894 Ms. Dwyer - You are not opposed to 1?

4895
4896 Mr. West - No, because you can determine that.

4897
4898 Ms. Dwyer - And then you are not opposed to buildable area, but you are...

4899
4900 Mr. West - The building setback, I can't give you the building dimensions,
4901 but I can give you the dimensions of the - I call it the buildable area plan. The building
4902 setback, I guess there are dimensions to the setback line. Is that it?

4903
4904 Ms. Dwyer - Maybe we need number of feet. So could you show that number
4905 of feet?

4906
4907 Mr. West - Yes, I don't think that is a problem. We need a...

4908
4909 Mr. Silber - I am not so sure, Mr. West if we are showing the buildable area
4910 on the plan, wouldn't that basically reflect the building setbacks? I don't think that we are
4911 expecting you to show exact dimensions of the house and what that setback would be.

4912
4913 Mr. West - Yes, that was what we don't know, but we can give you the
4914 buildable area, and where the house can be built on the lot, and what is the orientation of the
4915 house. That makes sense with what you are asking for.

4916
4917 Ms. Dwyer - Mr. Silber, there is really no difference between #1 and #2 if you
4918 are going to show buildable area, that is necessarily going to show you building setback lines?

4919
4920 Mr. Silber - I believe that the intent, Mr. O'Kelly, if you disagree with that,
4921 let me know, but I think that if we go the buildable area, that would show, the buildable area
4922 reflects the setbacks from the front, the sides and the rear.

4923
4924 Ms. Dwyer - And would also include zoning proffers, whatever? No. 2
4925 buildable area would include everything, whereas No. 1...

4926
4927 Mr. Silber - It shows buildable area at the time of conditional.

4928
4929 Ms. Dwyer - Is there anything to be gained by requiring location of building
4930 setback lines and dimensions that we don't get with buildable area?
4931
4932 Mr. O'Kelly - I can't think of a situation right off hand, Madam Chairman. I
4933 think No. 1 was intended for the, I know that there was a situation where we talked about as a
4934 staff, but I can't recall right now the particulars, but No. 2, I would agree with Mr. West, and
4935 Webb Tyler that the buildable area should satisfy.
4936
4937 Ms. Dwyer - And eliminate the rest?
4938
4939 Mr. O'Kelly - I think the house orientation is very important.
4940
4941 Ms. Dwyer - And they have included that as No. 5, I think.
4942
4943 Mr. O'Kelly - No. 5?
4944
4945 Ms. Dwyer - House orientation. Maybe that should be No. 2.
4946
4947 Mr. O'Kelly - Well, existing contours and topo are already required. I mean
4948 that is a standard requirement.
4949
4950 Ms. Dwyer - Well, I am not sure house orientation and contours. I am just
4951 trying to run through these so maybe we can make a decision on some of this. For 2 we would
4952 leave buildable area. We might as well go ahead and leave No. 1 in case there is something
4953 that we might be missing, but on 2 we would eliminate everything except buildable area plan.
4954
4955 Ms. Quesinberry - Wait a minute. On No. 2 you would still leave proposed house
4956 orientation.
4957
4958 Mr. Theobald - Is it clear on No. 1 what the dimensions are you are referring to?
4959 You don't mean building dimensions, you mean dimensions to the setbacks. Is that correct? Is
4960 that right?
4961
4962 Ms. Dwyer - Yes, I think that dimensions refers to building setback lines.
4963
4964 Mr. Theobald - Not the dimensions of the building? I think we all ought to
4965 clarify that. The location of building setback lines and either lot dimensions or dimensions to
4966 the setbacks.
4967
4968 Mrs. Wade - The Attorney has got that in here, too.
4969
4970 Ms. Dwyer - What do we mean, Mr. O'Kelly?
4971

