

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, Parham and Hungary
3 Spring Roads, Beginning at 9:00 a.m., on August 25, 1999.

4
5 Members Present: Ms. Elizabeth G. Dwyer, C.P.C., Chairman (Tuckahoe)
6 Mr. Ernest B. Vanarsdall, C.P.C., Vice Chairman
7 (Brookland)
8 Mr. C. W. Archer, C.P.C. (Fairfield)
9 Mrs. Mary L. Wade (Three Chopt)

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11
12 Members Absent: Mrs. Debra Quesinberry (Varina)
13 Mr. James B. Donati, Jr., Board of Supervisors
14 Representative, (Varina)

15
16 Others Present: Mr. John R. Marlles, AICP, Director of Planning,
17 Secretary
18 Mr. Randall R. Silber, Secretary, Assistant Director of
19 Planning
20 Mr. David D. O'Kelly, Jr., Principal Planner
21 Mr. James P. Strauss, CLA, County Planner
22 Ms. Leslie A. News, CLA, County Planner
23 Mr. E. J. (Ted) McGarry, III, County Planner
24 Mr. Kevin D. Wilhite, County Planner
25 Mr. Mikel Whitney, County Planner
26 Ms. Audrey Anderson, County Planner
27 Mr. Dwight A. Grissom, Schools
28 Mr. Tom Tokarz, County Attorney
29 Capt. Ed Smith, Fire
30 Mr. Al Frauenfelder, G.I.S.
31 Mr. R. Kirby Smith, Drafting Technician
32 Mr. Robert J. Eagle, Associates County Planner
33 Mr. David Pennock, Planning Technician
34 Mr. Todd Eure, Assistant Traffic Engineer
35 Ms. Diana B. Carver, Recording Secretary
36 Mrs. L. B. Ann Cleary, Office Assistant

37
38 Ms. Dwyer - Good morning. The Planning Commission will come to order. I'd like to
39 welcome everyone who has come before the Commission this morning to conduct business. Do
40 we have members of the Press here in the audience this morning? I'll ask the Secretary to call the
41 roll.
42

43 Mr. Marlles - Good morning, Madam Chairman, members of the Commission. Mrs.
44 Quesinberry is on vacation this week so she will not be joining us. I have not heard from Mr.
45 Donati but I think he will be joining us later. We do have a quorum.

46
47 Ms. Dwyer - All right.

48
49 Mr. Marlles - The first item on the agenda are requests for deferrals and withdrawals, and
50 they will be presented by Mr. Kevin Wilhite.

51
52 Mr. Wilhite - Good morning, Madam Chairman, members of the Commission, ladies and
53 gentlemen. There are five requests for deferrals that appear on your written agenda. We are also
54 aware of one more that just came to our attention. First on page 2, POD-39-83, Virginia Center
55 Technology Park, Phase I.

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57 **TRANSFER OF APPROVAL**

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POD-39-83
Virginia Center Technology Park Phase 1
Principal Life Insurance Company for Highwoods/Forsyth Limited Partnership: Request for approval of a transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Ethelwood Corporation, Reuben K. Chewning, and Virginia Center Inc. to Principal Life Insurance Company. The site is located along the south line of Technology Park Drive, approximately 400 feet west of J.E.B. Stuart Parkway on Parcel 33-A-52 and 33-A-58A. The zoning is M-1C, Light Industrial District (Conditional). **(Fairfield)**

59
60 Mr. Wilhite - The applicant requests deferral until September 29, 1999.

61
62 Ms. Dwyer - Is there anyone in the audience in opposition to the deferral of POD-39-83,
63 transfer of approval for Virginia Center Technology Park Phase 1? No opposition. We are ready
64 for a motion.

65
66 Mr. Archer - I move deferral of POD-39-83, Virginia Center Technology Park, Phase I,
67 to the September 29, 1999, meeting at the applicant's request.

68
69 Mr. Vanarsdall - Second.

70
71 Ms. Dwyer - The motion was made by Mr. Archer and seconded by Mr. Vanarsdall. All
72 in favor say aye...all opposed say nay. The motion passes.

73
74 At the request of the applicant, the Planning Commission deferred the transfer approval request
75 for POD-39-83, Virginia Center Technology Park Phase, to its September 29, 1999, meeting.

77 Mr. Wilhite - Next, on page 3, landscape plan LP/POD-103-98, Eckerd Drug Store -
78 Staples Mill Road and Hungary Road, the applicant requests a deferral until September 29, 1999.

79

80 **LANDSCAPE & LIGHTING PLAN (Deferred from the July 28, 1999, Meeting)**

81

LP/POD-103-98 **McKinney & Company:** Request for approval of a landscape
Eckerd Drug Store - and lighting plan as required by Chapter 24, Sections 24-106
Staples Mill Road and and 24-106.2 of the Henrico County Code. The 4.2 acre site is
Hungary Road located on the southeast corner of Staples Mill Road (U.S.
Route 33) and Hungary Road on Parcel 50-5-F-52. The zoning
is B-2C, Business District (Conditional). **(Brookland)**

82

83 Ms. Dwyer - Is there anyone in the audience in opposition to the deferral for the
84 landscape plan for LP/POD-103-98, Eckerd Drug Store, to the September 29 Planning
85 Commission meeting? No opposition. We are ready for a motion.

86

87 Mr. Vanarsdall - I talked to Leslie News and I believe she said we would go forward with
88 the lighting plan. Is Leslie here? So all we are deferring is the landscape plan.

89

90 Ms. News - Yes, that's correct.

91

92 Mr. Vanarsdall - Okay. I move that we defer the landscape plan for LP/POD-103-98,
93 Eckerd Drug Store at Staples Mill Road and Hungary Road, until the 29th of September, at the
94 applicant's request. And, we will hear the lighting plan this morning.

95

96 Mr. Archer - Second.

97

98 Ms. Dwyer - The motion was made by Mr. Vanarsdall and seconded by Mr. Archer. All
99 in favor say aye...all opposed say nay. The motion passes.

100

101 At the request of the applicant, the Planning Commission deferred the landscape plan for
102 LP/POD-103-98, Eckerd Drug Store - Staples Mill Road and Hungary Road, to its September 29,
103 1999, meeting.

104

105 Mr. Wilhite - Next, on page 5, Cole Creek (July 1999 Plan), the applicant is requesting
106 deferral until September 29, 1999.

107 **SUBDIVISION (Deferred from the July 28, 1999, Meeting)**
108

Cole Creek **Youngblood, Tyler & Associates, P.C. for HHHunt Corporation**
(July 1999 Plan) **and Teal/Centex Homes:** The 13.32-acre site is located along the south line of Nuckols Road, approximately 1,200 feet west of Shady Grove Road on part of Parcel 10-A-12. The zoning is R-2AC, One-Family Residence District (Conditional) and C-1C, Conservation District (Conditional). County water and sewer. **(Three Chopt)18 Lots**

109
110 Ms. Dwyer - Is there anyone in the audience in opposition to the deferral of Cole Creek
111 subdivision? No opposition. Ready for a motion.

112
113 Mrs. Wade - I move Cole Creek subdivision (July 1999 Plan) be deferred until the 29th
114 of September at the applicant's request.

115
116 Mr. Vanarsdall - Second.

117
118 Ms. Dwyer - The motion was made by Mrs. Wade and seconded by Mr. Vanarsdall. All
119 in favor say aye...all opposed say nay. The motion passes.

120
121 At the request of the applicant, the Planning Commission deferred Cole Creek (July 1999 Plan) to
122 its September 29, 1999, meeting.

123
124 Mr. Wilhite - On page 12, POD-59-99, McBal Office Building - Technology Park Drive,
125 the applicant requests a deferral to September 29, 1999.

126
127 **PLAN OF DEVELOPMENT AND TRANSITIONAL BUFFER DEVIATION**
128 **(Deferred from the July 28, 1999, Meeting)**
129

POD-59-99 **Balzer & Associates, P.C. for Virginia Center Inc. and**
McBal Office Building - **McBal Corporation:** Request for approval of a plan of
Technology Park Drive development and transitional buffer deviation as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code to construct a two-story, 15,375 square foot office building. The 1.90-acre site is located on the north line of Technology Park Drive, 250 feet east of its intersection with J.E.B. Stuart Parkway on part of Parcels 33-A-64A and 52A. The zoning is M-1C, Light Industrial District (Conditional). County water and sewer. **(Fairfield)**

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131
132 Ms. Dwyer - Is there anyone in the audience in opposition to the deferral of POD-59-99,
133 McBal Office Building - Technology Park Drive? No opposition. Ready for a motion.
134

135 Mr. Archer - I move deferral of POD-59-99, McBal Office Building until September 29,
136 1999, at the applicant's request.

137
138 Mr. Vanarsdall - Second.

139
140 Ms. Dwyer - The motion was made by Mr. Archer and seconded by Mr. Vanarsdall. All
141 in favor say aye...all opposed say nay. The motion carries.

142
143 At the request of the applicant, the Planning Commission deferred POD-59-99, McBall Office
144 Building - Technology Park Drive, to its September 29, 1999, meeting.

145
146 Mr. Wilhite - On page 13, POD-22-99, Four Mile Creek Commercial Center - Master
147 Plan. The applicant requests deferral until September 29, 1999.

148
149 **PLAN OF DEVELOPMENT (Deferred from June 23, 1999 meeting)**

150
POD-22-99 **Balzer and Associates for Essex Properties:** Request for approval
Four Mile Creek of a plan of development for a master plan as required by Chapter 24,
Commercial Center – Section 24-106 of the Henrico County Code to construct a
Master Plan - commercial center consisting of four buildings, including a previously
New Market Road approved one-and-a half story, 4,122 square foot convenience store
with fuel pumps, bank and a car wash; a one-story, 1,890 square foot
restaurant; a one-story 3,366 square foot restaurant, and a three-
story, 68 unit hotel. The 24.80 acre site is located along the south
line of New Market Road (State Route 5) 1600 feet east of its
intersection with I-295 on part of parcel 249-A-51. The zoning is B-
3C, Business District (Conditional), and ASO, Airport Safety
Overlay District. County water and sewer. **(Varina)**

151
152 Ms. Dwyer - Is there anyone in the audience in opposition to the deferral of POD-22-99,
153 Four Mile Creek Commercial Center - Master Plan? No opposition to the deferral. Ready for a
154 motion.

155
156 Mr. Vanarsdall - I move POD-22-99, Four Mile Creek Commercial Center Master Plan -
157 New Market Road, be deferred to the September 29, 1999, meeting at the applicant's request.

158
159 Mrs. Wade- Second.

160
161 Ms. Dwyer - The motion was made by Mr. Vanarsdall and seconded by Mrs. Wade. All
162 in favor say aye...all opposed say nay. The motion carries.

163
164 At the request of the applicant, the Planning Commission deferred POD-22-99, Four Mile Creek
165 Commercial Center - Master Plan - New Market, to its September 29, 1999, meeting.

166

167 Mr. Wilhite - We just became aware of another one. On page 9 of your agenda, POD-37-
168 99, Church of Christ - Educational and Worship Facility. The applicant is requesting a 60-day
169 deferral until the October 27 1999, hearing.

170

171 **PLAN OF DEVELOPMENT (Deferred from the July 28, 1999, Meeting)**

172

POD-37-99
Church of Christ -
Educational and Worship
Facility - Sandy Lane and
Howard Street

**Griffith Graham & Associates, Inc. for The Church of
Christ:** 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, 48,705 square foot education
and worship facility. The 10.54-acre site is located on the east
line of Sandy Lane at the intersection with Howard Street on
Parcel 129-A-20A. The zoning is A-1, Agricultural District.
(Fairfield)

173

174

175 Ms. Dwyer - Is there anyone in the audience in opposition to the deferral of POD-37-99,
176 Church of Christ - Educational and Worship Facility? No opposition to the deferral. Ready for a
177 motion.

178

179 Mr. Archer - I move deferral of POD-37-99, Church of Christ for 60 days until the
180 October 27, 1999, meeting, at the applicant's request.

181

182 Mr. Vanarsdall- Second.

183

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

186

187 At the request of the applicant, the Planning Commission deferred POD-37-99, Church of Christ -
188 Educational and Worship Facility - Sandy Lane and Howard Street, to its October 27, 1999,
189 meeting.

190

191 Ms. Dwyer - Is that all for the deferrals?

192

193 Mr. Wilhite - Yes.

194

195 Mr. Marlles - Madam Chairman, the next item on the agenda is the list of items on the
196 expedited agenda. Again, that will be presented by Mr. Kevin Wilhite.

197

198 Mr. Wilhite - The first one is on page 4. Landscape Plan LP/POD-52-97, Essex Plaza.
199 Staff recommends approval.

200 **LANDSCAPE & LIGHTING PLAN**

201

LP/POD-52-97 **CMSS Architects, P.C.:** Request for approval of a landscape
Essex Plaza and lighting plan as required by Chapter 24, Sections 24-106
(Formerly Highwoods Plaza) and 24-106.2 of the Henrico County Code. The 8.5 acre site is
Cox and Saddler Roads located at the corner of Cox Road, approximately 450 feet south
of Saddler Road on Parcel 28-5-1-1C. The zoning is O-3C,
Office District (Conditional). **(Three Chopt)**

202

203 Ms. Dwyer - Is there anyone in the audience in opposition to the landscape and lighting
204 plan for LP/POD-52-97, Essex Plaza (Formerly Highwoods Plaza)? No opposition. Are there any
205 questions by Commission members on this case?

206

207 Mrs. Wade - No.

208

209 Ms. Dwyer - All right. We are ready for a motion.

210

211 Mrs. Wade - I move approval of the landscape and lighting plan for LP/POD-52-97,
212 Essex Plaza, subject to the annotations and the standard conditions for landscape and lighting
213 plans.

214

215 Mr. Vanarsdall - Second.

216

217 Ms. Dwyer- The motion for approval was made by Mrs. Wade and seconded by Mr.
218 Vanarsdall. All in favor say aye...all opposed say nay. The motion carries.

219

220 The Planning Commission approved the landscape and lighting plan for LP/POD-52-97, Essex
221 Plaza (Formerly Highwoods Plaza) Cox and Saddler Roads, subject to the annotations on the plan
222 and the standard conditions for landscape and lighting plans.

223

224 **PLAN OF DEVELOPMENT**

225

POD-65-99 **Engineering Design Associates for John A. & Wyatt L.**
Eubank Center - Eubank Rd. **Heisler, IV:** Request for approval of a revised plan of
(POD-17-99 Revised) development as required by Chapter 24, Section 24-106 of the
Henrico County Code to construct a one-story, 6,600 square
foot office/warehouse and a one-story, 4,800 square foot office
warehouse. The 0.71 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)

226

227 Ms. Dwyer - Is there anyone in the audience in opposition to POD-65-99 Eubank
228 Center? No opposition. Are there any questions by Commission members on this case?
229

230 Mr. Vanarsdall - I move POD-65-99 Eubank Center - Eubank Road (POD-17-99 Revised),
231 to be approved on the expedited agenda with the annotations on the plans and the standard
232 conditions for developments of this type, and additional conditions Nos. 23 through 30.
233

234 Mrs. Wade - Second.
235

236 Ms. Dwyer- The motion for approval was made by Mr. Vanarsdall and seconded by
237 Mrs. Wade. All in favor say aye...all opposed say nay. The motion carries.
238

239 The Planning Commission approved POD-65-99 Eubank Center - Eubank Road (POD-17-99
240 Revised), subject to the annotations on the plan , the standard conditions for developments of this
241 type attached to these minutes, and the following additional conditions:
242

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

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

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

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

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

257 28. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the
258 Planning Office and approved prior to issuance of a certificate of occupancy for this
259 development.

260 29. The certification of building permits, occupancy permits and change of occupancy permits
261 for individual units shall be based on the number of parking spaces required for the
262 proposed uses and the amount of parking available according to approved plans.

263 30. Prior of issuance of a building permit, the developer must furnish a letter from Virginia
264 Power stating that this proposed development does not conflict with their facilities.
265

266 Ms. Dwyer - Is that all for the expedited agenda?
267

268 Mr. Wilhite - Yes, Madam Chairman.
269

270 Ms. Dwyer - We have a short one today.

271
 272 Mr. Vanarsdall - Madam Chairman, I would like to ask Kevin a question.
 273
 274 Ms. Dwyer - All right.
 275
 276 Mr. Vanarsdall - Just for curiosity, we usually have a lot of expedited items. Was this
 277 because you didn't get the proper paper work back from the applicant, that perhaps had a lot of
 278 problems, or just a mixture of everything?
 279
 280 Mr. Wilhite - Well, it would be difficult for me to speak to individual cases. We do
 281 request in writing a request to be placed on the expedited agenda, and that has to be into us by
 282 Friday of last week. If we have revised plans that are being reviewed, very often we are not in a
 283 position to go forward with an expedited agenda come Friday. A lot of times we are doing
 284 reviews up until a few days before the meeting.
 285
 286 Mr. Vanarsdall - And you don't get a lot of them back.
 287
 288 Mr. Wilhite - We only got two this time. Generally, we do have more.
 289
 290 Mr. Vanarsdall - I was just curious. Thank you.
 291
 292 Mrs. Wade - It might have to do something with it being August, I think. A lot of
 293 people are away and on vacation.
 294
 295 Ms. Dwyer - All right. Next item.
 296
 297 Mr. Marlles - The next item on the agenda, Madam Chairman, are the subdivision
 298 extensions of conditional approval. Mr. Wilhite.
 299
 300 **SUBDIVISION EXTENSIONS OF CONDITIONAL APPROVAL**
 301

Subdivision	Magisterial District	Original No. of Lots	Remaining Lots	Previous Extensions
Cambridge (August 1998 Plan)	Three Chopt	57	32	0
Eddleton Estates (August 1996 Plan)	Three Chopt	10	5	2
Fairlawn (August 1993 Plan)	Varina	107	5	5
Gaskins Center (August 1998 Plan)	Tuckahoe	23	23	0
Windsor Business Park(June 1998 Plan)	Fairfield	0	0	0

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Staff Recommends Extension for 12 Months until August 23, 2000

Mr. Wilhite - We have five subdivisions. They do appear on your screen. Cambridge in the Three Chopt District, Eddleton Estates in Three Chopt as well, Fairlawn in the Varina District, Gaskins Center in Tuckahoe and Windsor Business Park in the Fairfield District. Staff can recommend approval of the extensions for 12 months for all of these.

Ms. Dwyer - Is there anyone in the audience in opposition to the extension of subdivision approval for the subdivisions named? No opposition. We are ready for a motion.

Mr. Archer - Madam Chairman, I recommend approval of the listed subdivision extensions of approval.

Mr. Vanarsdall - Second.

Ms. Dwyer - The motion was made by Mr. Archer and seconded by Mr. Vanarsdall for approval. All in favor of the motion say aye...all opposed say nay. The motion carries.

The Planning Commission voted to approve the extensions of conditional approval for 12 months, August 23, 2000, for the subdivisions listed above.

TRANSFER OF APPROVAL

POD-40-97 Hilton Garden Inn - Lakepointe at Innsbrook	Manish S. Patel for Brentwood Innsbrook LLC: Request for approval of a transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Attack-Lakepointe LLC to Brentwood Innsbrook, LLC. The 4.9 acre site is located near the northwest corner of W. Broad Street (U.S. Route 250) and Cox Road on Parcel 48-5-B-16. The zoning is B-2C, Business District (Conditional). (Three Chopt)
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Ms. Dwyer - Mr. Wilhite.

Mr. Wilhite - The final site plans have been recently approved by County staff. The building permit is currently being reviewed for this project. There are no conditions that the staff would recommend. We do recommend approval of this transfer request.

Ms. Dwyer - Is there anyone in the audience in opposition to transfer of approval for POD-40-97, Hilton Garden Inn? No opposition. Are there any questions by Commission members? We are ready for a motion.

Mrs. Wade - I move POD-40-97, Hilton Garden Inn, transfer of approval be approved.

339 Mr. Vanarsdall - Second.

340
341 Ms. Dwyer - The motion was made by Mrs. Wade and seconded by Mr. Vanarsdall for
342 approval. All in favor of the motion say aye...all opposed say nay. The motion carries.

343
344 The Planning Commission approved the transfer of approval request for POD-40-97, Hilton
345 Garden Inn - Lakepointe at Innsbrook.

346
347 **LANDSCAPE & LIGHTING PLAN (Deferred from the July 28, 1999, Meeting)**

348
LP/POD-103-98 **McKinney & Company:** Request for approval of a landscape
Eckerd Drug Store - and lighting plan as required by Chapter 24, Sections 24-106
Staples Mill Road and and 24-106.2 of the Henrico County Code. The 4.2 acre site is
Hungary Road located on the southeast corner of Staples Mill Road (U.S.
Route 33) and Hungary Road on Parcel 50-5-F-52. The zoning
is B-2C, Business District (Conditional). **(Brookland)**

349
350 Ms. Dwyer - Is there anyone in the audience in opposition to the lighting plan for
351 LP/POD-103-98, Eckerd Drug Store at Staples Mill Road and Hungary Road? The landscape
352 plan has been deferred. No opposition. Ms. News.

353
354 Ms. News - Good morning. The applicant is requesting approval today of the lighting
355 plan, the revised lighting plan which I have right here. They will be distributed to you at this time.
356 The revised lighting plan being distributed to you provides fully shielded wall packs and shoebox
357 fixtures. The plan meets County guidelines and proffered conditions. A condition has been added
358 in your agenda, which requires the lighting to be reduced to no greater than a security level at the
359 close of business. Staff recommends approval. The applicant is here to answer any questions, if
360 there are no questions of staff.

361
362 Ms. Dwyer - Are there any questions of Ms. News by Commission members?

363
364 Mr. Vanarsdall - I have a question. Did you say it's been revised on the addendum?