4972 Mr. O'Kelly - Staff has no objection to eliminating No. 1 and making No. 2 No.
4973 1.
4974
4975 Ms. Dwyer - All right, so we are eliminating No. 1 and No. 2 becomes
4976 buildable area plans and proposed house orientation. Are we on the same page on this?
4977
4978 Mr. Archer - No. No. 1.
4979
4980 Ms. Dwyer - Two becomes No. 1. Any proposed dwelling placement on
4981 adjacent lots or property. If we are doing a subdivision and we have to show buildable area
4982 and house orientation, won't it necessarily include dwelling placement on adjacent lots?
4983
4984 Mr. Tyler - Proposed house placement or house orientation on adjacent lots
4985 (unintelligible)
4986
4987 Ms. Dwyer - Maybe it would not be a subdivision or it may not be...
4988
4989 Mr. Theobald - A standard lot in the same subdivision...
4990
4991 Mr. Tyler - You want to look at the house orientation around the flag lots and
4992 make an intelligent decision.
4993
4994 Ms. Dwyer - Right.
4995
4996 Mr. Silber - Is there any objection with showing the proposed or existing
4997 dwellings on an adjacent lot?
4998
4999 Ms. Dwyer - I think that is very important. So, No. 3 becomes No. 2. All
5000 right. Proposed or existing maybe for No. 2 .
5001
5002 Mr. Silber - That needs to be proposed or existing.
5003
5004 Ms. Dwyer - And we want orientation of that dwelling, also.
5005
5006 Mr. Silber - Well, if you have placement of the dwelling, you can tell which
5007 way it is going.
5008
5009 Ms. Dwyer - You can, not necessarily.
5010
5011 Mr. Theobald - Isn't orientation sort of the key as opposed to dwelling placement.
5012 It seems to imply to some of us a more detailed level that we are not sure that we can provide.
5013 To provide house orientation, doesn't that take us where we need to go?
5014
5015 Mr. Silber - To me it seems like we just need to know where the house is on
5016 the adjacent lots.

5017
5018 Ms. Dwyer - I think we need to know where it is, too.
5019
5020 Mrs. Wade - Yes, it is the relationship to other houses.
5021
5022 Mr. Theobald - When we get that first, when you have that stem lot next to a,
5023 there is no requirement to show on a regularly approved lot. Right? So when you have a stem
5024 lot next to a regular lot, then you are also going to have to show placement of a house on a
5025 regular lot.
5026
5027 Ms. Dwyer - And that is important, extremely important, so it is the
5028 relationship between those two houses that has been...
5029
5030 Mr. Theobald - Is there really any difference in orientation?
5031
5032 Ms. Dwyer - Well, we want location and orientation. Orientation to me says
5033 where is the front of the house and the back of the house. Location says where on the lot is it
5034 which can make a big difference. But No. 2 is a proposed or existing dwelling placement and
5035 orientation on adjacent lots or property. Does that make sense? Limitations for dwelling
5036 shape, size and location, Mr. O'Kelly? Homebuilders is recommending eliminating that. Do
5037 you have any thoughts on that?
5038
5039 Mr. O'Kelly - Well, again, I think we need to have some of the restrictions that
5040 apply on these types of lots such as Chesapeake Bay Preservation Areas, wetlands, whatever
5041 they may be.
5042
5043 Ms. Dwyer - If we have buildable area, does that capture that?
5044
5045 Mr. O'Kelly - Not necessarily. Those are some of the dwelling limitations I can
5046 think of now and I am sure there are others that we haven't...
5047
5048 Ms. Dwyer - Floodplain?
5049
5050 Mr. O'Kelly - Those are all Chesapeake Bay features whether they be RMA,
5051 RPA, and in most cases they are RMA requirements, floodplains, wetlands, things of that
5052 nature.
5053
5054 Mrs. Wade - He was talking about the size of the house. We just went through
5055 that, that they might now know what size house it is going to be when we did the subdivision.
5056
5057 Mr. Tyler - For the record, I am Webb Tyler of Youngblood, Tyler and
5058 Associates. The limitations on the lot shape there, we don't believe are necessary. The reason
5059 is because, for example, we have to have the buildable area 10 feet back from the non-tidal
5060 wetlands. We have to have, they are no longer granting any exceptions and limitations to the
5061 RPA or the Chesapeake Bay. This is, and I am referring to the main structure, not the

5062 detached structure, such as the detached garage, which is outside of the buildable area, but the
5063 limitations of shape, size and location of the dwelling are limited by what is shown on the
5064 buildable area plan. In other words, you can't have the main structure anywhere outside of the
5065 buildable area plan. Period. With the exception of some of the little nuances of the ordinance
5066 like chimneys, cornices, that kind of thing, or a detached structure greater than 10 feet. In
5067 other words, you can put your garage or your tool shed in the back corner and that is out of the
5068 buildable area.

5069
5070 Ms. Dwyer - When you show buildable area, does it include all of the
5071 limitations on dwelling shapes?