365
366 Ms. News - This is a revised lighting plan. There is nothing on the addendum but there
367 is a condition on the agenda.

368
369 Mr. Vanarsdall - I don't have any questions.

370
371 Ms. Dwyer - The picture of the wall pack, on the sheet you just handed out to us, does
372 that shield it?

373
374 Ms. News - Below the picture you will see a diagram of a shield that would be fitted
375 over this wall pack. It's a metal shield that covers the entire front and points it down.

376

377 Ms. Dwyer- Are there any other questions of Ms. News? Would you like to hear from
378 the applicant, Mr. Vanarsdall?

379
380 Mr. Vanarsdall - No.

381
382 Ms. Dwyer - All right. We are ready for a motion.

383
384 Mr. Vanarsdall - I move LP/POD-103-98, Eckerd Drug Store at Staples Mill and Hungary,
385 Brookland District, Parcel 50-5-F-52, be approved. This is the lighting plan only, with the
386 condition No. 6 that says "Lighting shall be reduced to no more than a security level following the
387 close of business operation" and the annotations on the plan.

388
389 Mr. Archer - Second, Madam Chairman.

390
391 Ms. Dwyer - The motion was made by Mr. Vanarsdall and seconded by Mr. Archer for
392 approval. All in favor of the motion say aye...all opposed say nay. The motion carries.

393
394 The Planning Commission approved the lighting plan for LP/POD-103-98, Eckerd Drug Store -
395 Staples Mill Road and Hungary Road, subject to the standard conditions for lighting plans, the
396 annotations on the plan and the following additional condition. The landscape plan, which action
397 was taken earlier, was deferred to the September 29, 1999, meeting.

398
399 6. Lighting shall be reduced to no more than a security level following the close of business
400 operation.

401
402 **SUBDIVISION**
403

Michael Run (July 1999 Plan)	Charles H. Fleet & Associates, P.C. and Randall K. Coleman for Charles H. Davis: The 1.766-acre site is located at the northwest corner of Michael Road and Le-Suer Road on Parcels 80-A-44, 44A and 45. The zoning is R-2, One-Family Residence District. County water and sewer. (Three Chopt) 3 Lots
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404
405 Ms. Dwyer - Is there anyone in the audience in opposition to subdivision Michael Run?
406 No opposition. Good morning, Mr. Whitney.

407
408 Mr. Whitney - Good morning, Madam Chairman. Staff has completed its review of this
409 subdivision and can now recommend approval. The last outstanding issue that I would like to
410 make you aware of is on lot 2. The existing two-story house on this lot, which was built in 1947,
411 we had to make some determination on its nonconforming status. The zoning conformance
412 officer has made a decision that it can remain and its nonconforming status as far as rear yard
413 setback. And, it meets the side yard setback that is currently in the ordinance. This subdivision
414 can go forward. I'll take any questions if you have any.

415
416 Ms. Dwyer - Are there any questions by Commission members?
417
418 Mrs. Wade - Did you get any more information about the nature of the houses?
419
420 Mr. Whitney - No I did not. I notice that the house on lot 1, which is under construction,
421 does have a brick foundation. Beyond that, I'm not aware of what materials they are going to use.
422
423 Mrs. Wade - I guess we don't know whether or not they want two stories. Is there
424 someone who could perhaps answer that?
425
426 Mr. Whitney - The applicant is here and can answer that question for you.
427
428 Ms. Dwyer - Would the applicant come forward, please?
429
430 Mr. Coleman - My name is Randy Coleman and the house that is being built right now is a
431 Cape Cod, Victorian style, roughly 1,600 square feet. The house on lot 3, that will be built, will
432 be approximately 1,500 square feet and in line with everything else in the neighborhood.
433
434 Mrs. Wade - Is that two story?
435
436 Mr. Coleman - Yes, two story.
437
438 Mrs. Wade - That's all. Thank you.
439
440 Ms. Dwyer - Are we ready for a motion?
441
442 Mrs. Wade - I move subdivision Michael Run (July 1999 Plan) be approved subject to
443 the standard conditions for subdivisions served by public utilities and condition No. 12 on the
444 agenda.
445
446 Mr. Archer - Second.
447
448 Ms. Dwyer - The motion was made by Mrs. Wade and seconded by Mr. Archer. All in
449 favor say aye...all opposed say nay. The motion carries.
450
451 The Planning Commission granted conditional approval to subdivision Michael Run (July 1999
452 Plan), subject to the standard conditions attached to these minutes and the following additional
453 condition:
454
455 12. Prior to requesting recordation, the developer shall furnish a letter from Virginia Power
456 stating that this proposed development does not conflict with its facilities.

457 **SUBDIVISION**

458

Olde Mill Pond
(August 1999 Plan)

Youngblood, Tyler & Associates, P.C. for Francis Run Associates, L.L.C., James L. & L. C. Dandridge, Harold W. Bushong, and Jane A. & Franklin Thomas: The 18.854 acre site is located on the west side of Francistown Road, 75 feet north of Francis Marion Court on Parcels 39-A-26, 39-A-11 and 39-A-9. The zoning is R-3AC, One-Family Residence District (Conditional). County water and sewer. **(Three Chopt) 44 Lots**

459

460 Ms. Dwyer - Is there anyone in the audience in opposition to subdivision Olde Mill Pond
461 (August 1999 Plan)? No opposition. Mr. Whitney.

462

463 Mr. Whitney - Thank you, again, Madam Chairman. I will point you to your addendum.
464 Staff is recommending an additional condition No. 18. This deals with the road in existence,
465 Thomasville Lane, which is along the southerly boundary of this subdivision. We would like to
466 defer, until final approval time, the status and ownership of the road and easement at that time and
467 delay final approval of any lots that would have a boundary along Thomasville Lane. I've spoken
468 to the applicant this morning, Mr. Dick Youngblood, about this condition and he is agreeable to
469 adding that to this approval. With that, I will take any questions you may have.

470

471 Mrs. Wade - The status of that road may change in the process is that what you said?

472

473 Mr. Whitney - Yes, it may. This just keeps it open for discussion at final time.

474

475 Mrs. Wade - Otherwise, it conforms to the zoning case?

476

477 Mr. Whitney - Yes, it does. They have offered the stub road to the north as well as to the
478 south, which were proffered. And, they have offered a right-of-way dedication for parcel 39-A-6,
479 which would allow for the extension of Reids Point Key in Reids Point subdivision, if that ever
480 came to be.

481

482 Mrs. Wade - All right. That's all I have. Thank you.

483

484 Ms. Dwyer - Mr. Whitney, the access to the pond, I think the lower pond it was referred
485 to at the zoning case, is from the roadway of the common area and then the access to the pond
486 closer to Francistown Road is from the cul-de-sac. Is that right. Well, that's the way I read the
487 lot lines, anyway.

488

489 Mr. Whitney - Starting with the upper pond, there would be access from the cul-de-sac of
490 Olde Mill Pond Court, as well as Olde Mill Pond Drive and Francistown Road. It's bounded by
491 common area and right-of-way.

492

493 Mrs. Wade - There are some notes under comments that refer to those ponds.

494
495 Ms. Dwyer- Excuse me.
496
497 Mrs. Wade - I said that the ponds are referred to, as far as environmental, and that sort
498 of thing, in the notes in addition to the access. I know there were some questions at zoning time
499 about those issues.
500
501 Ms. Dwyer - Are there any more questions of Mr. Whitney? Thank you. Would you
502 like to hear from the applicant, Mrs. Wade?
503
504 Mrs. Wade - I don't think so, unless he has something to say. I assume he agrees with
505 everything.
506
507 Mr. Youngblood - I would like to discuss one item, please.
508
509 Mrs. Wade - Oh, all right.
510
511 Mr. Youngblood - Good morning, I'm Dick Youngblood. Item No. 15, the sidewalk along
512 Francistown Road. There is already a sidewalk that extends from Hungary Road all the way to
513 Springfield Road on the other side of the street. And, since this would be the only piece of
514 sidewalk on this side of Francistown Road, I question why it's placed as a condition on this
515 subdivision. I know this is the same side of the road that the school is on but the school is quite a
516 bit of distance down the road and everything is developed except one parcel, I think from here to
517 this... well, two parcels, the Reid property and there's a property adjacent to the school that's not
518 developed.
519
520 Mrs. Wade - Thank you, Mr. Youngblood.
521
522 Ms. Dwyer- I have a question. I was just wondering about the ponds. How will they
523 be developed, the pond areas and the common areas around the pond? Will they be amenities?
524
525 Mr. Youngblood - Yes, ma'am. Now, the lower pond is going to serve as a BMP also. The
526 upper pond will not. The upper pond will be.... I'm sure we are going to have to change the
527 overflow structure, the riser pipe and right now I think it just has a culvert through the dam. It's
528 probably going to end up having a riser pipe and a culvert from that riser road. The lower pond
529 already has a brick or concrete patio down there that's going to be basically in the common area.
530 So, there is already some amenities that were built with the house down there. And, we will
531 probably add to those.
532
533 Ms. Dwyer - So, will the slopes be gradual enough that picnic tables could be set
534 around?
535
536 Mr. Youngblood - Both of those are not real flat, but they are not steep slopes around the
537 ponds.

538
539 Mrs. Wade - There are some tables down there now.
540
541 Mr. Youngblood - Yes, on the lower one.
542
543 Ms. Dwyer - It doesn't sound like amenities are necessarily going to be added other than
544 grading around the ponds and then it would be up to the homeowners association to add what
545 other amenities they might like to the pond.
546
547 Mr. Youngblood - Well, we haven't gotten to the stage where we have decided what we will
548 do, except make sure we have a nice area around it at this point. And try and save all the trees
549 through that whole common area, all up through there.
550
551 Mrs. Wade - Yes, I was going to mention that. This is a site with a lot of potential.
552
553 Mr. Youngblood - They've got some nice trees in there. I guess a lot of it was pasture and the
554 trees are there and it's open around them. It's not dense woods. If it's done right, it will look
555 good. The question about the sidewalk, is it still going to be required?
556
557 Mrs. Wade - I was just going to ask Mr. Whitney for his comments about the sidewalk.
558
559 Mr. Whitney - On the sidewalk issue, I would like to remind the Commission, at the
560 Board of Supervisors on their approval of the plan of development for the elementary school Elko
561 Lake, has a sidewalk. So, the precedent has been set for a sidewalk on the west side of
562 Francistown with that approval. Staff recommended the sidewalk because of the policy being
563 adjacent to a park as well as a school.
564
565 Mrs. Wade - How many subdivisions are there between this and the school?
566
567 Mr. Whitney - I don't believe there are any between the school and this subdivision, at this
568 point in time. The A-1 piece north of this would potentially be developed as a subdivision.
569
570 Mrs. Wade - But, there seems to be lots, on the cover sheet, up above where Nuckols
571 Road is proposed, right here (referring to map). Mr. Youngblood might know.
572
573 Mr. Youngblood - There is a subdivision beyond Nuckols Road.
574
575 Mr. Whitney - Yes, you can see some lot lines on the map there. I can't recall what
576 subdivision that is.
577
578 Mrs. Wade - Is that a part of Reids Point or something else?
579
580 Mr. Whitney - It may be, yes.
581

582 Mrs. Wade - Well, this isn't going to involve a whole lot, Mr. Youngblood, by the time
583 you take out the house that's there, or the two houses. I was thinking, in this case, even the
584 schools and parks and things, in fact there is not a lot of length involved here, but that would be
585 reasonable. And lots on both sides, if and when they change, would add sidewalks, too. Thank
586 you.

587
588 Ms. Dwyer - Are there any other questions by Commission members? Ready for a
589 motion.

590
591 Mrs. Wade - I move subdivision Olde Mill Pond be approved subject to the standard
592 conditions, the annotations on the plan and conditions Nos. 12 through 18, No. 18 being from the
593 addendum and including the sidewalk.

594
595 Mr. Vanarsdall - Second.

596
597 Ms. Dwyer - The motion was made by Mrs. Wade and seconded by Mr. Vanarsdall. All
598 in favor say aye...all opposed say nay. The motion passes.

599
600 Mrs. Wade - Now the sidewalk is not going to interfere with the pond up there now?

601
602 Mr. Whitney - I guess the grading on the pond would have to be correct to allow for the
603 sidewalk. How much, I don't know at this time until construction plans come in for final
604 application. The sidewalk would be in the right-of-way, I presume, from this point.

605
606 Mrs. Wade - All right. Thank you.

607
608 The Planning Commission granted conditional approval to subdivision Olde Mill Pond (August
609 1999 Plan) subject to the standard conditions for subdivisions served by public utilities attached to
610 these minutes, the annotations on the plan, and the following additional conditions:

- 611
- 612 12. Each lot shall contain at least 9,500 square feet, exclusive of floodplain areas.
 - 613 13. The limits and elevation of the 100-year frequency flood shall be conspicuously noted on
614 the plat and construction plans and labeled "Limits of 100 Year Floodplain." Dedicate
615 floodplain as a "Variable Width Drainage & Utility Easement."
 - 616 14. The detailed plant list and specifications for the landscaping to be provided within the 20-
617 foot-wide planting strip easement along Francistown Road, and common areas, shall be
618 submitted to the Planning Office for review and approval prior to recordation of the plat.
 - 619 15. A County standard sidewalk shall be constructed along the west side of Francistown
620 Road.
 - 621 16. Any necessary off-site drainage easements must be obtained prior to final approval of the
622 construction plans by the Department of Public Works.
 - 623 17. Prior to requesting the final approval, a draft of the covenants and deed restrictions for the
624 maintenance of the common area by a homeowners association shall be submitted to the
625 Planning Office for review. Such covenants and restrictions shall be in form and substance

626 satisfactory to the County Attorney and shall be recorded prior to recordation of the
627 subdivision plat.

628 18. Prior to requesting the final approval for any lot adjacent to Thomasville Lane, the status
629 and ownership of the road/easement shall be determined to the satisfaction of the Director
630 of Planning and any access from the subdivision to said road/easement shall be prohibited
631 by the developer.

632
633
634

SUBDIVISION

Osborne Acres
(August 1999 Plan)

Potts, Minter & Associates for Reginald H. & Sandra L. Webb: The 6.27 acre site is located on the east line of Osborne Turnpike, approximately 0.2 mile south of the intersection of Oakland Road on Parcel 191-A-31. The zoning is R-3, One-Family Residence District. County water and sewer. **(Varina)**
16 17 Lots

635
636 Ms. Dwyer - Is there anyone in the audience in opposition to subdivision Osborne Acres
637 (August 1999 Plan)? No opposition. Good morning, Mr. Strauss.

638
639 Mr. Strauss - Good morning. Thank you Madam Chairman, members of the
640 Commission. This is an application for a conditional approval of a subdivision for 17 lots. The
641 zoning is R-3 unconditioned. The minimum required lot size is 11,000 square feet. However, the
642 applicant proposes an average of 12,770. The applicant has submitted a revised plan which
643 provides for the right-of-way dedication as required by VDOT for Route 5, Osborne Turnpike.
644 Due to unknown status of the 60-foot-wide reservation strip to the north of this project, staff has
645 recommended an additional condition No. 12, which I can read for you, and it's in your agenda.
646 Staff has also recommended via annotation on the plan that the landscaping on the planting strip
647 for lot 1 be extended across the frontage of Route 5, and in particular, with regard to the BMP
648 which is located at the front of the project. The applicant has agreed to the staff's
649 recommendations, and with that, staff can recommend approval and I'd be happy to answer any
650 questions you may have. Mr. Joe Durrett is here from Potts, Minter & Associates and he is
651 available to answer any additional questions you may have.

652
653 Ms. Dwyer - Are there any questions for Mr. Strauss?

654
655 Mr. Vanarsdall - Mr. Strauss, there are 17 lots, is that correct?

656
657 Mr. Strauss - That's correct.

658
659 Mr. Vanarsdall - That satisfies everything in condition No. 12, adding across the front,
660 landscaping.

661
662 Mr. Strauss - The applicant is going to be working with Delmonte Lewis who is the
663 engineer on the adjacent subdivision, which is Rivendell, which is directly to the east. They have

664 investigated the status of that 60-foot strip, and I'll try to use the monitor. The strip runs from
665 Osborne Turnpike due east. The other applicant for Rivendell is just as interested in determining
666 that status as they are. We were concerned that there would be potential for driveways extending
667 to the north from the rear of these lots. So, we have asked that an effort be made to determine
668 the status of who is the owner of that strip. Currently we do not know, but in the event that it
669 could become a public road, we want the planting strip as a part of the approval.

670
671 Ms. Dwyer - Is the 60-foot section in question a part of this parcel or a part of the
672 adjacent parcel, or neither? Or we just don't know.

673
674 Mr. Strauss - It is not a part of this application and I do not believe it has a parcel
675 number, and the status is unknown at this time.

676
677 Ms. Dwyer - It's just an old roadway that's been reserved....

678
679 Mr. Strauss - I believe it's served in a house. There is an existing house that you can see
680 on your plan in your packet at the back, and the applicant, at one time, actually, thought about
681 preserving that house but apparently it has problems. He can better answer those questions. The
682 aerial photo does show a gravel drive extending to that home. Now, with the development of this
683 subdivision, that house will be removed and the access will be internal through the street they are
684 proposing.

685
686 Ms. Dwyer - And the planting strip, obviously, would prevent access to that drive.

687
688 Mr. Strauss - That's correct. That's why staff is asking for that.

689
690 Ms. Dwyer - What about the BMP, in light of the fact that it's so close to Route 5?
691 What would that look like? Has there been any discussion about that?

692
693 Mr. Strauss - The BMP has not been in final engineering yet. This is a conditional
694 subdivision. We have asked for the minimum setbacks as required by the stormwater manual, 25
695 feet and 40 feet on front. That provides plenty of room to landscape it. I imagine it's going to be
696 a depression in the ground that would have water periodically. We just want to have it hidden
697 from view, from Route 5.

698
699 Ms. Dwyer - Okay. Thank you. Are there any more questions for Mr. Strauss? Would
700 you like to hear from the applicant, Mr. Vanarsdall?

701
702 Mr. Vanarsdall - I would just like to ask him if he agrees to this planting and so forth.

703
704 Mr. Durrett - I'm Joe Durrett with Potts & Minter. We have agreed to the planting along
705 Osborne Turnpike. The 60-foot right-of-way, that's in question, actually, we believe it served the
706 house that was in Rivendell. That is to be removed. That's the subdivision behind this one. And,
707 on this property, because the road is there, they took advantage of it. And we have not been able

708 to determine with Delmonte Lewis as to just what the status of that road is. How it came into
709 existence or what the status of it is now. The Rivendell subdivision, they have a lot place across
710 that road on their property and would be terminated there.

711

712 Mr. Vanarsdall - I don't have any more questions, unless somebody else does.

713

714 Ms. Dwyer - Can you enlighten us about the looks of the BMP?

715

716 Mr. Durrett - Well, we will have the 25-foot planting strip across the front, so I think the
717 BMP is going to be more or less hidden. The size of the BMP is actually about, I think, 2,400
718 cubic feet, what would be required.

719

720 Ms. Dwyer - How about from the access road, will there be landscaping along the cul-
721 de-sac road as well to hide the BMP?

722

723 Mr. Durrett - We would have space in the area where the BMP would go for
724 landscaping.

725

726 Ms. Dwyer - That mean you will put landscaping there?

727

728 Mr. Durrett - Well, it will be around the BMP, yes.

729

730 Ms. Dwyer - Are there any other questions by Commission members? Thank you, Sir.
731 We are ready for a motion.

732

733 Mr. Vanarsdall - I move that Osborne Acres (August 1999 Plan) subdivision, with 17 lots,
734 be approved with the annotations on the plan and the standard conditions for subdivisions as
735 presented by Mr. Strauss of the Planning staff and the applicant. And, with conditions Nos. 12
736 through 15, and the extra planting, of course, we covered, and it's very important and make the
737 BMP as landscaped as possible.

738

739 Mr. Archer - Second.

740

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

743

744 The Planning Commission granted conditional approval to Osborne Acres (August 1999 Plan)
745 subject to the standard conditions attached to these minutes for subdivisions served by public
746 utilities, the annotations on the plan, and the following additional conditions:

747

748 12. Final approval shall not be granted for lots adjoining any portion of the parcel labeled "60'
749 strip reserved for road" until the legal status of this parcel is determined by the applicant to
750 the satisfaction of the Director of Planning. If it is determined that the 60 foot strip is for
751 public use, a 25-foot-wide planting strip will be required at the rear of the lots 11 thru 17.

- 752 13. The detailed plant list and specifications for the landscaping to be provided within the 25-
753 foot-wide planting strip easement along Osborne Turnpike shall be submitted to the
754 Planning Office for review and approval prior to recordation of the plat.
- 755 14. Any necessary off-site drainage easements must be obtained prior to final approval of the
756 construction plans by the Department of Public Works.
- 757 15. Prior to requesting the final approval, a draft of the covenants and deed restrictions for the
758 maintenance of the common area by a homeowners association shall be submitted to the
759 Planning Office for review. Such covenants and restrictions shall be in form and substance
760 satisfactory to the County Attorney and shall be recorded prior to recordation of the
761 subdivision plat.

762
763 Mrs. Wade - I have a question. Is there any way I can reconsider that sidewalk on Olde
764 Mill Pond? I've changed it after further study. We have to bring the whole thing back. I would
765 really like to look at it, you know, the circumstances on the site out there.

766
767 Ms. Dwyer- You are concerned about it interfering with the pond and the grading and
768 so forth? Mr. Secretary, what do you suggest?

769
770 Mrs. Wade - I would like to go and look at it and then if I decide to change that, I'd
771 bring the subdivision back, or something.

772
773 Mr. Marlles - Well, I'm not sure. Since the Commission has approved a motion to
774 approve it at this point... Frankly, I'm not sure what the laws are in terms of reconsidering it.
775 When can certainly work with the developer if after going out there and looking at the situation
776 and it concerns you where you feel that the sidewalk is needed. Quite honestly, I don't know
777 what the law is in terms of reconsidering the vote.

778
779 Mrs. Wade - I think with further thought, I would have said put some language in there
780 for possible reconsideration.

781
782 Mr. Whitney - Mrs. Wade, maybe I can help. We also had this situation in Twin Hickory
783 with those subdivisions. And when we worked out some sidewalk situations, we just offered the
784 applicant, the developer, that we would place the case on the next POD/Subdivision agenda, and
785 at that time, then you made a motion to remove that condition. That might be the easiest way to
786 handle that in this case, too. Leave the condition in place and if you decide later after inspecting it
787 in the field to remove it, then give me a call and we will place it on the next agenda and we can
788 take care of that with a motion at the following meeting.

789
790 Mrs. Wade - I don't think the applicant would object, although he's gone. I know in all
791 the new areas we are getting the sidewalks, and there is not much question there, but in some of
792 the older ones, and I know what the policy is about the school and everything, but we tend to
793 look more on a case by case situation.

794

795 Mr. Whitney - Yes. It's a little difficult at conditional time to know what the grades are
796 going to be to see how it is going to affect the pond. With curb and gutter installed in that area
797 we could get some indication, when you visit in the field, that it would be satisfactory.

798
799 Mrs. Wade - Okay. Good. Thank you. Does that sounds all right, Mr. Secretary?
800

801 Mr. Marlles - Yes, ma'am.
802

803 Mr. Vanarsdall - That's a good point, Mrs. Wade, thank you.
804

805 Mrs. Wade - When I was out there. I hadn't looked at it with the sidewalk in mind and I
806 would like to have another look. Thank you.
807

808 Ms. Dwyer - So, Mr. Whitney, you will call Mr. Youngblood and let him know that we
809 might be reconsidering this?
810

811 Mr. Whitney - Yes, I will let him know how happy he should be.
812

813 Mrs. Wade - All right. Thank you.
814

815 Ms. Dwyer - All right, Mr. Secretary, our next case.
816

817 **SUBDIVISION**
818

Westerre Parkway
(August 1999 Plan)

Hankins & Anderson, Inc. and Read F. Goode, Jr. for T. Walter Brashier and RealtiCorp Commercial Investment Fund: The 2.83 acre site is located east of Cox Road approximately 800 feet south of the intersection of W. Broad Street (U.S. Route 250) and Cox Road on parts of Parcels 48-A-41, 48-A-55, 48-A-40, 48-A-43B, 48-A-38 and 48-A-42. The zoning is O-3C, Office District (Conditional), B-2C, Business District (Conditional) and A-1, Agricultural District. County water and sewer. 0 Lots (**Three Chopt**)

819
820 Ms. Dwyer - Is there anyone in the audience in opposition to subdivision Westerre
821 Parkway (August 1999 Plan)? No opposition. Mr. Whitney.
822

823 Mr. Whitney - Thank you, Madam Chairman. This before you would become the second
824 phase of completing the dedication of public right-of-way for Westerre Parkway, completing the
825 portion, the last leg to connect through to Cox Road. Staff is recommending approval of this, and
826 I think for all, probably happy that this is finally going forward. This road being on the Major
827 Thoroughfare Plan and being a necessary connection for the development in this area and the
828 future development that is going to occur along I-64 and the east side of Cox Road, which
829 recently had rezoning for office. I'll take any questions that you may have.

830
831 Ms. Dwyer - Are there any questions for Mr. Whitney? Would you like to hear from the
832 applicant, Mrs. Wade?
833

834 Mrs. Wade - No.
835

836 Ms. Dwyer - We are ready for a motion.
837

838 Mrs. Wade - I move subdivision Westerre Parkway (August 1999 Plan) be approved
839 subject to the annotations, the standard conditions, and additional condition No. 10 on the
840 agenda.
841

842 Mr. Vanarsdall - Second.
843

844 Ms. Dwyer - The motion was made by Mrs. Wade and seconded by Mr. Vanarsdall. All
845 in favor say aye...all opposed say nay. The motion carries.
846

847 The Planning Commission granted conditional approval to Westerre Parkway (August 1999 Plan)
848 subject to the standard conditions attached to these minutes for subdivisions served by public
849 utilities, the annotations on the plan, and the following additional condition:
850

851 10. Any necessary off-site drainage easements must be obtained prior to final approval of the
852 construction plans by the Department of Public Works.
853

854 **PLAN OF DEVELOPMENT (Deferred from the July 28, 1999, Meeting)**
855

POD-57-99 Burning Bush Day Care (POD-57-76 Revised) 5237 Wilkinson Road	Foster & Miller, P.C. for Burning Bush Day Care: 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, 2,250 square foot day care addition for four classrooms. The 0.574-acre site is located at 5237 Wilkinson Road, approximately 800 feet north of Azalea Avenue on Parcel 96-A-21. The zoning is B-3, Business District. County water and sewer. (Fairfield)
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856
857 Ms. Dwyer - Is there anyone in the audience in opposition to POD-57-99, Burning Bush
858 Day Care Center? No opposition. Good morning, Mr. McGarry.
859

860 Mr. McGarry - Good morning, Madam Chairman. On August 17 we did have a meeting
861 between the applicant and the Commissioner and staff that resulted in a revised plan that is being
862 handed out to you. This revised plan does two things. It provides three additional parking spaces
863 for van parking, owned by the applicant, to create a total of 20 parking spaces. The dumpster
864 would be relocated as well. The dumpster would be screened with a brick enclosure. Further, to
865 insure that the site will function properly with its expansion, on your addendum there is a

866 condition No. 28 that staff has recommended and the applicant is in agreement. It reads: "If on
867 site parking generates complaints and the complaints are validated by the Director of Planning, the
868 maximum number of students per day shall be reduced to 132," which is felt to a proper number
869 to handle the available parking. With that, staff can recommend approval subject to the standard
870 conditions and recommends approval of that revised plan that you have, the additional conditions
871 Nos. 23 through 27 and No. 28 on the addendum. I'll be happy to answer any questions.

872
873 Ms. Dwyer - Are there any questions of Mr. McGarry by Commission members? So,
874 how will the two extra parking spaces be acquired?

875
876 Mr. McGarry - A dumpster that was originally proposed at that particular location on the
877 northwest corner of the building, will be relocated, and that would take up a parking space. But,
878 in the process that would create a little parking area where they will park their vans. These are
879 vehicles that they would have control. So, that gives them a little bit more on site parking, in fact,
880 it pretty much maximizes the site and it comes closer to getting a proper parking count for their
881 use. Actually, they exceed our standard. Our standard is rather antiquated at this point.

882
883 Mrs. Wade - So, this would allow them how many?

884
885 Mr. McGarry - A total of 20 parking spaces, they are required 18.

886
887 Mrs. Wade - So, how many children would that be?

888
889 Mr. McGarry - Right now, I think they propose about 145. They are licensed for that
890 many and condition No. 28 would reduce the number to 132 if parking becomes an issue for
891 them.

892
893 Ms. Dwyer - The staff reports says 172 children.

894
895 Mr. McGarry - She has revised that number to 145. That's more realistic for the space
896 available.

897
898 Mrs. Wade - So, if there are complaints about the parking she has to toss out....

899
900 Mr. McGarry - She will have to reduce her students by 13 students.

901
902 Ms. Dwyer - Are there any other questions? Would you like to hear from the applicant,
903 Mr. Archer?

904
905 Mr. Archer - I don't believe it's necessary, Madam Chairman.

906
907 Ms. Dwyer - All right. We are ready for a motion.

908

909 Mr. Archer - We had an extensive meeting on this with Ms. Harris and Mr. Webster and
910 they were very cooperative and I think we took a situation that was bad and made it better than
911 bad. It's not as good as it can be but it is a substantial improvement, I should say it is as good as
912 it can be. It's a tight situation that she has to deal with and as Mr. McGarry indicated our policy
913 regarding this is something we probably need to take a look at in terms of how we allocate space
914 according to children. But, I think Ms. Harris and Mr. Webster, according to the number of
915 classrooms, actually, instead of according to the number of children. So, they are well within
916 what our policy is. We were hoping that we would get some cooperation from the surrounding
917 property owner and weren't able to do that. So, I think we have tweak this to the point that we
918 have got it as good as we possibly can. I might also suggest to Ms. Harris that it might be helpful,
919 and you may already do this, from time to time pass out a list of parking rules to your patrons and
920 reiterate the point, especially that they are not to drive up and get out the car and leave it sitting in
921 the circular the driveway. And, also, it might be helpful if your staff would use the parking spaces
922 that are least accessible and leave the best parking spaces for your patrons. With that, I move
923 approval of POD-57-99 Burning Bush Day Care (POD-57-76 Revised) with conditions Nos. 23
924 through 28, No. 28 as listed on the addendum and the standard conditions.

925
926 Mr. Vanarsdall - Second.

927
928 Ms. Dwyer - The motion was made by Mr. Archer and seconded by Mr. Vanarsdall. All
929 in favor say aye...all opposed say nay. The motion passes.

930
931 The Planning Commission approved POD-57-99 Burning Bush Day Care (POD-57-76 Revised),
932 5237 Wilkinson Road, subject to the standard conditions for developments of this type attached
933 to these minutes the annotations on the plan and the following additional conditions:

- 934
- 935 23. The developer shall provide fire hydrants as required by the Department of Public Utilities
936 in its approval of the utility plans and contracts.
 - 937 24. Any necessary off-site drainage easements must be obtained in a form acceptable to the
938 County Attorney prior to final approval of the construction plans by the Department of
939 Public Works.
 - 940 25. Deviations from County standards for pavement, curb or curb and gutter design shall be
941 approved by the County Engineer prior to final approval of the construction plans by the
942 Department of Public Works.
 - 943 26. Insurance Services Office (ISO) calculations must be included with the utilities plans and
944 contracts and must be approved by the Department of Public Utilities prior to the issuance
945 of a building permit.
 - 946 27. Approval of the construction plans by the Department of Public Works does not establish
947 the curb and gutter elevations along the Henrico County maintained right-of-way. The
948 elevations will be set by Henrico County.
 - 949 28. If on site parking generates complaints and the complaints are validated by the Director of
950 Planning, the maximum number of students per day shall be reduced to 132.

951 **PLAN OF DEVELOPMENT**

952

POD-48-99 **TIMMONS for Wynbrook Baptist Church:** Request for
Wynbrook Baptist Church - approval of a plan of development as required by Chapter 24,
Pouncey Tract Road and Section 24-106 of the Henrico County Code to construct a one-
Nuckols Road story, 3,360 square foot church and Sunday School (modular
units - Phase 1) and a one-story, 3,340 square foot multi-
purpose building (Phase 2). The 7.126 acre site is located at the
northeast intersection of Pouncey Tract Road (State Route 271)
and Nuckols Road on Parcel 17-A-3. The zoning is A-1,
Agricultural District. County water and sewer. **(Three Chopt)**

953

954 Ms. Dwyer - Is there anyone in the audience in opposition to POD-48-99, Wynbrook
955 Baptist Church? No opposition. Mr. Wilhite.

956

957 Mr. Wilhite - Thank you. This plan shows three phases of development proposed. The
958 first phase would be two modular buildings that appears as cross hatched on the map on the
959 screen. It also includes a parking area and access to Nuckols Road. Phase II would be a multi-
960 purpose building just south of the parking lots that are shown on the map, the northernmost
961 parking lot shown on the map. Phase III would be future buildings plus a parking lot expansion.
962 At this point we have received very little information about Phase III development. And,
963 condition No. 31 that appears on your agenda, would require Phase III to come back for further
964 POD approval. We have received no information or solid information on the timing of when
965 these phases would be constructed. One issue that we had was the location of the parking lot
966 adjacent to the eastern property line, abutting proposed Berkeley subdivision. The original plan
967 showed a six-foot setback separation which is the minimum required by Code. Staff had asked
968 the applicant to try to increase that setback and recommended a 15 feet total and we were aimed
969 at trying to get a privacy fence as well. The applicant is agreeable to providing a 15-foot setback
970 to that parking lot. There had been discussion with the developer of Berkeley subdivision and
971 they have worked out where they would provide plantings within that 15 feet, looking at either
972 Bayberries or Photinia, 36 inches high, six feet on center. Staff would find this acceptable and
973 details could be worked out with the landscape plan. With that, staff can recommend approval of
974 this plan with the standard conditions and the annotations on the plan.

975

976 Ms. Dwyer - Mr. Wilhite, did you say there was an additional condition on the
977 addendum?

978

979 Mr. Wilhite - On your regular agenda, condition No. 31, that should say Phase III instead
980 of Phase II. Phase III would come back for POD approval, before the Commission.

981

982 Ms. Dwyer - So, condition No. 31 should read "Phase III."

983

984 Mr. Wilhite - That is correct.

985

986 Mrs. Wade - Do you know where on here, perhaps I should ask the applicant, about
987 where the current tree line is?

988
989 Mr. Wilhite - The tree line runs through more or less the middle of the site.

990
991 Mr. Vanarsdall - How long will these modular buildings be there?

992
993 Mr. Wilhite - We asked the applicant. We could not get a definite answer on when
994 future phases would occur. It is our understanding, that sometime in the future once the church
995 grows to a certain point, then these modular buildings would be removed for the future phases.
996 But, they could not give us any solid information at the time of staff/developer and I'm not sure if
997 they have any additional information to offer at this point.

998
999 Ms. Dwyer - Is this elevation that we are shown, is that the modular building?

1000
1001 Mr. Wilhite - There should be two in your packet. One is the modular buildings and the
1002 other one is the elevation or one elevation of the Phase II building.

1003
1004 Mrs. Wade - You don't have any thing else?

1005
1006 Mr. Wilhite - We have a colored rendering of the same elevation. We've been given
1007 information that the Phase II building would be of vinyl siding, wood trim and shingle roof. That
1008 as much information as we have.

1009
1010 Ms. Dwyer - Phase II seems to include future worship but we don't have a complete
1011 plan.

1012
1013 Mr. Wilhite - Phase II building is right here (referring to map on screen). Phase III
1014 buildings are here and here. We have not been given any information as far as architectural floor
1015 plans or elevations of the Phase III. There is also concern about BMP and water quality
1016 requirements for Phase III. As well, VDOT is probably going to require improvements along
1017 Pouncey Tract Road in the future once they build a connection to Pouncey Tract Road, but once
1018 again all of that would be Phase III improvements that would require another POD under the way
1019 the conditions are written.

1020
1021 Ms. Dwyer - So, are we approving a master plan, here?

1022
1023 Mr. Wilhite - We are approving Phase I and Phase II, would be approved with this.
1024 Phase III is strictly for informational purposes, but they have provided the information on how it
1025 could be ultimately laid out.

1026
1027 Mrs. Wade - The increase in the buffer, certainly on the east side, the right side, this is
1028 an improvement. And they do have an agreement with the adjoining neighbor for the type of
1029 landscaping, which I believe you described. There is some concern about how long, as Mr.

1030 Vanarsdall asked, this is intended to be there. I realize it's hard to be exact about that but it is
1031 important to some of the others in the area to know this. If I wanted to move into a modular unit
1032 and live it in there I don't think I would be allowed. So, there is, you know, concern about how
1033 this is going to fit in or at least if it comes as it is, how long it will be there and what possibly
1034 there might be for landscaping and screening around the modular units. Perhaps the applicant
1035 would like to comment on this. Do you have some further comments?
1036

1037 Mr. Wilhite - Yes. The applicant has agreed to provide skirting around the base of this.
1038 He would need to address any type of plantings that can be done with the landscape plan. These
1039 buildings would have to meet building code requirements as a structure as opposed to being
1040 classified as trailers. Trailers would not be permitted on this site.
1041

1042 Mrs. Wade - Well, I think if they are classified as a structure, they have to have a skirt
1043 around the base or some sort, don't you?
1044

1045 Mr. Wilhite - That might be possible. I don't know if the code addresses that or not.
1046 However, we did ask for at least skirting around the base and they have agreed to do that.
1047

1048 Mrs. Wade - Well, I would hope so. Thank you.
1049

1050 Ms. Dwyer - Would the applicant come forward, please?
1051

1052 Mr. Cave - Good morning. I'm Terry Cave with TIMMONS. Concerning the modular
1053 buildings, right now we really don't know how long they will be there. If everything went perfect,
1054 they'd be gone in a year from now, but it's all going to depend on the growth and money like
1055 everything else.
1056

1057 Mrs. Wade - I mean, do you think it could be two years, four years, five years?
1058

1059 Mr. Cave - I'm not sure ma'am. The goal right now is for the Phase II building.
1060 Hopefully, that would be started and under construction within approximate 18 months.
1061

1062 Mrs. Wade - Usually in these situations, at least the one or two that I can recall, when
1063 you get to the permanent building then that takes the place of the modular but here you are just
1064 adding on to the modular.
1065

1066 Mr. Cave - Yes, ma'am. We tried to situate those things were they would tie into and
1067 be a compliment to the Phase II, or the Phase II would kind of compliment that so that it looks
1068 like it is all one project. The Phase II, we will screen it to a certain degree from Nuckols Road.
1069 The existing woods line would screen it fairly well from Pouncey Tract. We won't be clearing the
1070 area for the future parking down there. So, that would remain, and you really wouldn't be able to
1071 see it until you got, roughly, beside it. We were going to do a certain amount of landscaping
1072 anyway. We are going to do a fair amount on the back side. There is room in there on the front

1073 side of it, Pouncey Tract and Nuckols corner to I think landscape it adequately where it would
1074 look nice.

1075
1076 Mrs. Wade - Are you plan on clearing most or all of the trees that are currently on the
1077 site?

1078
1079 Mr. Cave - No, ma'am. Just what it takes to get that initial parking lot and buildings
1080 in.

1081
1082 Mrs. Wade - I mean, I know you are going to leave the lower part there, because you
1083 are not into that yet, except when you get there, I guess the BMP or something has to go at the
1084 bottom.

1085
1086 Mr. Cave - The BMP is over there where it's kind of cleared now anyway. So, there
1087 wouldn't be any additional clearing for that. If there is vegetation in there that can work with the
1088 grading plan and happen to be in the buffer area or green space or in the yard areas, we would like
1089 to try to save those if at all possible.

1090
1091 Mrs. Wade - What usually happens is the next time we go out there....

1092
1093 Mr. Cave - It would be cleared cut.

1094
1095 Mrs. Wade - Exactly. Well, I can see why you can't give a date if you are going to build
1096 a permanent building and still have these there. But, you are committing then to landscaping
1097 adequately so that it would at least as if it belongs for the time being?

1098
1099 Mr. Cave - Yes, ma'am.

1100
1101 Ms. Dwyer - How many trailers will be there, two?

1102
1103 Mr. Cave - Two, yes, ma'am.

1104
1105 Mrs. Wade - And do we know.... Staff said they have the colored renderings. I haven't
1106 seen anything really except for these black and white plans. Don't they meet now at Short Pump
1107 Elementary, did you say, or Short Pump Middle? So, this is not the modular unit though, this is,
1108 what, Phase II?

1109
1110 Mr. Cave - No, ma'am. That's Phase II.

1111
1112 Mrs. Wade - And, this would be what, vinyl siding and....

1113
1114 Mr. Cave - wood trim.

1115

1116 Mrs. Wade- With the roof of shingles of some kind. But are the modular units going to
1117 look like what's accompanying the POD here?
1118

1119 Mr. Windsor - I'm sorry, what is the question, ma'am?
1120

1121 Mrs. Wade - I was asking him if the modular units accurately depicted by the sheet that
1122 accompanying the POD here. This black and white picture, the last sheet we got here. BW-64-
1123 24, is that what they going to use? Is that the number even? You must have a more flattering
1124 picture somewhere.
1125

1126 Mr. Windsor - That was just an earlier one, ma'am.
1127

1128 Mr. Cave - Basically, we are going to have our architect design something similar to
1129 this.
1130

1131 Mrs. Wade - Why don't you all think about this a little bit more and come back next
1132 month and you might then consult a little with our landscape planner with a little more detail
1133 about what you will be planting for landscaping and so forth. I realize you have a right to do this
1134 here, but I would like to have a little bit more comfort level on what it is that you are going to do
1135 since it is going to be pretty visual. And you said you are going to be surrounded by houses on
1136 virtually all sides except the corner across Pouncey Tract there. So, I would move that it be
1137 deferred until the 29th of September.
1138

1139 Mr. Vanarsdall - Do you want a second on that, Mrs. Wade?
1140

1141 Mrs. Wade - Yes, I move POD-48-99 be deferred until the 29th of September at my
1142 request.
1143

1144 Mr. Mann - Mrs. Wade, can I address that. I just the timing of things for us is very
1145 crucial for us to moving forward. We've got about 80 members but 40 or 50 are actually meeting
1146 at this time.
1147

1148 Mrs. Wade - Excuse me, but who are you, sir?
1149

1150 Mr. Mann - I'm sorry. I'm Skip Mann, I'm with Wynbrook Baptist Church. Just the
1151 timing of moving forward I think is very crucial to our membership. And, again, our intention to
1152 definitely have something that looks very pleasing to the eye to be similar to this.
1153

1154 Mrs. Wade - Even if we put off that part of it you could go ahead with your site work. I
1155 mean it wouldn't hold up your site work necessarily.
1156

1157 Ms. Dwyer - Couldn't you just to defer a landscape plan, Mrs. Wade?
1158

1159 Mrs. Wade - Well, I was going to put that on here anyway. Have you decided what you
1160 are going to put on here?

1161
1162 Mr. Mann - Do you mean, trailerwise?

1163
1164 Mrs. Wade - Yes.