5072
5073 Mr. Tyler - It includes whatever you can get within that buildable area,
5074 whether that is a four-sided triangle or a 32 sided house.

5075
5076 Mr. Silber - Mr. Tyler, would that include things like additional cemeteries,
5077 like one that came up today?

5078
5079 Mr. Tyler - Yes, sir. Easements of record are required as a part of the
5080 conditional subdivision application. It is one of the 24 items in the check list.

5081
5082 Mr. Silber - All of those items, your buildable area would reflect those
5083 limitations, so it may, it would reflect then, it would be a smaller area?

5084
5085 Mr. Tyler - It would be correct. Even nowadays we are, for example,
5086 showing squiggly lines on the backs of lots as wetlands are allowed in the backs of lots, for the
5087 back rear buildable area is a squiggly line 10 foot parallel to the Corp confirmed non-tidal
5088 wetlands.

5089
5090 Mr. Silber - I think the staff concern was that you may see the buildable area
5091 would be this rectangle, maybe fairly large in size, and when we get right down to it, it has an
5092 easement going through there, and there is a cemetery and this and that, and it may be a
5093 smaller area. Are we saying that all of that is shown then we are saying there are no
5094 limitations that we would not know about?

5095
5096 Mr. Tyler - That should be shown on the conditional subdivision plan if that
5097 engineer or surveyor signed off on that checklist. Because it is in the list of items that he said
5098 that "I, John Surveyor, or Joe Engineer, have checked off". Now, there are topo constraints,
5099 for example, if you have got a clip in the middle of a buildable area. That would show up in
5100 the topography of the topo. But, then we might end up with a house called "falling water" or
5101 something like that.

5102
5103 Ms. Dwyer - So maybe we could eliminate No. 4 unless Mr. O'Kelly, in your
5104 reflection, did you find something specific that would not be included in the buildable area or
5105 checklist? Does that sound reasonable?

5106

5107 Mr. Silber - What Dave and what staff...
5108
5109 Mr. Vanarsdall - Wait a minute. Can we go back over those? We deleted No. 1,
5110 and we made No. 1 the buildable area plan and proposed house orientation.
5111
5112 Ms. Dwyer - That is former 2 changed to present No. 1, and then No.3, which
5113 was No. 2, proposed or existing dwelling placement orientation on adjacent lots, and then No.
5114 4 is eliminated unless staff finds there is something specifically we have omitted from buildable
5115 area, and No. 5, we already have house orientation so I don't think that we need that. There is
5116 a Homebuilders' annotation there.
5117
5118 Mr. Archer - Madam Chairman, before we go on, I would just like to know
5119 what the exception there is to having the detailed lot layout in item No. 2? What was the
5120 problem? Why do they want to omit detailed lot lines?
5121
5122 Mr. Theobald - Because that is part of the original subdivision plan to begin with.
5123 You already receive a detailed lot layout and this is additional information that you are seeking
5124 in order to favorably, I hope, consider a flag lot. So, you have already received detailed
5125 information on the conditional subdivision plan. This is additional information in order to
5126 favorably consider a flag lot.
5127
5128 Ms. Dwyer - No. 5, did we omit reference to house orientation except for
5129 proposed contours and grading plans and the Homebuilders proposed "existing
5130 contours/topography". What do we think of No. 5?
5131
5132 Mr. Vanarsdall - Mr. O'Kelly?
5133
5134 Ms. Dwyer - Is it correct to say Homebuilders is telling us that they are not
5135 going to have that information at this stage of the game, and Mr. O'Kelly, are you saying that
5136 we need that information in order to evaluate it?
5137
5138 Mr. O'Kelly - I think that it would be helpful in some unusual situations, but
5139 staff would have no objection if you want to eliminate it in the essence of time.
5140
5141 Ms. Dwyer - And have existing contours/topography?
5142
5143 Mr. O'Kelly - That is already required.
5144
5145 Ms. Dwyer - Already required? So, we need to eliminate No.5 . I think we
5146 have agreed to keep No. 7.
5147
5148 Mr. O'Kelly - No. 7 is primarily for the thru-lot situation and we continue to
5149 recommend at least a preliminary landscaping plan, perhaps might be better language. Madam
5150 Chairman, preliminary rather than detailed.
5151