1165
1166 Mr. Mann - The exact look of it? The layout of it inside is going to be like that. We
1167 have not designed what the outside would look like.

1168
1169 Mrs. Wade - So, you are not ready to put that on there anyway because you haven't
1170 decided what it is you are going to do about where you want to put it. That's okay you can go
1171 ahead and provide the places.

1172
1173 Mr. Mann - And our architect has been doing the whole master plan as you can tell and
1174 basically was going to design also for the trailers to go on the site.

1175
1176 Mrs. Wade - Well, with the Secretary's permission, I'll withdraw the motion to put off
1177 the whole thing, but I would, and we do this sometimes, go ahead and approve the site plan and
1178 Well, we are not even approving an architectural plan here because we don't have one, and
1179 put that off until next month. You can go ahead with your grading and clearing and whatever you
1180 have to do and come back and tell us more about what it is you are going to do and how you are
1181 going to landscape it next month. So I want to amend my motion to provide that day. We are
1182 going to go ahead and approve the site plan but withhold judgement on the structure and the
1183 landscaping until the 29th of September.

1184
1185 Ms. Dwyer- So, your motion is to approve the site plan but not to approve the
1186 architectural or the landscaping until September 29.

1187
1188 Mrs. Wade - Yes.

1189
1190 Mr. Vanarsdall - Can I say something before we vote?

1191
1192 Mrs. Wade - I was going to say one more thing. I was going to ask that the landscape
1193 and lighting plan come back anyway. If you had those ready by September, you can take care of
1194 everything at one time.

1195
1196 Mr. Cave - Yes, ma'am. We can do that.

1197
1198 Mrs. Wade - I guess. Although, if you haven't cleared it would be hard to tell.

1199
1200 Mr. Cave - But, would you want to see it that soon?

1201
1202 Mrs. Wade - Well, that's what I was just thinking aloud about the timing on that.

1203
1204 Mr. Wilhite - Staff would recommend that the landscape and lighting plan, certainly,
1205 come back before the Planning Commission if you wish that, but it would be done separately. We
1206 would have problems getting it reviewed prior to September's meeting, since we don't have them
1207 here at all.
1208
1209 Mrs. Wade - Okay. So, we will approved Nos. 23 though 31 with Nos. 9 and
1210 11 amended.
1211
1212 Mr. Silber - Mrs. Wade, would it be helpful for you to have some better idea as to what
1213 trees would be remaining on the site? Do you want maybe a tree protection plan to be brought
1214 back by next month? I thought earlier you were concerned about how the trailer maybe visible to
1215 the public roads.
1216
1217 Mrs. Wade - Okay. Let's get back to my original motion. Let's defer the whole thing
1218 until we can get some more information. We are trying to work with you here, but you don't
1219 seem to know what we need to know. So, I will return to my original motion of deferring it until
1220 the 29th of September, because I am not going to be here on September 9 so we can't do it then.
1221 Somebody had seconded it before.
1222
1223 Mr. Vanarsdall - Was that a motion.
1224
1225 Mrs. Wade - Yes. That was the same motion I made. I withdraw the second one and
1226 go back to the first one.
1227
1228 Mr. Vanarsdall - Can I say something before we vote?
1229
1230 Ms. Dwyer - Yes.
1231
1232 Mr. Vanarsdall - Mr. Wilhite, on the report you called these modular buildings. Mr. Archer
1233 and I were looking at this rendering and it looks more like a house trailer, a mobile office.
1234
1235 Mr. Wilhite - I understand. There are different requirements for modular buildings as
1236 opposed to trailers under the building code requirements. These buildings would have to meet the
1237 definition as a modular building.
1238
1239 Mr. Vanarsdall - Well, is there any way we could get a condition on it, if Mrs. Wade don't
1240 mind, to put a time limit on it when these need to be removed from the property?
1241
1242 Mr. Wilhite - We have done that in the past. I can recall Mount Vernon Church on
1243 Nuckols Road, near the land fill, we have modular buildings out there. There is a time limit on
1244 how long those are going to be there, but that was something agreed to with the applicant.
1245

1246 Mr. Archer - If I could reiterate that point. I think what we are after is not so much
1247 trying to put this in a hurry phase but at least we would have some guarantee that these buildings
1248 wouldn't just stay there forever if we had a reasonable time limit.

1249
1250 Mr. Wilhite - Well, staff was not aware that they were working on some alternatives to
1251 the buildings that they were proposing here.

1252
1253 Mrs. Wade - Well, that's why I think it is a good idea so we can see what they come up
1254 with. Even if we put a time limit on it, we could always come back and ask to have that
1255 reconsidered. So, that's not necessarily for ever. But, I'll let the motion stand about deferring.

1256
1257 Ms. Dwyer - We have a motion to defer, is there a second.

1258
1259 Mr. Vanarsdall - Second.

1260
1261 Ms. Dwyer - The motion to defer was made by Mrs. Wade and seconded by Mr.
1262 Vanarsdall to defer until September 29, 1999. All in favor say aye...all opposed say nay. The
1263 motion carries, unanimously.

1264
1265 The Planning Commission deferred POD-48-99, Wynbrook Baptist Church - Pouncey Tract Road
1266 and Nuckols Road to its September 29, 1999, meeting.

1267
1268 **PLAN OF DEVELOPMENT & LANDSCAPE PLAN**

1269
1270
1271 **POD-52-99** **The Spectra Group for Tuckahoe Village Shopping Center**
1272 **McDonald's @ Tuckahoe** **Corporation and McDonald's Corporation:** Request for
1273 **Village Shopping Center** approval of a revised plan of development and landscape plan as
1274 **(POD-41-83 Revised)** required by Chapter 24, Sections 24-106 and 24-106.2 of the
1275 Henrico County Code to construct a one-story, 3,400 square
1276 foot fast-food restaurant with a drive-thru window. The 0.665
1277 acre site is located on the north line of Patterson Avenue (State
1278 Route 6), approximately 400 feet east of Westbriar Drive on
1279 Parcel 88-A-23 and part of parcel 88-A-25. The zoning is B-2,
Business District. County water and sewer. **(Tuckahoe)**

1270
1271 Ms. Dwyer - Is there anyone in the audience in opposition to POD-52-99, McDonald's
1272 @ Tuckahoe Village Shopping Center? We have opposition. Would you come forward please so
1273 when it's your opportunity to speak you will be ready? Mr. Wilhite.

1274
1275 Mr. Wilhite - There were revised plans included in your packet. You are currently being
1276 handed out staff's annotations on those plans. One is the revised site plan and the other is the
1277 landscape plan. The revised site plan increases the area within the bounds of the POD. The site
1278 does about the Burger King that was approved, POD-4-99, and that's just to the east of this
1279 proposed McDonalds. The additional comments that staff has on the revised plan is to eliminate

1280 the island in the southwest portion of the site, and that one parking space that is perpendicular of
1281 Patterson Avenue, would be parallel in line with the rest of the parking along Patterson. The
1282 applicant has agreed to provide split-face block dumpster screen and they will try to shift that
1283 dumpster to allow some landscaping around the sides of that. We have asked that they provide a
1284 minimum of nine-foot-wide landscape islands. The one that was shown at the internal access to
1285 the north was a little bit short. There will be a need for an additional fire hydrant on the site in
1286 order to meet hose lay requirements. There are some annotations on the landscape plan. I've just
1287 been notified by the applicant that they are willing to defer the landscape plan for 30 days and just
1288 ask for site plan approval at this hearing now. So, with the annotations that appear on the revised
1289 site plan and the conditions that appear on your agenda, staff does recommend approval.

1290
1291 Ms. Dwyer - Are there any questions of Mr. Wilhite by Commission members? The site
1292 plan we are approving, in the southwest corner of this island that we have been discussing, the
1293 island will be eliminated but the space will be added.

1294
1295 Mr. Wilhite - The space will be retained. It will become an angled parking space. In
1296 order to satisfy traffic concerns of the people backing out and accessing this, there is room to shift
1297 these parking spaces towards the east towards Burger King. At the other end of the site, there is
1298 more than enough room in the islands that they are proposing.

1299
1300 Ms. Dwyer - Because our interest here was to try to acquire a little bit more land to add
1301 some landscaping in that corner so that headlights would be blocked as the drivers come around
1302 and perhaps are sitting at night waiting to make their orders. We are not losing land, here, just
1303 shifting it.

1304
1305 Mr. Wilhite - No. There is some existing vegetation that they are trying to save. This
1306 will help protect that more and then give us some more land to possibly add some more.

1307
1308 Ms. Dwyer - All right. Now the other changes that we are making to the island, I guess,
1309 on the northeast corner, are we making that smaller or larger?

1310
1311 Mr. Wilhite - Larger, to a nine-foot minimum as required by policy. The one in that row
1312 of parking, just to the south of those parking spaces, is more than the minimum width that we
1313 require and there is room to shift those parking spaces down.

1314
1315 Ms. Dwyer - So, will there be enough land in these two islands, both the one in the north
1316 and the one in the south, for the bracketing of these eastern parking places, will there be enough
1317 space there to plant trees?

1318
1319 Mr. Wilhite - There should be, yes.

1320
1321 Ms. Dwyer - Shade trees like Willow Oaks for example.

1322

1323 Mr. Wilhite - Yes, that would be possible. There should be enough room for tree
1324 plantings.

1325
1326 Ms. Dwyer - Now, how about the other island, I'm not sure how to describe where it is,
1327 it's on the northern border, opposite the entry drive. Is there enough space there for a tree?
1328

1329 Mr. Wilhite - That is at least a nine-foot minimum. The landscape plan that they have
1330 does propose a tree to be located there.

1331
1332 Ms. Dwyer - What type of tree are they proposing, Crape Myrtle?

1333
1334 Mr. Wilhite - Zelkovas are proposed for that location.

1335
1336 Ms. Dwyer - I want to get away from those Crape Myrtles. Not that Crape Myrtles are
1337 not nice trees, but we would like a little more canopy. And we are shifting the dumpster a little
1338 bit, how much, a foot?

1339
1340 Mr. Wilhite - It looks to be that they might be able to gain another foot. They are very
1341 limited until it starts coming out to the traffic patterns, but it should be, you have about two and a
1342 half feet between the back of the dumpster and the curb. Another foot would probably give
1343 enough room to plant some shrubs on there.

1344
1345 Ms. Dwyer - We will be working on the landscaping later, and I know McDonald's has
1346 been agreeable to work with us in getting some hedges along Patterson Avenue, they have agreed
1347 to do that. But, there were just so many lose ends that I think it would be better to have a
1348 landscape plan to approve that has everything on paper. I appreciate you working with us on
1349 that. Are there any other questions for Mr. Wilhite?

1350
1351 Mrs. Wade - Did you say they are getting more planting area than they had?

1352
1353 Mr. Wilhite - We were referring to at the corner of the entrance onto Patterson Avenue.
1354 There is some existing vegetation and green space there now, but with the revision to that parking
1355 area, that should be able to provide a little bit more. That's at the entrance at the southwest
1356 corner of the site.

1357
1358 Mrs. Wade - The pick-up is still up front on the Patterson side.

1359
1360 Mr. Wilhite - Yes. The pick-up would be along Patterson Avenue. The speaker box
1361 would be toward the northwest corner of the building. We had discussed the possibility of trying
1362 a different orientation but with the limitations of this site, and to accommodate the necessary
1363 stacking distance, we could not work it so it was behind the building.

1364
1365 Ms. Dwyer - I was going to ask the applicant some questions about that too, Mrs.
1366 Wade. Are there any other questions of Mr. Wilhite? Would be applicant come forward, please?

1367
1368 Ms. Freye - Good morning. My name is Gloria Freye and I'm here on behalf of
1369 McDonald's, and we do have some McDonald's representatives here, Deborah Brown, Sue
1370 Durlock, Danny Blevins and Eric Markowski. I also want to thank the neighbors for coming
1371 today, Kathy Miller, Larry Nelson and Rita, I don't remember your last name, I apologize. But,
1372 we have had an opportunity to work with them over the weekend, talking on the phone and
1373 actually having a meeting at Kathy's house, and then sharing their issues and their concerns with
1374 McDonald's. And, McDonald's has been agreeable to making several concessions and
1375 improvements to the plan that they are proposing. I think the largest concern that the neighbors
1376 had were concerning headlights, that with the redesign of the drive-thru that there's a possibility of
1377 headlights shinning into the rear of their properties on the south side of Patterson. And, also with
1378 noise and with cars lined up on that side of the building. To help address that concern,
1379 McDonald's is agreeable to continuing a Japanese Holly hedge, which was previously approved in
1380 a Burger King development a couple of month's ago by the Planning Commission and that the
1381 neighbors had an opportunity to review and approve.

1382
1383 McDonald's has gone so far as to say that they would be willing to match or exceed the Burger
1384 King landscaping plan. And, in the willingness to work with the neighborhoods, they are willing
1385 to ask for the deferral on the landscape plan so that can have detailed plans to go over with the
1386 neighbors. And, I think 30 days will give us time to get those detailed plans together and have
1387 time to sit down and talk with them about it. We do want to do that because, while we are
1388 perfectly happy to match or exceed the Burger King plans, this site does have it's own little
1389 peculiarities about it, particularly that corner across from Mr. Murray's property there on the
1390 corner. So, we want to wrap that hedge and maybe do some things extra that Burger King didn't
1391 do, simply because we have some different issues to address. And we want to make sure we have
1392 an opportunity to flush all of those out with the community.

1393
1394 The other thing that the neighbors were concerned about were the parking lot lights, whether they
1395 would be shoebox style directed downward and McDonald's is agreeable to doing that, and I think
1396 Burger King did the same thing. The other thing was that McDonald's had proposed their
1397 prototype building which is white and red with yellow beams on the roof and it would have been a
1398 standing seam shining bright red roof. In working with the neighbors, McDonald's is agreeing to
1399 change that to be a shingled painted roof with the Sherman Williams Colonial red and to use white
1400 split face block on the building and not use the metal standing seam. They have also agreed to
1401 move the menu board and the speaker system as far away from Patterson as they can engineer it
1402 on the site. They are also going to be using a COD, Customer Order Display system, which cuts
1403 down on the dialog between the person placing the order and the employee taking the order.
1404 They actually have one of those systems at their newest McDonald's store at Brookhollow. Also,
1405 that speaker system is going to be oriented to the northwest of the property which would be away
1406 from the residential neighborhood.

1407
1408 Ms. Dwyer - So, the voice coming out of the speaker would be headed away from the
1409 neighbors?
1410

1411 Ms. Freye - Projected to the northwest, that's correct. The staff has shared it's
1412 comments and annotations with McDonald's, all of which we have talked over with the
1413 construction manager and people at McDonald's, and they are agreeable to all of those conditions
1414 and annotations. So, with that I would ask that you approve the plan of development today and
1415 ask that you defer action on the landscape plan for 30 days while we continue to work with the
1416 neighbors on that.
1417
1418 Ms. Dwyer - Thank you. Are there any questions for Ms. Freye? Ms. Freye, the white
1419 portion of the roof will those, I'm not sure what you call those, I don't know the technical name
1420 for that. Do you see what I'm referring to?
1421
1422 Ms. Freye - The beams.
1423
1424 Ms. Dwyer - The beams. Will they have lights inside?
1425
1426 Ms. Freye - Yes, they are light beams, just like they have.
1427
1428 Ms. Dwyer - Just like they have now?
1429
1430 Ms. Freye - Yes.
1431
1432 Ms. Dwyer - They also now have a brick building and that will not be maintained I
1433 assume.
1434
1435 Ms. Freye - No.
1436
1437 Ms. Dwyer - That will be torn down.
1438
1439 Ms. Freye - We really have to tear it down. It's a very old building. I think it's close to
1440 25 years old. It's not situated in the center of the lot. McDonald's has negotiated with the owner
1441 of the shopping center for a larger space so that they can shift the building more to the center and
1442 design of more adequate drive-thru facility. The building has to come down. It really can't be
1443 saved. If they could, I guess they could just go ahead and paint it now, but it really doesn't
1444 function at well so they really need to take it down. Doing the split face block and the with the
1445 arrangement that they have on the POD before you, gives them the maximum use of the interior
1446 space, which also plays into their decision. And, then, also because it's a corporate decision. This
1447 is their corporate imagine that they are going to now and for easier recognition and identification
1448 of their restaurant.
1449
1450 Ms. Dwyer - Well, I hate to go from a nice brick building to the red and white split face,
1451 especially, in this residential area. Would they consider replacing a brick building with a brick
1452 building so that you would have something similar to this store in Williamsburg, the brick and the
1453 red.
1454

1455 Ms. Freye - I talked with them about that possibility, but because having to reengineer
1456 the building and the site and losing space on the interior part of it, it's such a tight small store, they
1457 really don't want to do that. They prefer it with the materials that they have before you.
1458

1459 Ms. Dwyer - I don't know. I think Patterson Avenue deserves as much as Williamsburg
1460 Road. Patterson Avenue is particularly in a residential area.
1461

1462 Ms. Freye - It is a masonry building. It is in keeping with the other buildings around
1463 there. The shopping center doesn't have brick. I don't believe the Arby's is brick. I don't know
1464 how many of the homes are brick but they back up to Patterson and they aren't readily visible
1465 from Patterson.
1466

1467 Ms. Dwyer - Arby's is not brick but it's a sand colored, sort of muted split face.
1468

1469 Ms. Freye - But, it's a masonry structure.
1470

1471 Mrs. Wade - Actually, the sides of the houses on Patterson, as I recall, those that are
1472 across the street, is not the back is it?
1473

1474 Ms. Freye - Most of them are the rears, right on the corner is the side.
1475

1476 Mrs. Wade - How long has McDonald's had this as their prototype, because most of the
1477 ones don't look like this yet?
1478

1479 Ms. Freye - This is really sort of going back to an earlier style that they have had. I
1480 know that on the last three sites that I worked on with McDonald's in the Richmond metropolitan
1481 area, they've all looked like this. Most of them started out with the yellow beam on the roof but
1482 they have made concessions to change that to white.
1483

1484 Mrs. Wade - Would you call these internally lit beams as attention getters?
1485

1486 Ms. Freye - No. They are just lights. As a part of the feature of the building.
1487

1488 Mr. Vanarsdall - Ms. Freye, what is this, this red....
1489

1490 Ms. Freye - It's split face block.
1491

1492 Mr. Vanarsdall - And it's red?
1493

1494 Ms. Freye - Yes. It's Colonial Williamsburg red.
1495

1496 Mr. Vanarsdall - It's built in the block.
1497

1498 Ms. Freye - It's painted that color.

1499
1500 Ms. Dwyer - So, the prototype that you show has the standing seam metal red with I
1501 assume the matching red, but I guess since you are going to paint it, since you plan to paint it, you
1502 can paint it any color red. It's not split face that has integrated color.
1503
1504 Ms. Freye - No. We will have to paint it. That's why we can paint it to match the
1505 Colonial Williamsburg roof red.
1506
1507 Ms. Dwyer - Would your people be willing to reconsider their decision on materials?
1508
1509 Ms. Freye - They would have to reengineer the whole building as it's going to be an
1510 extra cost for them. They really are not inclined to do that.
1511
1512 Ms. Dwyer - Why does the building have to be reengineered if you change from split
1513 face to brick.
1514
1515 Ms. Freye - It changes the widths of the wall and changes the inside space that they
1516 have to work with. They have a very small parcel of land to fit everything on and they are trying
1517 to maximize as much interior space as they can.
1518
1519 Mrs. Wade - I had this discussion about masonry yesterday with an architect in some
1520 other context, but when you use split block like this, then you have got to put some kind of wall
1521 inside to insulate. If it's not insulated where you don't have a layer of split block on the inside. I
1522 know you are not (unintelligible). Is the management going to be the same at this McDonald's?
1523
1524 Ms. Freye - The owner/operator of this franchise is going to remain the same. She has
1525 just acquired this in the last couple of years. And, acquired this site with the understanding that
1526 this was a very old building that was going to be demolished and a new store would be provided
1527 so she is really looking forward to the opportunity to have a new store to invest in and turn this
1528 operation around. It's really gone down hill, so this is a great opportunity for them to really bring
1529 this up to today's standards.
1530
1531 Mrs. Wade - And, of course, they put in a drive-thru window and they have to send the
1532 food all the way across the restaurant.
1533
1534 Ms. Freye - It just didn't work well at all. I think they have tried to do better with what
1535 they have had to work with and just finally come to the realization, you just have to scratch that
1536 and start over. So, this would be a million and a half investment which will help to raise the
1537 property values around there.
1538
1539 Mrs. Wade - Raise the property values?
1540
1541 Ms. Freye - Well, yes. Every time you put money into a piece of property you are
1542 going to raise the value of the surrounding properties.

1543
1544 Ms. Dwyer - We have a brick building now, and even though it's a blue roof, it is at least
1545 a brick building with a more natural tone I think then the prototype building that we have here.
1546
1547 Ms. Freye - But, if you think about it, Ms. Dwyer, at this point, if they weren't going to
1548 be doing a new store, they could just paint it whatever color they want at this point, which they
1549 really don't want to do, they really want to bring it up to today's standards and make this
1550 investment that the new store calls for.
1551
1552 Ms. Dwyer - I think we all want the best quality building.
1553
1554 Ms. Freye - And they do too and I think that's what they are providing.
1555
1556 Mr. Vanarsdall - This is why, and sense then, and whenever we can, this is why we negotiate
1557 doing rezoning on what materials we used to say "well don't worry about that now, wait until we
1558 get to POD." If we had a proffer on this case there would be no questions on where the brick
1559 would be.
1560
1561 Ms. Freye - But, this zoning, Mr. Vanarsdall, has been in placed for two decades
1562 and....
1563
1564 Mr. Vanarsdall - I know, long before condition zoning.
1565
1566 Ms. Freye - So, I think that McDonald's, even though this is not a zoning case, has
1567 really done a lot in the last three days to make a lot of concessions that aren't required by the
1568 zoning ordinance.
1569
1570 Mrs. Wade - They don't have an identity problem, as a rule. It isn't as if they are trying
1571 to attract people off of the interstate or anything in this location.
1572
1573 Ms. Freye - And they are not asking for additional signage or lighting, anything other
1574 than what the ordinance requires, but they are asking is to allow their corporate identity to stay in
1575 place because they have competitors immediately along the frontage of that shopping center and
1576 they do need to distinguish themselves.
1577
1578 Mrs. Wade - If you have children, you go to McDonald's for happy meals.
1579
1580 Ms. Freye - Yes, they know how to distinguish. That's another disadvantage that this
1581 site has. They don't have room for a play area for the children, which some of the other
1582 restaurants along there do, but they are still willing to make the investment in this property.
1583
1584 Ms. Dwyer - Are there any more questions for Ms. Freye? Mr. Wilton, I wonder if I
1585 could ask you a question. Isn't there brick on the existing shopping center? What are the primary
1586 materials? You might want to identify yourself first.