5152 Mr. Silber - Would you say that again, please?
5153

5154 Mr. O’Kelly - Preliminary landscaping plan required for buffers and screening
5155 purposes.
5156

5157 Mr. Silber - OK.
5158

5159 Mrs. Wade - Of course, this does not eliminate what they can come and tell us.
5160 if they want to include all of this other information in a case for flag lots, but it is certainly a
5161 way to do it.
5162

5163 Mr. Theobald - The landscaping plan, did I understand that only applies to a thru-
5164 lot situation, right? Not the stem. So we ought to add some reference to through-lots.
5165

5166 Ms. Quesinberry - Well, you could add “as necessary” because we know we are
5167 going to want to see it on through-lots, but what if there were something else that we wanted to
5168 see it on?
5169

5170 Mr. Theobald - Well, normally there isn’t a landscaping plan buffering...
5171

5172 Ms. Quesinberry - But you are looking at unusual circumstances where they may be
5173 a lot that needs a buffer or a landscape because of the nature of it.
5174

5175 Ms. Dwyer - How about “if necessary”? We can leave it preliminary
5176 landscape plan required for buffer and not reference through-lot and it would apply to anything
5177 that we needed it for? Now, Commission members, what do we do with this? Mr. O’Kelly, is
5178 there anything that you would like to rebut that you haven’t rebutted already?
5179

5180 Mr. O’Kelly - No, but I would like some clarification. It has been the staff’s
5181 understanding all along that what the Homebuilders were asking for were five cul-de-sac lots
5182 and four stem lots to be permitted on any cul-de-sac, and I am hearing from Mr. West now
5183 that is not the case. They are asking for up to five lots. Four of which may be called cul-de-
5184 sac or five cul-de-sac or a flag lot or stem lot, but no more than five in the aggregate.
5185

5186 Ms. Dwyer - OK. But that is everyone’s understanding. Is anyone prepared to
5187 make a motion to approve or not approve this today? Or do you think we need another version
5188 to look at before we make a final recommendation to the Board?
5189

5190 Mrs. Wade - I have been going sort of back and forth between the two and I
5191 am not sure which one I am looking at.
5192

5193 Ms. Dwyer - Would it be helpful to have another version and make some
5194 decisions today about giving staff direction on the issues that have been raised and get another
5195 version and, perhaps, vote on it? Does that sound reasonable?
5196

5197 Mrs. Wade - That makes sense to me. I think this is the closest we have
5198 gotten.
5199
5200 Ms. Quesinberry - I don't think we can direct staff unless we discuss some of these
5201 things before directing them.
5202
5203 Ms. Dwyer - I think we need to give staff direction today to come up with
5204 another reiteration of this so that perhaps next time we can vote on it.
5205
5206 Mr. Vanarsdall - Could I make a suggestion? When we do this, it would be nice if
5207 we had, in advance, if we had both sides of information.
5208
5209 Ms. Dwyer - You are right. It would be.
5210
5211 Mr. Vanarsdall - Otherwise, we will just do this again.
5212
5213 Ms. Quesinberry - Mr. Vanarsdall, I think we got the other side and we have had a
5214 couple of public hearings, so with what we have discussed today, I think that, maybe, we
5215 should just give the staff direction to bring back something for a vote, if you want to put it off.
5216
5217 Mr. Vanarsdall - Yes, well, that is what I mean.
5218
5219 Ms. Quesinberry - But I can't see taking another version from anybody.
5220
5221 Mr. Vanarsdall - Oh, I didn't mean that. Maybe I said that wrong.
5222
5223 Ms. Dwyer - Well, I will be glad to run through what I see as the issues and
5224 we can try to give staff some direction on those issues, and they will come back with a draft
5225 that we would like to vote on next time.
5226
5227 Mr. Vanarsdall - That is what you are saying. That is what I was saying, too.
5228
5229 Ms. Dwyer - Let's work with the draft that Mr. Theobald gave us because it is
5230 a draft with their comments, so I think that is the version that is inclusive of all of the
5231 comments. The suggestion was made that we do this in two weeks, at our zoning meeting.
5232 Our schedule for the zoning meeting is horrendous this next month and also we have more time
5233 to discuss it at POD because we have the afternoon, as opposed to dealing with it at 2:00 in the
5234 morning. Do you want to set this for a discussion and possible vote in two weeks at our
5235 zoning meeting, or next POD?
5236
5237 Ms. Quesinberry - Mr. O'Kelly, could you get us a document that you could just
5238 vote on at the zoning meeting as opposed to any more discussion?
5239
5240 Mr. O'Kelly - I could probably get it for you the day before the meeting.
5241

5242 Ms. Quesinberry - But that is kind of tight for you, isn't it? We need more than a
5243 day before the meeting to read it and be prepared to vote the next day.
5244

5245 Mr. O'Kelly - I could say that I could get it to you earlier, but,
5246

5247 Ms. Quesinberry - You just don't want to lie.
5248

5249 Mr. Vanarsdall - And we don't want you to lie.
5250

5251 Mr. O'Kelly - I will do the best that I can.
5252

5253 Ms. Dwyer - OK, we will review this next version at the May POD meeting. I
5254 think that is the consensus. Or did you want to do it in two weeks instead? Well, let's go
5255 through it. It is ten minutes to four and it has been a long day. We are going to go through
5256 and make some preliminary decisions about these issues now. The first issue has to do with
5257 whether the cul-de-sac lots need to be radial, whether the lot lines need to be radial lot lines
5258 from the center of the cul-de-sac up to the front building line.
5259

5260 Mrs. Wade - Now, if there is some problem with this, I would be interested in
5261 hearing about it.
5262

5263 Ms. Dwyer - We had extensive discussion before. Would you like to hear from
5264 Mr. O'Kelly?
5265

5266 Mrs. Wade - Do you see any problem with not having it radial?
5267

5268 Mr. O'Kelly - Yes. We wouldn't have proposed it if we hadn't seen a problem
5269 with not having non-radial lot lines. We felt that it was a special situation. If we don't want
5270 radial lot lines, then let's give it some special consideration. Or maybe there is another
5271 alternative. I just haven't heard anything come forward from the Homebuilders other than "we
5272 don't want to do that". And, I mentioned that other localities require radial lot lines, maybe
5273 because they don't permit all of the alternatives with cul-de-sac design that Henrico does.
5274

5275 Mrs. Wade - Are there really problems with these that we see, for the most
5276 part?
5277

5278 Ms. Dwyer - Again, we can think about this in a month, and we are not voting
5279 on it now, but we do need to have something in writing. We can't vote next time on two
5280 alternatives. I think we do need to make a decision - final decision - what the consensus of the
5281 Commission is on this point. Radial lines or not?
5282

5283 Ms. Quesinberry - I think we should consider this and maybe, individually, get back
5284 with Mr. O'Kelly or Mr. Tokarz, if we need to, and make it clear in your mind, I guess, the
5285 advantages or disadvantages of this definition, so that we can vote on it next time.
5286

5287 Mrs. Wade - We should put something, either A or B, that we have to decide
5288 before next time.
5289

5290 Mr. O'Kelly - Maybe an alternative may be to, if the lot line is non-radial, that
5291 at least it be a straight line to that point where the lot width is measured, the actual lot width,
5292 the actual building setback lines.
5293

5294 Ms. Dwyer - Would that be an alternative that you could recommend or is that
5295 something less?
5296

5297 Mr. O'Kelly - Yes, I think staff could recommend that.
5298

5299 Mr. Silber - I thought that was what was proposed.
5300

5301 Ms. Dwyer - Why don't we go with that? The key is the straight line, maybe,
5302 emanating from the same point, but they need to be straight. So that is the direction on No. 1,
5303 it doesn't need to be radial but they do need to be straight from the front lot line to the front
5304 building line. Is that clear? OK.
5305

5306 Mr. Silber - The actual building line.
5307

5308 Ms. Dwyer - OK. That was easier than I thought. That will require some
5309 redrafting on the definition of cul-de-sac, and that was it.
5310

5311 Terminus public cul-de-sac streets. Mr. O'Kelly, did you have a problem with adding that
5312 definition as it reads here?
5313

5314 Mr. O'Kelly - Mr. Tokarz and I discussed that yesterday. While we don't have
5315 any real problem with what is proposed, we would like to think about that a little more and
5316 come up with a mutual, hopefully a mutual definition of terminus.
5317

5318 Ms. Dwyer - Why don't we include it and then you can give us your comments
5319 next time about that and then it doesn't get lost. Is that OK with everybody?
5320

5321 Mr. Tyler - Or if you wanted to use our definition, you would not have cul-
5322 de-sac lots along the curb of a cul-de-sac street, if you incorporate our definition. If you don't
5323 incorporate our definition, then (unintelligible).
5324