1587
1588 Mr. Wilton - Yes, ma'am, it is brick on the existing shopping center.
1589
1590 Ms. Dwyer- That's what I thought. And there are no shopping center standards for out
1591 parcels to match the materials?
1592
1593 Mr. Wilton - In that shopping center, no. It's been there for 25 years.
1594
1595 Ms. Dwyer - Thank you. We will hear from the opposition now, the neighborhood.
1596
1597 Mr. Nelson - Good morning. My name is Larry Nelson and I live across the street. I'm
1598 not standing up here insomuch of opposition. I would like to thank the McDonald's people for
1599 working with us and considering our concerns. Our primary concerns were the issues of light,
1600 noise, and trash and these issues have become more prevalent in recent years, plus more of us are
1601 home now as the neighborhood has aged. So, will we see and hear this more often. This is why
1602 we have been heavily concerned about the landscape plan, and you are going to defer that for
1603 another 30 days so that we can take a look at that more. We do appreciate that because that will
1604 give us a better opportunity to look closer at the comments that we have made with regard to
1605 Patterson and the entrance into the shopping center and the area around the squat box and the
1606 trash in the back. This would be very helpful to us to be able to look at that. Again, we would
1607 like to thank McDonald's for people, particularly Gloria, for talking to us and making the
1608 presentation and listening to our concerns. What we see now is definitely an improvement and
1609 what does exist here today.
1610
1611 Ms. Dwyer - Thank you, Mr. Nelson. Are there any questions of Mr. Nelson by
1612 Commission members? Is there anyone else that would like to speak?
1613
1614 Ms. Miller - Good morning. I'm Kathy Miller an adjacent property owner. I've been
1615 here before, and I want to thank you Ms. Dwyer. You have helped us a lot. And, Gloria who has
1616 taken the time. I think they have addressed a lot of our concerns and I appreciate your interest in
1617 what is being built on Patterson Avenue. I have said this before. We realize it is zoned B-2. We
1618 have been there 35 years, most of us have been there a long time. I believe that the zoning was
1619 originally intended for neighborhood type businesses, you know like a drug store. So, my big
1620 concern, at this point in my life, is I don't want that part of Patterson Avenue to turn into
1621 Midlothian Turnpike or something. I don't think we need any more fast foods. We have a Burger
1622 King that will be built, a McDonald's, Chinese, an Italian, Arby's is over there. That's a big
1623 concern of mine, but I do appreciate your help and what you all have done for us. So, we are
1624 going to try with each other and thank you.
1625
1626 Ms. Dwyer - Thank you. Is there anyone else to speak? Ms. Freye.
1627
1628 Ms. Freye - Yes, ma'am. Again, I think that McDonald's has gone a long way to
1629 address concerns that were raised and will continue to work with the neighbors. They have been
1630 very gracious and kind to us and we appreciate their input. We feel like their comments are going

1631 to make for a very attractive site and we do appreciate that input. We ask that you approve the
1632 POD and defer action on the landscape plan.

1633
1634 Ms. Dwyer - I still have some concerns about the materials. Would you all be willing to
1635 defer the site plan for another month so that we could continue to discuss this, if not, brick then
1636 maybe some other form of split face that would not be as bright and contrasting as what's
1637 proposed here. Perhaps another color split face that might blend in with the Colonial red roof a
1638 little better.

1639
1640 Ms. Freye - I think that's a decision that we would have to get made higher up in the
1641 corporate offices.

1642
1643 Mrs. Wade - How long has the one been over at Virginia Center, do you know?

1644
1645 Ms. Freye - On Brook Road?

1646
1647 Mrs. Wade - Yes, on Brook Road. There's a new one over there but I don't recall that it
1648 looks like this.

1649
1650 Ms. Freye - I don't know how long that store has been there.

1651
1652 Mr. Archer - It's been there for about six to eight months.

1653
1654 Ms. Freye - Ms. Dwyer, in talking with the two McDonald's representatives, I think
1655 that, while they are concerned about changing the color of the white split face block, I think that
1656 what Ms. Brown was pointing out is that the coloring of the shopping center behind this building
1657 is somewhat of a creamy beige color and that perhaps we could instead of having the white split
1658 face block is have more of a cream beige color that blends with what's behind in the shopping
1659 center and not have the white on the sides.

1660
1661 Ms. Dwyer - How about if we did all the sides in that creamy beige and not have the red
1662 band at the bottom, could we just make that more uniformed?

1663
1664 Ms. Freye - Well, it helps to coordinate the colors to tie the colors together. But, I
1665 guess we could go ahead, okay, McDonald's is agreeing then to go ahead and leave the bottom
1666 band the same color as the sides, and not have the contrast color.

1667
1668 Ms. Dwyer - Okay. So, we are going to go with the Colonial Red roof and then the
1669 beige split face to blend in with the shopping center, split face all around without the red band on
1670 the bottom.

1671
1672 Ms. Freye - Yes, ma'am.

1673
1674 Mr. Vanarsdall - Is that going to be a condition or annotation?

1675
1676 Ms. Dwyer - Kevin, is that a condition or annotation?
1677
1678 Mr. Wilhite - I believe we can annotate the architectural and that will be checked when
1679 the building permit comes through.
1680
1681 Ms. Dwyer - All right. Thank you very much. Are there any other questions by
1682 Commission members?
1683
1684 Mrs. Wade - Are you approving the lighting too or just the landscape plan?
1685
1686 Ms. Dwyer - We generally, defer landscape and lighting together so I think I will do that.
1687 Ms. Freye, do you have a comment?
1688
1689 Ms. Freye - Is it possible to get administrative approval on the lighting plan instead of
1690 bringing the lighting plan back to the Planning Commission? We know we need to come back to
1691 the Planning Commission for the landscaping plan, but we intend to comply with the ordinance on
1692 the lighting. And, we have agreed with the neighbors to do the shoebox lighting. So, could we
1693 leave that to staff review and administration?
1694
1695 Ms. Dwyer - Does the lighting plan include the lights on the beams?
1696
1697 Mr. Wilhite - The lighting plan will address not only for lights in the parking lot but also
1698 any lights attached to the building as well.
1699
1700 Ms. Dwyer - What is our County ordinance relating to lights on the beams?
1701
1702 Mr. Wilhite - Well, we really have policies as opposed to ordinance requirements. It's
1703 really on a case by case basis. At this point, the lighting was not reviewed. They did not request
1704 lighting approval at this time, it was not a part of this review so we would have to look at possibly
1705 what has been approved at other locations and see what in fact these light beams would have.
1706
1707 Ms. Dwyer - Would that come back to you, Mr. Wilhite, since you did the POD, the
1708 lighting plan?
1709
1710 Mr. Wilhite - Well, it may, it could go to some of the other planners that we have on
1711 staff. We have others who are more involved doing lighting plan approval.
1712
1713 Ms. Dwyer - I'll let the lighting plan be reviewed by staff, but whoever reviews it, please
1714 contact me because I would like to discuss the beam lights.
1715
1716 Mr. Wilhite - We would be happy to do that.
1717
1718 Mr. Vanarsdall - More than likely, it would not come back to him, it would be Leslie or Jim.

1719
1720 Ms. Dwyer - All right. Are there any other questions by Commission members on this
1721 case? I move for approval of POD-52-99, McDonald's @ Tuckahoe Village Shopping Center,
1722 including the standard conditions for developments of this type, the annotations on the plan,
1723 including the annotation discussed earlier regarding the colors and materials for the building.
1724 Also, including the additional conditions Nos. 23 through 30 and No. 9 amended so that the
1725 landscape plan will come back to the Commission for approval. The lighting may be approved by
1726 staff but I'll make a personal request that whichever staff member reviews the lighting please
1727 contact me so that we can discuss the beam lights on the roof.

1728
1729 Mr. Vanarsdall - I'll second that.

1730
1731 Ms. Dwyer - The motion was made by Ms. Dwyer and seconded by Mr. Vanarsdall. All
1732 in favor say aye...all opposed say nay. The motion carries.

1733
1734 The Planning Commission approved POD-52-99 McDonald's @ Tuckahoe Village Shopping
1735 Center (POD-41-93 Revised), subject to the standard conditions attached to these minutes for
1736 developments of this type, the annotations on the plan and the following additional conditions.
1737 The landscape plan was deferred for 30 days.

- 1738
1739 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for
1740 review and Planning Commission approval prior to the issuance of any occupancy permits.
1741 23. The easements for drainage and utilities as shown on approved plans shall be granted to
1742 the County in a form acceptable to the County Attorney prior to any occupancy permits
1743 being issued.
1744 24. The developer shall provide fire hydrants as required by the Department of Public Utilities
1745 in its approval of the utility plans and contracts.
1746 25. Outside storage shall not be permitted.
1747 26. The developer shall install an adequate restaurant ventilating and exhaust system to
1748 minimize smoke, odors, and grease vapors. The plans and specifications shall be included
1749 with the building permit application for review and approval. If, in the opinion of the
1750 County, the type system provided is not effective, the Commission retains the rights to
1751 review and direct the type of system to be used.
1752 27. Deviations from County standards for pavement, curb or curb and gutter design shall be
1753 approved by the County Engineer prior to final approval of the construction plans by the
1754 Department of Public Works.
1755 28. Insurance Services Office (ISO) calculations must be included with the utilities plans and
1756 contracts and must be approved by the Department of Public Utilities prior to the issuance
1757 of a building permit.
1758 29. The ground area covered by all the buildings shall not exceed in the aggregate 25 percent
1759 of the total site area.
1760 30. No merchandise shall be displayed or stored outside of the building(s) or on sidewalk(s).

1761 **PLAN OF DEVELOPMENT**

1762

POD-56-99
Crosspoint, Crossings Green
(Residential Townhouses) -
Virginia Center Parkway

Michael E. Doczi & Associates, P.L.L.C. for Virginia Center, L.L.C., Links Corporation and Roy B. Amason: Request for approval of a plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code to construct 21, two-story townhouse units for sale, relocate the Crossings Golf Course access road, and construct for the Crossings an additional 40 parking spaces. The 2.965-acre site is located north of I-295, and east of I-95 on the eastern line of Virginia Center Parkway on Parcel 33-A-69A and part of 66. The zoning is RTHC, Residential Townhouse District (Conditional), B-2, Business District and O-3, Office District. County water and sewer. **(Fairfield)**

1763

1764 Ms. Dwyer - Is there anyone in the audience in opposition to POD-56-99, Crosspoint,
1765 Crossings Green (Residential Townhouses) - Virginia Center Parkway? No opposition. Mr.
1766 McGarry.

1767

1768 Mr. McGarry - Last month the Planning Commission approved the subdivision layout for
1769 this project and now the plan of development is before you which regulates the actual
1770 construction plans for the subdivision. There has been no change in the layout since the tentative
1771 was approved last month, so staff can recommend approval of the plan, subject to the standard
1772 conditions for residential townhouses and conditions Nos. 23 through 27. I'd be happy to answer
1773 any questions.

1774

1775 Ms. Dwyer - Are there any questions for Mr. McGarry?

1776

1777 Mr. Archer - Mr. McGarry, this is essentially just an extension of the already existing
1778 townhouses, is that correct?

1779

1780 Mr. McGarry - That's correct.

1781

1782 Mrs. Wade - Does it look about the same? Is that the one that had the brick ends and
1783 the brick in the rear?

1784

1785 Mr. McGarry - Ryan is also the developer here and I believe he did the earlier phase as
1786 well. These architectural appears to be consistent with the Golf Villas and Carriage Homes that
1787 are under construction.

1788

1789 Mrs. Wade - It seems to me there was one of these projects that had a condition or
1790 proffer or whatever that....

1791

1792 Mr. McGarry - It was the Golf Villas. We went around and around with them on getting
1793 enough brick ends on them.
1794
1795 Mrs. Wade - I didn't see it here. I guess it's depending I suppose how visible they are
1796 from....
1797
1798 Ms. Dwyer - That was my question too. Which ones don't have brick ends? I was
1799 wondering why.
1800
1801 Mr. Amason - Ted is going to get the proffers, but we proffered all brick ends on these
1802 units, period. It's in your proffers that the Commission approved already. The other project, next
1803 door, I put brick ends on the exposed ends of the buildings. But, I think on this one, if my
1804 memory is correct, that we proffered all ends of buildings will be brick.
1805
1806 Ms. Dwyer - Because these architectural, some of them just say brick front on the end
1807 units and some of them say brick front and side.
1808
1809 Mr. Amason - The architectural, the sketches that you got, don't necessarily show that
1810 but the proffers say that all ends of the buildings will be brick, period. On the other one, we got
1811 with staff and Chris Archer and we worked out not only, well, we worked out which ends of the
1812 buildings would be brick. Well, we had two buildings that butted up to each other, we didn't
1813 require brick but where the building was on the outside of the project we put brick. We also did
1814 where anybody, if they drove into the neighborhood and looked at the end of a building, they
1815 would see brick. So, on this one, we just covered it with the proffer that said all ends of building
1816 will be brick.
1817
1818 Mr. McGarry - And, the proffer is condition No. 15, "All the exteriors shall be brick."
1819
1820 Mr. Amason - These units are essentially the same units, not essentially, they are the same
1821 units as the ones in Golf Villas except for that proffer and then, of course, it has its own
1822 landscaping etc.
1823
1824 Ms. Dwyer - So, will these architectural be annotated then to say brick on all ends?
1825
1826 Mr. Amason - Yes, we can do that.
1827
1828 Mr. McGarry - To avoid any confusion.
1829
1830 Ms. Dwyer - All right. Are there any other questions by Commission members?
1831
1832 Mr. Archer - Mr. Amason, we've got the roadway all worked out.
1833
1834 Ms. Dwyer - Mr. Amason, did you identify yourself for the record?
1835

1836 Mr. Vanarsdall - No, he didn't.
1837
1838 Mr. Amason - My name is Roy Amason and I'm the developer of Crosspoint.
1839
1840 Mr. Archer - That means his prior comments don't count, right?
1841
1842 Ms. Dwyer - Are there any other questions by Commission for Mr. McGarry or Mr.
1843 Amason? We are ready for a motion.
1844
1845 Mr. Archer - Madam Chairman, I move approval of POD-56-99, Crosspoint, Crossings
1846 Green subject to the annotations on the plan, the standard conditions for residential townhouses
1847 and the additional conditions Nos. 23 through 27.
1848
1849 Mr. Vanarsdall - Second.
1850
1851 Ms. Dwyer - The motion was made by Mr. Archer and seconded by Mr. Vanarsdall. All
1852 in favor say aye...all opposed say nay. The motion carries.
1853
1854 The Planning Commission approved POD-56-99, Crosspoint, Crossings Green (Residential
1855 Townhouses) - Virginia Center Parkway, subject to the standard conditions attached to these
1856 minutes for developments of this type, the annotations on the plan and the following additional
1857 conditions:
1858
1859 23. The developer shall provide fire hydrants as required by the Department of Public Utilities
1860 in its approval of the utility plans and contracts.
1861 24. Any necessary off-site drainage easements must be obtained in a form acceptable to the
1862 County Attorney prior to final approval of the construction plans by the Department of
1863 Public Works.
1864 25. Deviations from County standards for pavement, curb or curb and gutter design shall be
1865 approved by the County Engineer prior to final approval of the construction plans by the
1866 Department of Public Works.
1867 26. Insurance Services Office (ISO) calculations must be included with the utilities plans and
1868 contracts and must be approved by the Department of Public Utilities prior to the issuance
1869 of a building permit.
1870 27. The Homeowners Association, in conjunction with the Golf Villas, Carriage Homes, and
1871 Fairway Homes, shall jointly maintain the spine road, gatehouse, provide an entrance
1872 guard, maintain all landscaped areas, street signs, entrance monuments and pedestrian/golf
1873 cart sidewalk. Prior to requesting final subdivision approval, a draft of the covenants and
1874 deed restrictions for maintenance of the above referenced items shall be submitted to the
1875 Planning Office for review and approval.
1876
1877 Ms. Dwyer - The Commission will take a 10-minute recess.
1878
1879 **AT THIS TIME THE COMMISSION TOOK A BREAK AND THEN RECONVENED.**

1880
1881
1882

PLAN OF DEVELOPMENT

POD-60-99
CVS/Pharmacy - W. Broad
Street @ Homeview Drive

TIMMONS for W. S. Richardson, Jr. and Rebkee Company: 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, 10,125 square foot retail pharmacy and food store with a drive-thru facility. The 1.26-acre site is located at the northeast corner of W. Broad Street (U.S. Route 250) and Homeview Drive on Parcel 59-A-12. The zoning is B-3, Business District. County water and sewer. **(Brookland)**

1883
1884
1885
1886

Ms. Dwyer - Is there anyone in the audience in opposition to POD-60-99, CVS/Pharmacy? No opposition. Mr. Wilhite.

1887
1888
1889
1890
1891
1892
1893
1894
1895

Mr. Wilhite - Staff had asked for a revised plan and we were given details on Friday, and the revised plan appears on your screen. The major concern that staff had was about the traffic circulation to the rear of the site. Originally, they had a proposed a connection to the private access drive in the back and with the revised plan that access has been closed off. Also, revisions have been made to the drive-thru on the eastern side of this building. The plan also reflects the changes to the parking lots and the width of the entrance off of W. Broad Street. Staff has reviewed the plan and we find it acceptable and can recommend approval of the revised plan with the annotations and conditions.

1896
1897

Ms. Dwyer - Are there any questions of Mr. Wilhite by Commission members?

1898
1899
1900
1901

Mr. Vanarsdall - When you say the drive is going to be closed off, this is the drive that goes into Garden South, as they call it now, it was Southern States. So, cars park on both sides of the street, will that whole street be gone?

1902
1903
1904
1905
1906

Mr. Wilhite - Well, that existing drive does exist right now and Southern States does gain access as well as the retail building just to the east here. There is no connection for the Bill's Barbecue right now. They had originally proposed a connection back there, and with the traffic circulation problems, they decided to go ahead and close that. Staff is okay with that.

1907
1908

Mr. Vanarsdall - Thank you.

1909
1910
1911

Ms. Dwyer - Are there any other questions by Commission members? Would you like to hear from the applicant, Mr. Vanarsdall?

1912
1913

Mr. Vanarsdall - No, I don't believe I need to.

1914

Ms. Dwyer - All right, we are ready for a motion.

1915
1916 Mr. Vanarsdall - I'll tell you one thing, if CVS Pharmacy can do the business everywhere
1917 they go that Bill's Barbecue, Steve, one of the owners sitting here, has done, anywhere they go
1918 people follow them. So, I wish you luck on this corner. Mrs. Wade, you had some thoughts on
1919 the landscaping, didn't you?
1920
1921 Mrs. Wade - No. He said he's going to do a great job on the landscaping.
1922
1923 Mr. Vanarsdall - I recommend POD-60-99, CVS/Pharmacy - W. Broad Street @ Homeview
1924 Drive be approved with the annotations on the plan the standard conditions for developments of
1925 this type, and additional conditions Nos. 23 through 31.
1926
1927 Mr. Archer - Second, Madam Chairman.
1928
1929 Ms. Dwyer - The motion was made by Mr. Vanarsdall and seconded by Mr. Archer. All
1930 in favor say aye...all opposed say nay. The motion carries.
1931
1932 The Planning Commission approved POD-60-99, CVS/Pharmacy W. Broad Street @ Homeview
1933 Drive, subject to the standard conditions attached to these minutes for developments of this type,
1934 the annotations on the plans, and the following additional conditions:
1935
1936 23. The easements for drainage and utilities as shown on approved plans shall be granted to
1937 the County in a form acceptable to the County Attorney prior to any occupancy permits
1938 being issued.
1939 24. The entrances and drainage facilities on W. Broad Street (U.S. Route 250) shall be
1940 approved by the Virginia Department of Transportation and the County.
1941 25. A notice of completion form, certifying that the requirements of the Virginia Department
1942 of Transportation entrances permit have been completed, shall be submitted to the
1943 Planning Office prior to any occupancy permits being issued.
1944 26. The developer shall provide fire hydrants as required by the Department of Public Utilities
1945 in its approval of the utility plans and contracts.
1946 27. A standard concrete sidewalk shall be provided along the north side of W. Broad Street
1947 (U.S. Route 250).
1948 28. Deviations from County standards for pavement, curb or curb and gutter design shall be
1949 approved by the County Engineer prior to final approval of the construction plans by the
1950 Department of Public Works.
1951 29. The loading areas shall be subject to the requirements of Chapter 24, Section 24-97(b) of
1952 the Henrico County Code.
1953 30. In the event of any traffic backup which blocks the public right-of-way as a result of
1954 congestion caused by the drive-thru facilities, the owner/occupant shall close the drive-
1955 thru facilities until a solution can be designed to prevent traffic backup.
1956 31. Insurance Services Office (ISO) calculations must be included with the utilities plans and
1957 contracts and must be approved by the Department of Public Utilities prior to the issuance
1958 of a building permit.