5325 Ms. Dwyer - OK, issue No.2 was grandfathering and I guess part of the
5326 concern is that this is going to be approved by the Board of Supervisors in May and then - I
5327 don't see that happening. Once you get through us, which obviously won't be until May, then
5328 it would come up before the Board in June, so we are looking at, they may discuss it for
5329 several months. What is the Commissions' feeling?
5330

5331 Mr. Vanarsdall - They may grandfather it, too?
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5332
5333 Ms. Dwyer - They may decide to put a grandfathering provision in there if we
5334 don't?
5335
5336 Ms. Quesinberry - They might, or they just might set an effective date that, in effect,
5337 would make everyone happy. I don't think we need it.
5338
5339 Ms. Dwyer - So you would go with staff's recommendation?
5340
5341 Ms. Quesinberry - Yes.
5342
5343 Ms. Dwyer - What do you guys think? If we are going to go with staff's
5344 recommendation as far as the grandfathering issue is concerned, and again, obviously the
5345 Board can change that when it gets to them if they think, in fairness, it needs to be extended.
5346 Issue No. 3 has to do with the numbers of cul-de-sac lots and stem lots permitted, and we are
5347 talking about the pie-shaped lots and the stem-shaped lots. My understanding is that what we
5348 all agree to is that there would be a maximum of five lots around a cul-de-sac in the aggregate,
5349 including cul-de-sac lots and stem lots, and, of course, there could be a maximum of only four
5350 stem lots, as the ordinance is drafted. Mr. O'Kelly, did you want to comment on that?
5351
5352 Mr. O'Kelly - No. I think that was a big clarification to the staff today.
5353
5354 Ms. Dwyer - Is that acceptable to staff?
5355
5356 Mr. O'Kelly - Yes.
5357
5358 Ms. Dwyer - So we need clarification in the ordinance on that point, then we
5359 are finished with Chapter 24 and in Chapter 19, I think we agreed to eliminate the reference to
5360 cul-de-sac in the introduction to the ordinance, since this doesn't apply to the cul-de-sac lot and
5361 it only applies to stem lots.
5362
5363 Mrs. Wade - OK. Under some circumstances we are agreeing that stem lots
5364 are OK? Which is not exactly where we started, but...
5365
5366 Ms. Dwyer - We are allowing exceptions.
5367
5368 Mrs. Wade - Unless they get out of hand.
5369
5370 Ms. Dwyer - Unless they get out of hand, Mrs. Wade says. Should we write
5371 that in there? OK. The suggestion was made, Mr. O'Kelly, that we eliminate reference to
5372 cul-de-sac lots in the introduction. Is that OK with you? Does that make sense?
5373
5374 Mr. O'Kelly - I can't see why we would have any objection to that.
5375

5376 Ms. Dwyer - All right, so we will do that, and the second amendment, which is
5377 A, will now read, "The proposed building setback lines and building area plans on stem lots
5378 and flag lots. Is that in accord with what everyone else understood? OK. With the second
5379 No. 2, which is No. 3, we just went through in detail, eliminating 1, No. 2 which now reads
5380 "buildable area plans and proposed or existing dwelling placement and orientation on adjacent
5381 lots or properties. No. 4 has been eliminated, No. 5 has been eliminated, No. 6 remains as
5382 drafted, and No. 7 now reads "preliminary landscape plan required for buffer or screening
5383 purposes." Are there any other changes that anyone else had?
5384

5385 Mrs. Wade - No. 1 was eliminated?
5386

5387 Ms. Dwyer - Yes, No. 1 was eliminated and so it was renumbered. So, do we
5388 need to make a motion on that? Or do we just direct staff to do another draft and advertise if
5389 for public hearing?
5390

5391 Mr. Archer - I don't think we need a motion.
5392

5393 Mr. O'Kelly - No. It doesn't need to be readvertised.
5394

5395 Ms. Quesinberry - I just have another question. Do we have another public hearing
5396 on this and vote?
5397

5398 Mr. O'Kelly - Well, it would be a continuation of the public hearing and it will
5399 not be readvertised. It is not required.
5400

5401 Ms. Dwyer - It will not be readvertised? How will people know it is coming
5402 up at our next meeting?
5403

5404 Mr. O'Kelly - Those that are interested are here.
5405

5406 Mrs. Wade - Are you all reasonably sure that somebody else is going to be
5407 coming from the building community to our next hearing to discuss this?
5408

5409 Ms. Quesinberry - I feel strongly we've had enough discussion and we need to come
5410 up with a vote. If we are opening this up for discussion for anyone, then we are going to be in
5411 this until like Ground Hog Day or something.
5412

5413 Ms. Dwyer - Well, there were some points that were not completely clarified
5414 and there is some language that might need to be amended. And, I would hate to forego any
5415 discussion. I don't think we need to go through again what we have done today. You know,
5416 several hours, but I would hate to foreclose any discussion.
5417

5418 Ms. Quesinberry - Could we not have Mr. O'Kelly read the final and we will go
5419 through it again, and explain what we changed, and why, and then somebody could make a
5420 motion to vote on it.

5421
5422 Ms. Dwyer - And foreclose any discussion?
5423
5424 Ms. Quesinberry - Yes.
5425
5426 Mr. O’Kelly - We will meet again with the Homebuilders committee as many
5427 times as necessary between now and May 26, so hopefully we will all be in agreement.
5428
5429 Ms. Dwyer - If I have a question, I would like to be able to ask it.
5430
5431 Ms. Quesinberry - We would always let you ask your questions, Ms. Dwyer.
5432
5433 Mrs. Wade - And you will get it to us, hopefully, ahead of time. That is what
5434 we understood.
5435
5436 Ms. Dwyer - And to the extent that there is disagreement between staff and
5437 homebuilders, that could be included on the draft that we get prior to the next POD meeting.
5438
5439 Mr. Theobald - We are trying to collect our comments, obviously through me,
5440 and we would not see the need to go through this again, given that we are within a “hare’s
5441 breath, I think, of being able to say we are in accord with this”. But, if you are going to have
5442 a public hearing to change and ordinance and vote on it, it would just be my suggestion that
5443 you give people an opportunity to talk. I will promise not to go through this again. If I have
5444 got one or two points, however, obviously I will waiver those. I would not see the need to do
5445 that from my standpoint. These gentlemen are the same, so...
5446
5447 Ms. Dwyer - It seems to me that we have done most of the work today, and if
5448 we get this, and part of the reason we were so slow was because we didn’t get this until this
5449 morning, so we did not have a chance to review it all, either. I would expect that next time
5450 we would have the new version in advance. We would have a chance to review it. If we have
5451 any questions, we can ask that either of industry or of staff. I would not expect a lot of
5452 discussion or presentation unless we get some sudden input by citizens, but, again, I wouldn’t
5453 expect that either. I think if you have a public hearing, it is hard to foreclose any discussion.
5454 I would just hope and expect that there would not be a lot at that point. What do the other
5455 Commissioners think about this point?
5456
5457 Mr. Archer - I agree, Madam Chairman. I think we should reserve the right to
5458 have a discussion if necessary, but it is not necessary to have a full-blown hearing on it.
5459
5460 Mr. Vanarsdall - I agree with that.
5461
5462 Ms. Dwyer - OK. What about advertising it? We will not advertise it? I am
5463 just hoping that there is a citizen out there...
5464

5465 Mr. O'Kelly - No, it is not required. I know at least one citizen that we have
5466 been keeping informed.
5467
5468 Ms. Dwyer - Can we go ahead and advertise it anyway?
5469
5470 Mr. O'Kelly - It costs money, but I will be glad to do it.
5471
5472 Mr. Silber - Ms. Dwyer, we can do whatever you want us to do. Typically, a
5473 public hearing that was deferred, or a continuation of it, those that are interested are here and
5474 know about the continuation and, typically, it is not readvertised. We are keeping up with this
5475 one person that has shown some interest and we will continue to, but if it is the desire of the
5476 Commission, we will advertise it.
5477
5478 Mrs. Wade - Couldn't we announce it at the zoning meeting?
5479
5480 Mr. O'Kelly - We could put it on our Web site.
5481
5482 Ms. Dwyer - So, we don't need a motion on what we have done. Is there any
5483 other business, Mr. Secretary?
5484
5485 Mrs. Wade - Are we not adjourning then?
5486
5487 Mr. Vanarsdall - I move we adjourn.
5488
5489 Mr. Archer - I second that.
5490
5491 On a motion by Mr. Vanarsdall and a second by Mr. Archer, the Planning Commission
5492 adjourned its meeting.
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5494
5495
5496
5497
5498

Ms. Elizabeth G. Dwyer, C.P.C., Chairman
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5500
5501
5502

John R. Marlles, Secretary
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5504