1959 **PLAN OF DEVELOPMENT**

1960

POD-61-99 **Foster & Miller, P.C. for Charles M. Marchetti:** Request for
Marchetti Office/Warehouse approval of a plan of development as required by Chapter 24,
Waco Street 10,080 square foot office/warehouse. The 0.54 acre site is
located on the east line of Waco Street, approximately 185 feet
north of Galion Road on Parcel 81-6-P-4. The zoning is M-1,
Light Industrial District. County water and sewer. **(Three
Chopt)**

1961

1962 Ms. Dwyer - Is there anyone in the audience in opposition to POD-61-99 Marchetti
1963 Office/Warehouse? No opposition. Mr. Whitney.

1964

1965 Mr. Whitney - Thank you, Madam Chairman. I apologize for neglecting to get the
1966 architectural in your packet. Mr. McGarry is handing them out to you presently. Staff has
1967 completed its review of this plan of development for an office/warehouse. Originally, we had
1968 some issues regarding fire access and traffic circulation. The fire access has been taken care of
1969 with discussions with Building Inspections, adding fire walls along the western side of the
1970 building, actually, it would be the north side of the building. And, traffic circulation has been
1971 resolved by relocating the loading doors to the rear of the building, reducing the number of
1972 loading doors to two, removing the parking spaces that would be adjacent to the loading doors
1973 and adding a landscape island for a turnaround area separating the parking. The revised situation
1974 is depicted on the faxed submittal that was also handed out to you by Mr. McGarry. They
1975 reduced the area of office to get their minimum parking requirements down to allow for the
1976 removal of the spaces in the rear for the truck maneuvering area. With this, staff can recommend
1977 approval of this plan and the architectural is on the color table. This loading door (referring to
1978 screen) is the one I referred to that's being removed. It will be the two doors in the rear of the
1979 building, the one I'm indicating now will be slid to the rear to allow to be in the truck maneuvering
1980 area that I discussed earlier.

1981

1982 Mrs. Wade - What did you say about removing one, I'm sorry?

1983

1984 Mr. Whitney - They are removing one of the loading doors, so it will be a total of two.

1985

1986 Mrs. Wade - There was a note on the original, compensation for rear yard setback
1987 requirement, where is that?

1988

1989 Mr. Whitney - Yes. They have adequate side yard on this to allow for the compensating
1990 area that is not provided in the rear. All of the Marchetti's are here, and Gary Webster, if you
1991 have any questions of them.

1992

1993 Ms. Dwyer - Are there any other questions for Mr. Whitney? Would you like to hear
1994 from the applicant, Mrs. Wade?

1995

1996 Mrs. Wade - I don't think so.

1997

1998 Ms. Dwyer - We are ready for a motion.

1999

2000 Mrs. Wade - I move POD-61-99, revised plan, be approved subject to the standard

2001 conditions and conditions Nos. 23 through 32 on the agenda.

2002

2003 Mr. Archer - Second.

2004

2005 Ms. Dwyer - The motion was made by Mrs. Wade and seconded by Mr. Archer. All in

2006 favor say aye...all opposed say nay. The motion carries.

2007

2008 The Planning Commission approved POD-61-99, Marchetti Office/Warehouse Waco Street,

2009 subject to the standard conditions attached to these minutes for developments of this type, the

2010 annotations on the plans, and the following additional conditions:

2011

2012 23. The easements for drainage and utilities as shown on approved plans shall be granted to

2013 the County in a form acceptable to the County Attorney prior to any occupancy permits

2014 being issued.

2015 24. The developer shall provide fire hydrants as required by the Department of Public Utilities

2016 in its approval of the utility plans and contracts.

2017 25. Outside storage shall not be permitted.

2018 26. The certification of building permits, occupancy permits and change of occupancy permits

2019 for individual units shall be based on the number of parking spaces required for the

2020 proposed uses and the amount of parking available according to approved plans.

2021 27. Any necessary off-site drainage easements must be obtained in a form acceptable to the

2022 County Attorney prior to final approval of the construction plans by the Department of

2023 Public Works.

2024 28. Deviations from County standards for pavement, curb or curb and gutter design shall be

2025 approved by the County Engineer prior to final approval of the construction plans by the

2026 Department of Public Works.

2027 29. The loading areas shall be subject to the requirements of Chapter 24, Section 24-97(b) of

2028 the Henrico County Code.

2029 30. Storm water retention, based on the 50-10 concept, shall be incorporated into the drainage

2030 plans.

2031 31. Insurance Services Office (ISO) calculations must be included with the utilities plans and

2032 contracts and must be approved by the Department of Public Utilities prior to the issuance

2033 of a building permit.

2034 32. Approval of the construction plans by the Department of Public Works does not establish

2035 the curb and gutter elevations along the Henrico County maintained right-of-way. The

2036 elevations will be set by Henrico County.

2037 **PLAN OF DEVELOPMENT**

2038

POD-63-99
Airport America USA -
Audubon Drive
(POD-73-98 Revised)

Charles C. Townes & Associates, P.C. for International Airport Centre L.C. and Airport America USA LLC:
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 commercial parking lot. The 15.465 acre site is located along the south line of Audubon Drive, approximately 1000 feet west of Airport Drive (State Route 156) on Parcels 163-A-14B and part of 19E. The zoning is M-1, Light Industrial District, B-3, Business District, A-1, Agricultural District and ASO (Airport Safety Overlay District). County water and sewer. (**Varina**)

2039

2040 Ms. Dwyer - Is there anyone in the audience in opposition to POD-63-99, Airport
2041 America USA? No opposition. Mr. McGarry.

2042

2043 Mr. McGarry - There are a few remaining loose ends to be tied up, and I will go through
2044 them with you. Staff can recommend approval for this. There is a six-foot fence in the front yard
2045 on both road frontages that will be reduced to 42 inches. This is a security fence, it will remain at
2046 six feet in height all the way around the rest of the site. The applicant has been told if he would
2047 like to keep it uniform, six feet in height on the perimeter, then he would be coming back with an
2048 alternate fence height request, with you. That was not annotated on your plan and it is now
2049 annotated on the staff's copy of the plan. Second. The plan has also been annotated to require 19
2050 parking spaces in a row before they have to provide a landscape island. They were about 15
2051 islands short on the plan that you have. They have agreed to do this as well. The BMP, Public
2052 Works can accept a revised BMP that provides something called an aquatic bench, because of its
2053 depth and size. The BMP is required to have a bench, which is basically a flat surface area so that
2054 if anyone falls into it there's a location which they can be able to stand up without going all the
2055 way to the bottom. It breaks up the slope essentially. So, Public Works is satisfied with the
2056 revised BMP design. It will be a little bit larger than what is shown on your plan and essentially
2057 it's going to become more shallow as of a result of that. To get larger, they would probably lose a
2058 little bit of parking around the BMP basin. And, finally, they have given us a schematic landscape
2059 plan for that BMP which is acceptable to us. With that information and comments on the things
2060 that have been annotated on the plan, since you've got your copy, staff can recommend approval
2061 of this subject to the standard conditions and conditions Nos. 23 through 27. I'll be happy to
2062 answer any questions.

2063

2064 Mr. Vanarsdall - Mr. McGarry, when you and I last talked, you had a lot of problems and
2065 so forth. It seems you have taken care of everything.

2066

2067 Mr. McGarry - I spent all day yesterday working with Mr. Collins and Public Works trying
2068 to get these details ironed out so that we could recommend approval today.

2069

2070 Mr. Vanarsdall - Great.
2071
2072 Mrs. Wade - So, the 19 space rule does apply to even for commercial parking lots.
2073
2074 Mr. McGarry - It will apply here. Aero Park across the way provided them as well. We
2075 try to be consistent.
2076
2077 Mrs. Wade - Thank you. I wondered if there was some that didn't apply to commercial
2078 lots.
2079
2080 Mr. McGarry - My initial reading of it was that it would not apply and then further
2081 investigation, after your report was done, we found that this is not a storage yard as I had initially
2082 thought and therefore it was not exempt from providing the landscaping island. They did on a
2083 majority of the site, the ends of bays and everything, but they did have a couple of bays in there,
2084 actually more than a couple, where they really went more than 19 in a row without the break.
2085
2086 Ms. Dwyer - I remember during the zoning case there was a lot discussion about the
2087 landscaping along the property line, the neighbors.
2088
2089 Mr. McGarry - Yes. There was an earlier plan of development on this case that had a 50-
2090 foot transitional buffer and they were having difficulty meeting it. This case is different from that
2091 earlier one and since they have added more land to it, they are providing all the transitional buffers
2092 without any buffer deviation requests at all.
2093
2094 Ms. Dwyer - Okay. I thought I remembered....
2095
2096 Mr. McGarry - That's correct. The neighborhood was concerned about that.
2097
2098 Ms. Dwyer - So, how will this 50-foot buffer be landscaped, or will it be landscaped?
2099
2100 Mr. McGarry - It will be landscaped because there is a requirement in the code of a certain
2101 number of a species of trees, spacing of the trees, shrubbery and so forth, within a 50-foot
landscape buffer.
2102
2102 Ms. Dwyer - Will that be approved by staff?
2103
2103 Mr. McGarry - Yes, it would be under the current recommendation, unless you ask for No.
2104 9 amended.
2105
2105 Mrs. Wade - Are there trees there now?
2106
2106 Mr. McGarry - There are some, primarily, along the property line, not the full 50 feet deep
2107 though. So, they will have to supplement what's there.

2108 Ms. Dwyer - Are there any other questions of Mr. McGarry by Commission members?
2109 Would you like to hear from the applicant, Mr. Vanarsdall?

2110 Mr. Vanarsdall - No, I don't think so.

2111 Ms. Dwyer - We are ready for a motion.

2112 Mr. Vanarsdall - I move POD-63-99, Airport America USA - Audubon Drive (POD-73-98
2113 Revised), be approved with the annotations on the plan as presented by staff and the standard
2114 conditions for developments of this type and then conditions Nos. 23 through 27.

2115 Mrs. Wade - Second.

2116
2117 Ms. Dwyer - The motion was made by Mr. Vanarsdall and seconded by Mrs. Wade. All
2118 in favor say aye...all opposed say nay. The motion carries.
2119
2120 The Planning Commission approved POD-63-99, Airport America USA - Audubon Drive (POD-
2121 73-98 Revised), subject to the standard conditions attached to these minutes for developments of
2122 this type, the annotations on the plans, and the following additional conditions:
2123
2124 23. The developer shall provide fire hydrants as required by the Department of Public Utilities
2125 in its approval of the utility plans and contracts.
2126 24. Any necessary off-site drainage easements must be obtained in a form acceptable to the
2127 County Attorney prior to final approval of the construction plans by the Department of
2128 Public Works.
2129 25. Deviations from County standards for pavement, curb or curb and gutter design shall be
2130 approved by the County Engineer prior to final approval of the construction plans by the
2131 Department of Public Works.
2132 26. Insurance Services Office (ISO) calculations must be included with the utilities plans and
2133 contracts and must be approved by the Department of Public Utilities prior to the issuance
2134 of a building permit.
2135 27. Approval of the construction plans by the Department of Public Works does not establish
2136 the curb and gutter elevations along the Henrico County maintained right-of-way. The
2137 elevations will be set by Henrico County.
2138

2139 **PLAN OF DEVELOPMENT & TRANSITIONAL BUFFER DEVIATION**

2140

POD-64-99 **Hulcher & Associates for Anthony L. Collins:** Request for
Old Dominion Mechanical approval of a revised plan of development and transitional buffer
Warehouse Addition - deviation as required by Chapter 24, Sections 24-106 and 24-
8511 Oakview Avenue 106.2 of the Henrico County Code to construct a one-story,
(POD-35-80 Revised) 2,475 square foot warehouse addition to an existing
office/warehouse. The 0.40 acre site is located at 8511 Oakview
Avenue on Parcel 61-7-5-5. The zoning is M-1, Light Industrial
District. County water and sewer. **(Brookland)**

2141 Ms. Dwyer - Is there anyone in the audience in opposition to POD-64-99, Old Dominion
2142 Mechanical Warehouse Addition? No opposition. Ms. News.

2143 Ms. News - A revised plan is being distributed and there is a revised recommendation
2144 on page 2 of your addendum. A variance was approved for this property to allow this warehouse
2145 addition to be placed in the rear yard setback. The requirements of the variance are detailed in
2146 your agenda, which includes the removal of the trailers from the site. The rear yard setback,
2147 however, is also a 50-foot transitional buffer. The applicant has requested a transitional buffer
2148 deviation to allow the building, parking and dumpster in this transitional buffer. The revised plan
2149 distributed to you shows a split-face block wall across the rear of the property, which is in
2150 alignment with the building, set five feet off of the property line. The applicant has revised the
2151 plan from a wood fence to a block wall at staff's request and is willing to install the wall, but has
2152 just indicated to staff that the adjacent neighbor to the rear, who lives across the street from the
2153 property, prefers a wood fence. The owner is asking that the Commission consider a fence in lieu
2154 of the wall. There are letters in the file from the adjacent owners on each side and to the rear of
2155 the property in support of this proposal. The letter from the property owner to the rear was
2156 written at the time when a wood fence was proposed. An evergreen hedge is proposed in the
2157 five-foot strip behind the wall and planting is to be provided in the remaining green area. The
2158 applicant agreed to revise the rear elevation of the warehouse to provide a split face block wall in
2159 lieu of the originally proposed painted CMU. They have got split face on two sides and then brick
2160 on the side facing into their site.

2161 Staff initially had a lot of concerns with this case based on the amount of deviations to County
2162 requirements necessary to grant approval. However, all County agencies have been satisfied and
2163 in light of the support of the neighbors and the general cleaning up of the site, should the
2164 Commission grant the transitional buffer deviation request, staff recommends approval of the
2165 POD with the annotations on the plan and the conditions in the agenda, and the additional
2166 condition on your addendum.

2167 Ms. Dwyer - Are there any questions of Ms. News by Commission members?

2168 Mrs. Wade - Is this the current owner or is this being sold?

2169 Ms. News - This is the current owner and he's here.

2170 Mrs. Wade - Then he's responsible for its current condition then.

2171 Ms. News - That's correct.

2172 Mr. Vanarsdall - I never did ask this before, and I see that Tony is here. Do they have a
2173 outside PA system?

2174 Ms. News - He's indicating that they do not.

2175 Mr. Vanarsdall - I didn't think you did. Thank you. Right here (referring to screen), the
2176 trailers up and down here, they are in M-1 property, do they have to be screened? I know he
2177 moved his but I'm talking down from him.

2178 Ms. News - He's actually got some trailers on property across the street that's a CSX
2179 easement. The requirements for cargo trailers in our Code, there is some information that's not
2180 clear on that. I know there has been some investigation on that. Office trailers are not permitted
2181 in M-1 at all without a temporary use permit.

2182 Mrs. Wade - So, you can just put other trailers around? I was concerned that if one of
2183 the doors are open it's tempting...

2184 Ms. News - We don't have any kind of an approved POD on that site for placement of
2185 those trailers. The site across the street is separate from this POD, it's not a part of this parcel.
2186 But, the owner is here and he can tell you what agreement he has with CSX and perhaps answer
2187 your question a little better than I can right now.

2188 Mrs. Wade - And the dumpster is going to be in the back.

2189 Ms. News - That's correct. They have got an eight-foot-wood screen fence proposed
2190 around it.

2191 Ms. Dwyer - Are there any more questions for Ms. News? Would you like for the
2192 applicant to come forward, Mr. Vanarsdall?

2193 Mr. Vanarsdall - No.

2194 Mrs. Wade - I was wondering what time the trash collector comes.

2195 Ms. Dwyer - Would the applicant come forward, please?

2196 Mr. Collins - Good morning. My name is Anthony Collins, owner of property 8511
2197 Oakview Avenue and Old Dominion Mechanical. I'd like to answer one of the concerns about the
2198 trailers across the street first. I think when Mr. Vanarsdall was by there with Mr. Glover, since
2199 that time, we have cleaned up that area and I have entered into a lease agreement with CSX which
2200 is a renewable lease. I had it one time before for several years, five or six years ago. They have
2201 leased me that space, which we have cleared out and we are going to maintain it. As a matter of

2202 fact, we have graveled it and we are using it as kind of for some overflow parking. We have two
2203 trailers there now that we have positioned parallel with the road, so they are not as noticeable as it
2204 was, the existing condition, plus, like I said, we have cleared that out. Down the road a ways
2205 there are some areas down there that, you know, I don't want my place to look like a couple of
2206 places down the road, and I think he knows what I'm talking about, I'm going to try to maintain it
2207 and keep it neat. Once I have my warehouse, I think I get rid of those trailers but I still will
2208 probably use that area to maybe drop trailers as I need them on job sites. And, I don't know,
2209 that's just something I just want to bring to your attention.

2210 Mr. Vanarsdall - I was by there yesterday. What I was pointing to a minute ago was further
2211 down from your place, Tony.

2212 Mrs. Wade - I wonder if maybe they should be secured, though. It seems to me that one
2213 of the trailers had a door open that it might be tempting for vagrancy or for somebody to go in
2214 there.

2215 Mr. Collins - They are secured. They are locked every night.

2216 Mrs. Wade - Maybe that's one down the street or something.

2217 Mr. Collins - Yes. There are some more down the street a ways that are not properly
2218 attended.

2219 Mrs. Wade - Okay.

2220 Mr. Collins - And what was the other concern?

2221 Mrs. Wade - About the wall versus the fence and the dumpster pick-up time.

2222 Mr. Collins - They come on Thursday, usually early afternoon, around 2:00 p.m.

2223 Mrs. Wade - Okay. Thank you.

2224 Ms. Dwyer - Are there any other questions by Commission members? We are ready for
2225 a motion.

2226 Mr. Vanarsdall - I promised Mr. Hulcher on the last case that I won't disappoint him, so I
2227 won't ask him to come up. I recommend POD-64-99, Old Dominion Mechanical Warehouse
2228 Addition at 8511 Oakview Avenue, be approved with the annotations on the plan and the
2229 standard conditions for case like this and we have some conditions. We have conditions 1, 2, 3,
2230 4, 5 and then we have conditions Nos. 23 through 27 and No. 28 on the addendum, which was a
2231 concern of Public Works. Is that right, Ms. News?

2232 Ms. News - May I ask for a clarification? The annotations on the plan calls for a split
2233 face block wall. Are you requiring that wall in lieu of the fence?

2234 Mr. Vanarsdall - Thank you. A split face wall.

2235 Mrs. Wade - And the 1, 2, 3, 4, and 5 are listed as reasons for the deviation, they are not
2236 conditions are they?

2237 Mr. Vanarsdall - No, they are not. That's for the buffer deviation. We have to take that
2238 separately, don't we?

2239 Ms. News - Those conditions were the applicant's basis for requesting the buffer
2240 deviation, but they don't need to be a part of your motion. But we do need a separate motion, I
2241 believe for the transitional buffer deviation.

2242 Mr. Vanarsdall - All right. I recommend the transitional buffer deviation for POD-64-99.

2243 Mrs. Wade - I second.

2244 Ms. Dwyer - The motion was made by Mr. Vanarsdall and seconded by Mrs. Wade for
2245 the transitional buffer deviation approval. All in favor of the motion say aye...all opposed say
2246 nay. The motion carries.

2247 The Planning Commission approved the transitional buffer deviation for POD-64-99, Old
2248 Dominion Mechanical Warehouse Addition - 8511 Oakview Avenue (POD-35-80 Revised).

2249 Mr. Vanarsdall - And then I have already made the POD-64-99 motion and incorporate the
2250 masonry wall, split face instead of wood fence.

2251 Ms. Dwyer - Is there a second.

2252 Mrs. Wade - Now, you are taking out the 1 through 5 and just Nos. 23 through 28?

2253 Mr. Vanarsdall - Yes. Number 28 is from the addendum, Public Works.

2254 Mrs. Wade - I'll second.

2255 Ms. Dwyer - The motion was made by Mr. Vanarsdall and seconded by Mrs. Wade to
2256 approve POD-64-99. All in favor in favor of the motion say aye...all opposed say nay. The
2257 motion carries.

2258 The Planning Commission approved POD-64-99, Old Dominion Mechanical Warehouse Addition
2259 - 8511 Oakview Avenue (POD-35-80 Revised), subject to the standard conditions attached to
2260 these minutes for developments of this type, the annotations on the plan and the following
2261 additional conditions:

2262

2263 23. The easements for drainage and utilities as shown on approved plans shall be granted to
2264 the County in a form acceptable to the County Attorney prior to any occupancy permits
2265 being issued.

- 2266 24. The developer shall provide fire hydrants as required by the Department of Public
 2267 Utilities in its approval of the utility plans and contracts.
 2268 25. Any necessary off-site drainage easements must be obtained in a form acceptable to the
 2269 County Attorney prior to final approval of the construction plans by the Department of
 2270 Public Works.
 2271 26. Deviations from County standards for pavement, curb or curb and gutter design shall
 2272 be approved by the County Engineer prior to final approval of the construction plans by
 2273 the Department of Public Works.
 2274 27. Insurance Services Office (ISO) calculations must be included with the utilities plans
 2275 and contracts and must be approved by the Department of Public Utilities prior to the
 2276 issuance of a building permit.
 2277 28. Stormwater retention, based on the 50-10 Concept, and water quality, shall be
 2278 incorporated into the drainage plans to the satisfaction of the Director of Public Works.
 2279

2280 **PLAN OF DEVELOPMENT & SPECIAL EXCEPTION**
 2281

POD-66-99 **TIMMONS for Virginia Baptist Homes, Inc.:** Request for
 Lakewood Manor Entrance approval of a plan of development and special exception as
 Road - Lauderdale Drive required by Chapter 24, Section 24-106 and Section 24-52(e) of
 the Henrico County Code to construct an entrance road for an
 existing assisted living facility. The 3.0 acre portion of this site is
 located at the intersection of Lauderdale Drive and John Rolfe
 Parkway on Parcel 76-A-8F and part of parcel 77-A-2A. The
 zoning is A-1, Agricultural District and R-5, General Residence
 District. County water and sewer. **(Tuckahoe)**

2282 Ms. Dwyer - Is there anyone in the audience in opposition to POD-66-99, Lakewood
 2283 Manor Entrance Road? No opposition. Mr. Wilhite.

2284 Mr. Wilhite - Thank you. By the time your packets were sent out the review had not
 2285 been completed on this plan. The plan just handed out to you has the staff's annotations on it. The
 2286 caption for this proposed development was written as to allow this type of use in an A-1 zone
 2287 under conditional use which permits hospitals, sanitariums, rest homes, charitable institutions for
 2288 human care and charitable institutions for the care of contagious diseases and/or for drug or liquor
 2289 of mental patients. We had asked Lakewood Manor to provide us with some information to
 2290 determine that they fall within that category, which would allow this to be approved under the
 2291 current zoning with the special exception. We have not been provided with that information and
 2292 from the information we do have, we have determined that they need at least R-5 zoning, which
 2293 the current Lakewood Manor development is zoned. I understand that the applicant is here and
 2294 they wish to make a case to go head and allow the POD to be approved with the understanding
 2295 that they would come back and take care of the rezoning at a later time. The staff is not in a
 2296 position to recommend approval of this because of lack of proper zoning.

2297 Ms. Dwyer - So, what you are saying is that, this parcel needs to be zone R-5 in order to
 2298 build an access road to R-5 property?

2299 Mr. Wilhite - At a minimum, R-5, yes.

2300 Ms. Dwyer - And this access road is not permitted under our ordinance in a A-1 zoned
2301 property.

2302 Mr. Wilhite - Currently, in the A-1 zoning there is that specific use which is a conditional
2303 use allowed in A-1. But, we do not have the information that they fall within that category. From
2304 the information that we do have, we don't believe they do.

2305 Ms. Dwyer - And, you don't believe they do, why?

2306 Mr. Wilhite - Well, the PODs approved prior to this one, and there are three PODs for
2307 Lakewood Manor, identify this most recently as an assisted living facility. Assisted living requires
2308 R-5 zoning at a minimum. We don't have any information that they fall within the definition of a
2309 rest home.

2310 Ms. Dwyer - So, for their current operation, in the past, they were required to have R-5
2311 zoning.

2312 Mr. Wilhite - Yes.

2313 Ms. Dwyer - Because it is an assisted living facility?

2314 Mr. Wilhite - Yes.

2315 Ms. Dwyer - Would the applicant come forward, please?

2316 Mr. Robinson - Madam Chairman, I'm Randall Robinson, president of Virginia Baptist
2317 Homes, and we own and operate Lakewood Manor located on Lauderdale Road here in Henrico
2318 County. This is the first that I have heard that staff had requested that we produce information
2319 regarding why we would qualify or not qualify as a rest home. We understood that, at staff's
2320 recommendation, was that this would be approved. This goes back, as you may recall, to some
2321 information related to the widening of Lauderdale Road, where we asked the Board of
2322 Supervisors of Henrico County to please work with us in giving us a safe alternate access road to
2323 our property. They closed off our two entrances related to Lakewood Manor, saying that if we
2324 would negotiate to have this new entrance put in, and we negotiated with First Baptist Church of
2325 Richmond, which they then owned this property. We now, through the gracious gift of First
2326 Baptist Church Richmond, we now own the property. And, as soon as we gained access to the
2327 property, we had been working diligently with our architects, FFCS in Roanoke, Virginia and
2328 TIMMON here in the city, to come up with an access road that allow us to use the entrance to the
2329 Lakewood Manor, or the Lauderdale, John Rolfe intersection, where we would have a light to
2330 allow our 400 residents and our 250 employees to safely enter this property. That's where we
2331 ended up at this place and saying we thought we were ready to simply walk through and get this
2332 because we own both pieces of property. The A-1 would allow us to use it because we fell under
2333 the guidance of at least, partial guidance, of a rest home. And, that it was a temporary road and
2334 we would be submitting a POD at a later time to develop this property. Obviously, we can't

2335 submit a POD and have it done and ready for you purview in a matter of a view months. We have
2336 been working as hard as we could to get this road to you and to get staff to give us approval.
2337

2338 Now, we don't know exactly what a rest home is. I don't think we know, in terms of what staff
2339 has told us, that they know what a rest home is. Let me explain to you what Lakewood Manor is.
2340 We have 265 licensed home for adult units that we operate. We have 42 assisted living units that
2341 are licensed by the Department of Social Services that we operate. We have a 110-bed nursing
2342 home, which is licensed by the Department of Health that we use and operate. Of all those units,
2343 they are all licensed as a home for adults. Now, if we don't qualify as a rest home, then, I'm really
2344 not sure that I know what a rest home for adults is. And, we would simply ask that you would
2345 graciously hear our plead, that we get this road in for safety reasons. That you let us go ahead
2346 and proceed to at least design and build the road while at the same time we continue to seek the
2347 POD necessary for the zoning, that we would qualify for, if we were to develop, say cottages or
2348 some other kind of facility on this piece of property. We understand that. But, for the safety
2349 reasons, I've just explained and for all the reasons we have been in this process, well over a year,
2350 this is not a new thing to the County. We would plead with you to let us proceed to build this
2351 road as it is on A-1 to access our nursing home, which is on the R-5 property. Thank you very
2352 much. I'll be glad to answer any questions for you.
2353

2354 Ms. Dwyer - Mr. Robinson, did you say you have 265 homes for adults, are they
2355 apartments?
2356

2357 Mr. Robinson - Those are apartments, they are units. They are either efficiencies or one or
2358 two bedroom apartment that are there.
2359

2360 Ms. Dwyer - So, they don't provide any nursing care.
2361

2362 Mr. Robinson - It is a life care community and many of those people do access the nursing
2363 home through the year. They are allowed to move and out of the nursing home as they need to,
2364 but they are maintained as independent units.
2365

2366 Ms. Dwyer - I think it's wonderful to have the access road and I think it's great to have
2367 the access road at a signalized intersection. I think that will prove to be helpful to your
2368 community. And you said that you had two entrances that were closed.
2369

2370 Mr. Robinson - We had two entrances that were able to gain north and south bound access
2371 to Lauderdale Road. One of those have been closed off, at least the medium break has been
2372 closed off. The second one is a dog-leg entrance that is at the very end of the curb where the
2373 road transitions from four lanes to two lanes, right at our stop sign and creates a real hazard for
2374 our residents. Anywhere they go, they have to cross either two or four lanes to access
2375 Lauderdale Road. Public Works recognized this right away and made all the changes they could
2376 make in their plans, but once we arrived at the fact that we would be moving the entrance, then
2377 we stopped all of that and said, get this done as soon as you can. We, said, we will as much as we
2378 can to get it approved as quickly as possible and get it built. We were hoping to parallel the

2379 expansion to Lauderdale and our road at the same time, even perhaps using the same contractors.
2380 We were not able to get through our design and process and get the architect to give us the
2381 information we need and do the site study to finish the topography to get the road done. We have
2382 now finished all of that. We are sitting now waiting for this to go. We have the bids ready to
2383 release and we are ready to go to work, and we just really need you to hear our plea and let us
2384 just build this road with just this one exception, since you are building access road to a rest home.
2385

2386 Ms. Dwyer - Well, I understand what you are saying, and my understanding is that this
2387 not classified as a rest home.
2388

2389 Mr. Robinson - Madam Chairman, can you explain to me what a rest home is?
2390

2391 Ms. Dwyer - Well, to tell you the truth, I think I would like to consult with our County
2392 Attorney on this.
2393

2394 Mr. Robinson - Okay.
2395

2396 Ms. Dwyer - You said you have been in this process for a year, and the first I heard
2397 about this was Monday. And I understand that staff has requested some information from you,
2398 which they haven't received, to support the rest home.
2399

2400 Mr. Robinson - I am unaware of any request that has come to us by staff for a rest home.
2401

2402 Ms. Dwyer - Well, I can only go on what staff has indicated to me, so in some form,
2403 they have requested data which they don't have to justify that this would be classified as a rest
2404 home and therefor permissible in A-1. I don't think that I am permitted to recommend to this
2405 Commission that we approve a POD when the zoning is not appropriate. Zoning must be in place
2406 before a POD can be approved by this Commission.
2407

2408 Mr. Robinson - I certainly understand that.
2409

2410 Ms. Dwyer - So, I have no problem with the road, and I understand your construction
2411 constraints, but we do need to resolve the zoning issue first. That needs to be resolved, either it
2412 needs to be rezoned to R-5 or we need some sort of a ruling, perhaps, from our County Attorney,
2413 that A-1 will allow this access road and I don't have that today.
2414

2415 Mr. Robinson - Well, if I could pled one other thing with you, I know you are concerned,
2416 and I would be concerned if I were sitting in your position, but then by precedent we would be
2417 setting by accessing A-1 to an R-5 property. Since we do qualify under the guides of a charitable
2418 organization, we are 501C3. We are recognized by you, as Henrico County representatives, as a
2419 tax exempt organization. We are charitable. We meet all the guidelines of a 110-bed nursing
2420 home, which is the most critical part of this because we have to access that with Fire and Rescue.
2421 I really don't know what else I can say to you and pleading with you to hear this and just in a
2422 common sense view, not in any restrictive or legalistic sense, but just in a common sense view to

2423 say if we are setting a precedent here I would say it would be hard pressed for any other
2424 developer to make the case that their rest home, in a 501C3, charitable organization, that would
2425 allow us not to use this road. And, I think the conversations we have had with Mrs. O'Bannon,
2426 our supervisor, and the Board of Supervisors, then this whole process certainly leads us to a point
2427 of frustration as saying "all we need is for you to say, yes, to one part of your own rules. This is
2428 not an exception that we are creating. This is your own rules, that say we are a rest home, and I
2429 would plead you to do that today. Thank you very much.

2430
2431 Mrs. Wade - Did you say that you were going to lose these other two entrances, both of
2432 them?

2433
2434 Mr. Robinson - We will be able to maintain the first entrance, there, as an emergency
2435 entrance that would allow us a second access. The road that crosses the median in our agreement
2436 with Public Works, we will not have another median access, or median cross. When Lauderdale
2437 Road is extended on down that median gets closed in as it goes down to the school because we
2438 are actually in violation of how the proximity to school entrance there to cross the median.

2439
2440 Mrs. Wade - So, is it the south one or north one that is going to be closed, the one
2441 closer to John Rolfe or the one further away?

2442
2443 Mr. Robinson - The one further away, yes ma'am.

2444
2445 Mrs. Wade - The one closer to the school is going to be closed.

2446
2447 Mr. Robinson - Correct.

2448
2449 Mrs. Wade - Because you, obviously, have to have some kind of secondary access.

2450
2451 Mr. Vanarsdall - Who own the A-1 property?

2452
2453 Mr. Robinson - We do. We just recently acquired that, through a gift, from First Baptist
2454 Church.

2455
2456 Mr. Vanarsdall - So Traffic suggested that you close one of those ingress/egress and just use
2457 one?

2458
2459 Mr. Robinson - And the one that we are closing is the one that allows us to break the
2460 median. The other one, the median has already been closed on. That was a part of the
2461 negotiation that we would lose all access to Lauderdale Road, which we are, of course, willing to
2462 do because we didn't want our residents crossing the median into four lanes of traffic on
2463 Lauderdale Road.

2464
2465 Mrs. Wade - It is awkward out there now, the way you can't tell exactly how to....

2466

2467 Mr. Robinson - It's extremely awkward, it's a very hazardous situation. If we are going to
2468 reach a point, once the accidents start happening, we are all going to look very silly on this.
2469 Excuse me. Virginia Baptist Home is going to look ridiculous on this because we didn't move
2470 quickly enough on this.

2471
2472 Ms. Dwyer - Well, I'm sorry we are at this point where, you know, you didn't realize that
2473 there was an issue on the zoning, and you have been working on this for a year, but I'm not
2474 certain that I even have the authority to approve a POD if the zoning is not correct. In fact, I
2475 believe that the Commission does not have the authority to approve a POD if the zoning is not in
2476 place. So, to try to accommodate you as much as we can, we can defer this to our zoning
2477 meeting, which is September 9, which would be less than the 30 days, which would be a deferral
2478 to our next POD meeting. That's a night meeting. In the meantime, if you could get whatever
2479 information you have to support your rest home argument to Mr. Wilhite, and I will request a
2480 review by the County Attorney to see if this is indeed permissible within the A-1. If not, then you
2481 would need to proceed for the R-5 zoning for this, at least if not for the parcel then at least the
2482 drive area, is that correct? So, I would urge you to get that zoning request in as soon as you
2483 know that it is necessary, if it is necessary.

2484
2485 Mr. Robinson - Okay.

2486
2487 Mr. Silber - Ms. Dwyer, the one thing I might point out is from the timing perspective,
2488 you probably should try to have the determination sooner than later because the next filing
2489 deadline is September 2, 1999. So, if you find out after the 2nd that this is not a rest home and
2490 you need zoning, you will miss the filing deadline and you will be delayed that much more. So,
2491 we need to work on this sooner than later.

2492
2493 Ms. Dwyer - September 2, 1999, is the filing deadline for rezoning, if you request to
2494 rezone R-5.

2495
2496 Mrs. Wade - Then you would have to be prepared for questions about R-5 zoning in this
2497 location.

2498
2499 Ms. Dwyer - Right, exactly.

2500
2501 Mr. Robinson - And it gets more complicated then that because obviously we are working
2502 diligently with the architect doing studies to determine whether we want to go for the R-5 or R-6
2503 because you know that qualifies us for a CCRC zoning and that muddies the water even more.
2504 We are not prepared to do that. What we are trying to do is simply ask for an exception and any
2505 way we can get the exception related to the rest home, just for the road, not for the development
2506 of the property. And, of course, there are a lot of restrictions you can put on what happens in
2507 that small tract of land that you are rezoning because of the rest home. And, again, it's in the rules
2508 and it's there, and I would understand the County Attorney may want to give you an
2509 interpretation of that, but I would hoped that we would have had that done today.

2510

2511 Ms. Dwyer - And you will get with Mr. Wilhite to give him what information he needs.
2512
2513 Mr. Robinson - I'll be delighted to. Thank you.
2514
2515 Ms. Dwyer - All right. So, I move that we defer POD-66-99 to September 9, 1999, at
2516 my request.
2517
2518 Mr. Vanarsdall - Second.
2519
2520 Ms. Dwyer - The motion was made by Ms. Dwyer and seconded by Mr. Vanarsdall. All
2521 in favor of the motion say aye...all opposed say nay. The motion carries.
2522
2523 The Planning Commission deferred POD-66-99, Lakewood Manor Entrance Road - Lauderdale
2524 Drive, to its September 9, 1999, Rezoning meeting.
2525

2526 **PLAN OF DEVELOPMENT & TRANSITIONAL BUFFER DEVIATION**
2527

POD-67-99
C. P. Equipment Storage - Mechanicsville Turnpike

Balzer & Associates, Inc. for Carter Properties: Request for approval of a plan of development and transitional buffer deviation as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code to construct a gravel storage lot. The 3.44 acre site is located on the west line of Mechanicsville Turnpike (U.S. Route 360), approximately 500 feet east of Barlow Street on parcel 128-A-5. The zoning is M-2C, General Industrial District (Conditional). County water and sewer. **(Fairfield)**

2528
2529 Ms. Dwyer - Is there anyone in the audience in opposition to POD-67-99, C. P.
2530 Equipment Storage - Mechanicsville Turnpike? No opposition. Mr. McGarry.
2531
2532 Mr. McGarry - Staff can recommend approval of the plan of development subject to the
2533 standard conditions for developments of this type, plus conditions Nos. 23 through 27. And
2534 include in your motion or a separate motion, the transitional buffer deviation request may also be
2535 addressed. Your plan describes in detail the transitional buffer deviation request and the reason
2536 for it and the location and staff feels this is appropriate to recommend to you. I'll be happy to
2537 answer any questions.
2538
2539 Ms. Dwyer - Are there any questions of Mr. McGarry by Commission members?
2540
2541 Mrs. Wade - What are they going to store here, do you know?
2542
2543 Mr. McGarry - I'll let the applicant address that, specifically. This is just a basic graveled
2544 storage yard. There are no buildings or anything. Would you like to hear from the applicant?
2545

2546 Mrs. Wade - They can have outside unscreened storage in M-2. Do you know what
2547 they are going to store, Mr. Archer?
2548
2549 Mr. Archer - I think we had better let the applicant help us out.
2550
2551 Ms. Dwyer - Would the applicant come forward please?
2552
2553 Mr. Carter - Hi. I'm Wade Carter. Originally, we planned to put a storage yard on this
2554 site. It's adjoining the Glen Industrial Center. Some of the tenants in the Glen Industrial Center
2555 have indicated to me that they need some temporary storage for trailers, different materials that
2556 they have in their truck loading zones now, on their sites. And the property now is classified as
2557 wasteland and it's adjoining my property on the north side. I bought the property with this intent
2558 to create some storage for my tenants in the Glen Industrial Center. I don't foresee storage of any
2559 problem materials or readily being any eyesores. We are going to encompass the lot with a chain
2560 link fence. It's not on the POD right now but I think it was a condition, originally, I don't know
2561 where it is now. Do you, Ted? I haven't seen a list of the conditions.
2562
2563 Mr. McGarry - It's not required.
2564
2565 Mr. Carter - It is not required? Do you know that, Ron?
2566
2567 Mr. McGarry - It's not on the plan.
2568
2569 Mrs. Wade - It must have some proffers on it.
2570
2571 Mr. Carter - Pardon me.
2572
2573 Mrs. Wade - It was a conditional zoning case, apparently, I just wondered....
2574
2575 Mr. Carter - Were there any conditions at the zoning?
2576
2577 Mrs. Wade - I don't know, but we had a lot of discussions about the road location over
2578 there.
2579
2580 Mr. Archer - Mr. Carter, why don't you explain to them which of your tenants you have
2581 now requiring some additional storage. That might help explain the case a little bit better.
2582
2583 Mr. Carter - The POD-35-90, for BOC Gases, has indicated from time to time that they
2584 need temporary storage for some of their palletized cylinders. POD-14-83, I believe it is, Federal
2585 Express out on Route 360, they indicated they need some storage from time to time.
2586
2587 Mr. Archer - For their trucks, is that correct?
2588

2589 Mr. Carter - Yes. For trucks, for trailers, for whatnot, they are really uptight on their
2590 site right now. They really desperately need some area. Today, that's all I have to date. Federal
2591 Express is somewhat in a hurry to get a small area.

2592
2593 Ms. Dwyer - Are there any other questions by Commission members? Are we ready for
2594 a motion?

2595
2596 Mr. Archer - I think so, Madam Chairman, unless somebody has a question. We met
2597 and discussed this quite extensively. Are there any other questions by anybody? I need a separate
2598 motion for the buffer deviation, do I not?

2599
2600 Ms. Dwyer - Yes.

2601
2602 Mr. Archer - Okay. Let's do that first. I move for acceptance of the transitional buffer
2603 deviation request.

2604
2605 Mr. Vanarsdall - Second.

2606
2607 Ms. Dwyer - The motion was made by Mr. Archer and seconded by Mr. Vanarsdall to
2608 approve the buffer deviation. All in favor say aye...all opposed say nay. The motion carries.

2609
2610 The Planning Commission approved the transitional buffer deviation for POD-67-99, C. P.
2611 Equipment Storage - Mechanicsville Turnpike.

2612
2613 Mr. Archer - And then finally, I move approval of POD-67-99, C. P. Equipment Storage
2614 subject to the annotations on the plan, the standard conditions for developments of this type, and
2615 additional conditions Nos. 23 through 27.

2616
2617 Mr. Vanarsdall - Second.

2618
2619 Ms. Dwyer - The motion was made by Mr. Archer and seconded by Mr. Vanarsdall. All
2620 in favor say aye...all opposed say nay. The motion carries.

2621
2622 The Planning Commission approved POD-67-99, C. P. Equipment Storage - Mechanicsville
2623 Turnpike, subject to the standard conditions for developments of this type attached to these
2624 minutes, the annotations on the plan and the following additional conditions:

2625
2626 23. Any necessary off-site drainage easements must be obtained in a form acceptable to the
2627 County Attorney prior to final approval of the construction plans by the Department of
2628 Public Works.

2629 24. Deviations from County standards for pavement, curb or curb and gutter design shall be
2630 approved by the County Engineer prior to final approval of the construction plans by the
2631 Department of Public Works.

- 2632 25. Approval of the construction plans by the Department of Public Works does not establish
2633 the curb and gutter elevations along the Henrico County maintained right-of-way. The
2634 elevations will be set by Henrico County.
- 2635 26. Approval of the construction plans by the Department of Public Works does not establish
2636 the curb and gutter elevations along the Virginia Department of Transportation maintained
2637 right-of-way. The elevations will be set by the contractor and approved by the Virginia
2638 Department of Transportation.
- 2639 27. Site access will be permitted from Mechanicsville Turnpike (U.S. Route 360)but must be
2640 terminated and Glen Center Street used for access at such time as approval of a building
2641 permit or other site improvements are made on this parcel.

2642
2643 Ms. Dwyer - Next item.

2644
2645 **APPROVAL OF CALENDAR: 2000 Planning Commission Calendar for Rezoning Meetings and**
2646 **Subdivision and Plan of Development Meetings**

2647
2648 Mr. Marlles - Madam Chairman, we have a few additional items on the regular agenda
2649 before our public hearing, which is scheduled to start at 1:00 p.m. The first item is the proposed
2650 calendar for the Commission's review and approval. This is the proposed Planning Commission
2651 calendar for Rezoning meetings and Subdivision and Plan of Development meetings. I believe
2652 there might have been some errors in the dates that were sent out in the packets to the
2653 Commission. I believe that staff has corrected those on the revised copy. Are there any
2654 questions?

2655
2656 Ms. Dwyer - I see that the March Rezoning meeting has been changed, was there
2657 something else?

2658
2659 Mr. Vanarsdall - Which one?

2660
2661 Ms. Dwyer - March and November are different from the one that we received.

2662
2663 Mr. Vanarsdall - On the revised copy, it's the 9th and 15th. What we had before was the 16th
2664 and the 15th.

2665
2666 Ms. Dwyer - Right. And, then March looks different. March is now the 9th and the 22nd
2667 instead of the 17th and 22nd, right? Are those the only two changes, then, that we received?

2668
2669 Mr. Silber - Yes.

2670
2671 Ms. Dwyer - Okay. Are there any comments on the calendar?

2672
2673 Mr. Vanarsdall - Yes. I was wondering, Mr. Secretary, if we could.... Well, let me give
2674 you... In December of this year we have the rezoning on December 9. We have the POD on

2675 December 15. What would it do if we changed, if the Commissioners want to do this, change
2676 December 20 to December 13, which would be more in line with this year and we get out early?
2677
2678 Mr. Silber - Well, if I can try and answer that, Mr. Vanarsdall. That's possible. What
2679 you will have then is a zoning hearing on December 9...
2680
2681 Mr. Vanarsdall - No, on December 14 and then we would have a POD on 13th and they
2682 don't conflict because we can't possibly have one the next day anyway.
2683
2684 Mrs. Wade - We would have back to back meetings then?
2685
2686 Mr. Vanarsdall - Yes. We would have one on Wednesday in the morning and one the next
2687 day at night.
2688
2689 Mr. Silber - That's exactly what the staff is trying to avoid. That's why we amended the
2690 calendar. I think it would be difficult for staff.
2691
2692 Mr. Vanarsdall - If we can't do it, then, that's what I want to know.
2693
2694 Ms. Dwyer - We could do December 8 for the Rezoning and then December 15 for
2695 POD.
2696
2697 Mr. Archer - The 8th is on a Wednesday.
2698
2699 Ms. Dwyer - Sorry.
2700
2701 Mrs. Wade - When does the Board meet?
2702
2703 Ms. Dwyer - December 7. I'm sorry, I'm on the wrong year. Hold on. I was on 1999.
2704 Suppose we meet on the 7th for Rezoning and the 13th for POD?
2705
2706 Mr. Vanarsdall - That sounds better.
2707
2708 Mr. Silber - Okay.
2709
2710 Mr. Archer - What are the dates?
2711
2712 Ms. Dwyer - Instead of the 14th for Rezoning, the 7th
2713
2714 Mr. Archer - The 7th would be a Thursday. That's the first Thursday in December.
2715
2716 Mr. Vanarsdall - That's Peal Harbor Day.
2717

2718 Ms. Dwyer- Right. And then instead of the 20th for POD, it would be the 13th. So, it
2719 would be just a week earlier for each to avoid that winter holiday week.
2720
2721 Mr. Silber - The 13th is a Wednesday and the Board will meet that Tuesday.
2722
2723 Ms. Dwyer - So, will that be a problem?
2724
2725 Mr. Silber - No.
2726
2727 Ms. Dwyer - I have an even better idea. Let's not have a POD meeting in December.
2728
2729 Mr. Vanarsdall - Madam Chairman, I move that we do not have a meeting in December.
2730
2731 Ms. Dwyer - Is there any disagreement among those left in the audience?
2732
2733 Mr. Vanarsdall - There's no argument there.
2734
2735 Mr. McGarry - The holidays that come in there in December, and moving the meetings up
2736 a week for each November and December, we are in a position where we are having the review
2737 for the next month's cycles before we have completed the reviews and have the meeting for the
2738 current month. So, staff would love to eliminate the November meeting and have a early
2739 December meeting and let it do for both months.
2740
2741 Mr. Vanarsdall - It comes but once a year, and it's on the 25th this time.
2742
2743 Ms. Dwyer - All right. So, do we go with that? So, in November we meet on the 9th
2744 and the 15th and in December we meet on the 7th and 13th. Does that make everybody happy?
2745
2746 Mr. Vanarsdall - Very.
2747
2748 Mr. Archer - Another Y2K problem solved.
2749
2750 Mr. Vanarsdall - Madam Chairman, I move that we adopt the Henrico County Planning
2751 Commission's, the year 2000, the Y2K, meeting schedule with only the following exception. We
2752 will change December 14 to December 7 for Rezoning, change December 20 back to December
2753 13 for POD, Merry Christmas.
2754
2755 Mrs. Wade - Are you all figuring in the State Fair?
2756
2757 Mr. Archer - Didn't we do something about November too?
2758
2759 Ms. Dwyer - No.
2760
2761 Mr. Vanarsdall - And, November 9 and November 15.

2762
2763 Ms. Dwyer - That was changed by staff for today. If you are looking at what we
2764 received in our packet that says November 16 but what we got today it says November 9. So,
2765 tear up the one that you got in your packet.
2766
2767 Mr. Vanarsdall - So, we have December 9 and December 13.
2768
2769 Ms. Dwyer - No. December 7.
2770
2771 Mr. Vanarsdall - I mean 7th, excuse me. Peal Harbor Day. I've got to wear the uniform that
2772 day.
2773
2774 Ms. Dwyer- That's the only change we have made to the draft. All right I have a motion
2775 by Mr. Vanarsdall to adopt the 2000 schedule.
2776
2777 Mr. Archer - Second.
2778
2779 Ms. Dwyer - The motion was made by Mr. Vanarsdall and seconded by Mr. Archer. All
2780 in favor say aye...all opposed say nay. The motion carries.
2781
2782 The Planning Commission adopted the Rezoning and POD/Subdivision Calendar Schedule for the
2783 year 2000 with the changes mentioned in the motion by Mr. Vanarsdall.
2784
2785 Ms. Dwyer - The next items are the minutes. And if I may be permitted to read a couple
2786 of changes. I've been on vacation that's why I didn't call mine in.
2787
2788 Mr. Archer - I have a couple myself.
2789
2790 Mrs. Wade - I called mine in.
2791
2792 Ms. Dwyer - Do you all want to do the School first and then the minutes, and then let
2793 the School get their presentation done?
2794
2795 Mr. Archer - Yes. And then Audrey can go to lunch.
2796
2797 Mr. Marlles - Madam Chairman, the next item on the agenda is a substantial in accord for the
2798 proposed Eastern Alternative School site. Ms. Audrey Anderson will be presenting the staff report.

2799 **RESOLUTION: Eastern Alternative School Site Substantially In Accord with the Comprehensive**
2800 **Plan (Audrey Anderson)**

2801

2802

2803 Ms. Dwyer - Good afternoon, Ms. Anderson.

2804

2805 Ms. Anderson - Good afternoon to everybody. Madam Chairman and members of the
2806 Commission, as you see on the vicinity map, the proposed site for the alternative education school
2807 is in the Varina District on the west side of the intersection of Nine Mile Road and Newbridge
2808 Road. This approximately 14-acre site consist of parcels 141-A-96, 142-A-7 and 148-A-1 and 2.
2809 All of the parcels are owned by the Newbridge Baptist Church. The site is proposed for an
2810 alternative elementary school program. The sites characteristics are suitable for the proposed use.
2811 I do have just a couple of corrections to the site characteristics that I sent to you in your report.
2812 The zoning designations on this site, the parcel 141-A-96, located on the north side of Nine Mile
2813 Road, is zoned R-3, One-Family Residence District. And parcels 142-A-7 and 148-A-1 are zoned
2814 R-2A, One-Family Residence District. The parcel 148-A-2 is zoned R-5, and I left that off on the
2815 description in the report that I sent you. That is R-5, General Residence District. The proposed
2816 facility is a permitted use in these zoning districts. The site is relatively flat and public water and
2817 sewer are available to this site. Although, the plan does not designate this site for public use, the
2818 proposed use supports a number of the plans, goals, objectives and policies. The Land Use Plan
2819 recommends the site for Suburban Residential 2 development for parcel 141-A-96 on the north
2820 side of Nine Mile Road. The remainder of this site is recommended for semi public use.

2821

2822 Based upon these considerations, the staff would recommend that the Commission approve the
2823 resolution for the proposed alternative school site as being substantially in accord with the
2824 County's Comprehensive Plan. If there are any questions, I'd be happy to try to answer those.
2825 Also, Mr. Grissom is here from the School's Office if you have questions to ask of him.

2826

2827 Ms. Dwyer - So, the church doesn't expect that it will need this property?

2828

2829 Ms. Anderson - No. They are turning it over for renovation for the school. Initially, the
2830 church will be using it, as I understand it, on the weekends, on Sundays for their programs. But,
2831 the school will be using it during the week. So, there shouldn't be any conflict there.

2832

2833 Ms. Dwyer - What is this long piece that extends across the road? What is that all
2834 about?

2835

2836 Ms. Anderson - That is a part of the property that the church owns and they just kind of
2837 threw that parcel in with the rest of it. But, there are no plans at this time, as I understand from
2838 Schools, to develop that parcel.

2839

2840 Ms. Wade - There is no street over there.

2841

2842 Mr. Archer - I think there is some paved parking there, on the other side.

2843
2844 Mrs. Wade - But, there is no street that goes up parallel to this parcel, it's just there. So,
2845 the church and the school are sharing the facilities, is this what you are saying?
2846
2847 Ms. Anderson - Initially, at the moment. I don't know if that will continue.
2848
2849 Mrs. Wade - But, the church is going to stay there, they are not moving anywhere?
2850
2851 Ms. Anderson - Mr. Grissom said they will be there for one year.
2852
2853 Mrs. Wade - Oh. Of course, here you've got a shopping center on one side and then you
2854 have got a minor arterial going pass the front. Is this okay for an elementary program?
2855
2856 Ms. Anderson - Yes. And also they do have access off of Newbridge Road, which is a less
2857 heavily traveled road. So, if the traffic on Nine Mile Road is considered a problem, they would be
2858 able to use the other access.
2859
2860 Ms. Dwyer - Is the church planning to move, eventually, to a different location?
2861
2862 Ms. Anderson - I would assume so after that year is up, yes. If they haven't already gotten
2863 another building.
2864
2865 Ms. Dwyer - Well, there is a potential, then, that this building could be abandoned by the
2866 church and then you would have a church building that would be difficult to reuse in a way that
2867 would support the community.
2868
2869 Ms. Anderson - That's correct.
2870
2871 Mrs. Wade - Well, they are using old Mount Vernon Baptist there on Broad Street. I
2872 was trying to think, have we had a plan approved for Newbridge, or they don't have any plans
2873 currently for moving to any particular place?
2874
2875 Ms. Anderson - Not that I'm aware of, no.
2876
2877 Mrs. Wade - But, you know, lots of time we discourage schools on major traffic ways
2878 and next to shopping centers. But, anyway, they seem to want it here so I guess they know what
2879 they are doing here.
2880
2881 Ms. Dwyer - Perhaps we could have someone talk about the particular nature of this
2882 school and how it's going to be used. To enlighten the Commission a little bit.
2883
2884 Ms. Anderson - It is an elementary school program to have more emphasis on social skills
2885 as well as the academic side.
2886

2887 Ms. Dwyer - So, these will be children who have had problems in school academic
2888 and/or behavioral?
2889

2890 Ms. Anderson - Yes, a combination of both. But, they plan in the future to maybe expand
2891 the program to also include middle and high school students. But, at the moment, the initial
2892 program is for elementary level school students. Hopefully, to have more of a preventive measure
2893 than to have intervention at a much later date in middle school or high school.
2894

2895 Mrs. Wade - I assume there was elementary equivalent to the middle school basically.
2896 Has there been something in the paper about this? It sounds familiar.
2897

2898 Ms. Anderson - Yes. There was an article on it. Mr. Grissom might have more to add to
2899 that.
2900

2901 Ms. Dwyer - Mr. Grissom, would you like to add something?
2902

2903 Mr. Grissom - I will certainly try. I'm Dwight Grissom, Director of Construction
2904 Maintenance of Schools. The school has identified 34 youngsters in grades 3, 4 and 5. And, what
2905 they are proposing to do is to offer an alternative or optional program for these youngsters, and
2906 it's certainly with the parent's recommendation and consent. It is not a mandatory program. And
2907 these are youngsters that we hope we can get at this level and avoid them either going to either
2908 Mt. Vernon, or there are plans to take this facility and have an eastern Mt. Vernon, if you will.
2909 Where we can offer alternative programs for middle-school children. Audrey mentioned the high
2910 school component. That would be a night-time program where a junior or senior that had to drop
2911 out because maybe they are a single parent, having to work during the day, unable to get a G.E.D.
2912 through the normal course and if they come to night school and take English, Math, the typical
2913 subject they need in order to graduate. So, it would be a combination of a K-12 school
2914 simultaneous. We do think we can offer, it's a very large space, we can offer an alternative
2915 elementary and an alternative middle school on the same site. The numbers will be fairly low. It
2916 is about almost 60,000 square feet in this facility. It's very large.
2917

2918 Ms. Dwyer - You will adapt to the existing church building?
2919

2920 Mr. Grissom - Yes, ma'am. At next year's CIP, July of 2000, have 3.8 million to hopefully
2921 fund the renovation of At that point in time it was an unknown site, and the School Board has
2922 adopted a resolution to purchase this facility. The church really approached us a number of year's
2923 ago about buying this. They are on their, I think they call it their western boundary of where they
2924 would like to pull from. So, they are kind of looking east, I-295, Route 5 area, and some other
2925 areas. They definitely want to leave there. And their congregation has voted to accept the School
2926 Board's offer.
2927

2928 Ms. Dwyer - Are there any other questions by Commission members? Thank you, sir.
2929 Do we have a motion?
2930

2931 Mr. Vanarsdall - I recommend that the Commission approve the resolution recommended by
2932 staff that fines the proposed Eastern Alternative School Site to be substantially in accord with the
2933 Comprehensive Plan of Henrico County.
2934

2935 Mr. Archer - I second.
2936

2937 Ms. Dwyer - The motion was made by Mr. Vanarsdall and seconded by Mr. Archer. All
2938 in favor say aye...all opposed say nay. The motion passes.
2939

2940 The Planning Commission approved the resolution for the Eastern Alternative School Site,
2941 substantially in accord with Henrico County's Comprehensive Plan.
2942

2943 Mr. Vanarsdall - I wonder where Newbridge Baptist is going.
2944

2945 Ms. Dwyer - I think from a planning standpoint, that is a good use of that facility since
2946 the church is going to leave anyway.
2947

2948 Mr. Archer - Madam Chairman, with apologies to Ms. Carver for not calling the minutes
2949 in, I have a few changes.
2950

2951 Ms. Dwyer - Let's begin with the May minutes first.
2952

2953 Mr. Archer - Okay. Page 5, line 177. Remove the words "attached to the minutes."
2954 Page 73, line 2938. I think I may have said something else other than a flag tower, but I don't
2955 know what it could have been. Anybody know what I could have said?
2956

2957 Ms. Dwyer - Just leave it in there. It will be a mystery for future generations.
2958

2959 Mr. Archer - Yes. Just let them wonder about that. And, page 114, line 4714. It reads:
2960 "with all the applying." Ernie, do you remember what I said?
2961

2962 Mr. Vanarsdall - I don't know.
2963

2964 Mr. Archer - You know, if I say these things you all need to hunch me or something.
2965

2966 Ms. Dwyer - I try to make sense of mine, that's hard enough. Do you want to change
2967 that to say something else?
2968

2969 Mr. Archer - I don't know what to change it to, I don't remember what I was saying.
2970

2971 Ms. Dwyer - Well, let me slip mine in while you are thinking about that, if I may. Page
2972 52, line 2054. Instead of "field" it should be "metal." Page 115, line 4759. I think there's some
2973 repetition in what was said. So, I think we just need to take out the words "or to review by the

2974 Commission" and then on the next line take out the word "and." Are there any other changes to
2975 make?
2976
2977 Mrs. Wade - I called mine in, but on page 69, there was some discrepancy. Mr.
2978 Whitney, did you and Ms. Carver ever get together on the conditions on page 69, the motion and
2979 the conditions?
2980
2981 Mr. Whitney - Yes. Diana straighten that out.
2982
2983 Mrs. Wade - Oh, she's talked to you about that?
2984
2985 Mr. Whitney - Yes.
2986
2987 Mrs. Wade - Okay, good, thank you.
2988
2989 Ms. Dwyer - Mr. Archer, did you decide what you had said?
2990
2991 Mr. Archer - No, ma'am. I muttered something, apparently.
2992
2993 Ms. Dwyer - Well, do you want to just put "unintelligible" in there?
2994
2995 Mr. Archer - Okay. Unintelligible.
2996
2997 Ms. Dwyer - All right. Do we have a motion on the May minutes?
2998
2999 Mr. Archer - I move the minutes be accepted as corrected.
3000
3001 Mr. Vanarsdall - I second.
3002
3003 Ms. Dwyer - The motion was made by Mr. Archer and seconded by Mr. Vanarsdall. All
3004 in favor say aye...all opposed say nay.
3005
3006 The Planning Commission approved the May 26, 1999, minutes with the corrections. The motion
3007 carries.
3008
3009 Ms. Dwyer - All right, the June minutes.
3010
3011 Mr. Archer - I have one correction. Page 45, line 1610. I think I said "I will grant a 30-
3012 day deferral at the Commission's request," not "request at the request." And, if I said that, I stand
3013 corrected.
3014
3015 Mr. Vanarsdall - I don't remember you saying that.
3016

3017 Mrs. Wade - I wasn't here so I don't have any input into these, but I was interested in
3018 the discussion on the level of service review because I really hadn't heard all of that until I read the
3019 minutes, about the Chesterfield rules and Hanover rules.

3020
3021 Ms. Dwyer - I have some small changes to mine. Page 10, line 338. Eliminate the word
3022 "points." And on Page 77, line 2799, instead of "prospective" it should be "respective." Okay.
3023 Are there any other changes? We need a motion for June minutes?

3024
3025 Mr. Archer - I move approval as corrected.

3026
3027 Mr. Vanarsdall - Second.

3028
3029 Ms. Dwyer - The motion was made by Mr. Archer and seconded by Mr. Vanarsdall. All
3030 in favor say aye...all opposed say nay. The motion carries.

3031
3032 The Planning Commission approved the June 23, 1999, minutes with the corrections.

3033
3034 Mr. Marlles - Madam Chairman, I have one quick announcement before we break.

3035
3036 Ms. Dwyer - Okay.

3037
3038 Mr. Marlles - The Commission members might be aware, if you saw the News last night,
3039 that the Board of Supervisors approved an emergency ordinance, as well as a resolution, both of
3040 those measures were approved in response to concerns that have been expressed by citizens and
3041 Board members regarding an adult video store and has been proposed in Chesterfield County with
3042 some indication that they may be looking for a location in Henrico County.

3043
3044 Mrs. Wade - Innsbrook.

3045
3046 Mr. Marlles - Exactly. The Innsbrook areas, specifically. The effect of the emergency
3047 ordinance is to require for any owner of an adult, what is being defined as an adult book store or
3048 video store, would require them to obtain a license from the Police Department. The period of
3049 time that the Police Department will have to review that license has essentially been set for 60
3050 days. The resolution that was approved by the B.O.S. essentially directs the Planning Department
3051 to prepare amendments to the zoning ordinance, which put reasonable regulations on the location
3052 of adult book stores and video stores. The staff, over the past couple of weeks, has actually been
3053 researching the current code and essentially already has a head start. Just to give the Commission
3054 a heads up. It is, I think, the intent of the B.O.S. to schedule a joint work session with the
3055 Planning Commission on September 14 and with a joint public hearing with the Planning
3056 Commission to be scheduled on October 12. The reason for this timetable and the joint meetings
3057 and workshop is essentially to try to get the ordinance amendments into effect as soon as possible.

3058
3059 Ms. Dwyer - What time on the 14th?

3060

3061 Mr. Marlles - I'm not sure that the times have been determined at this point, Ms. Dwyer.
3062 But, we will be getting something out to the Commission and probably to the Board as soon as,
3063 since this is coming up pretty quickly, those details will be worked out, I would say, in the next
3064 couple of days.
3065
3066 Mrs. Wade - That will be late on the 12th because that is VCPA time. I mean, if it is
3067 afternoon or evening that wouldn't be a problem.
3068
3069 Mr. Silber - It could be evening. It's a regular Board meeting night so they would
3070 probably...
3071
3072 Mrs. Wade - September 14 and October 12.
3073
3074 Mr. Silber - September would more than likely be an afternoon work session.
3075
3076 Mrs. Wade - Who is meeting then?
3077
3078 Mr. Silber - The Planning Commission and Board together.
3079
3080 Mrs. Wade - Oh. Because I won't be here.
3081
3082 Ms. Dwyer - You, won't be here on the 14th, Mrs. Wade?
3083
3084 Mrs. Wade - No.
3085
3086 Ms. Dwyer - Will someone make the point of calling Mrs. Quesinberry because she
3087 missed another meeting when we set it, when she wasn't here, just so she can get that date on her
3088 calendar as soon as possible.
3089
3090 Mr. Marlles - The 12th and September 14 are the days that were discussed. October 12
3091 for the joint public hearing and September 14 for the joint work session.
3092
3093 Mr. Vanarsdall - What time is the work session on the 14th?
3094
3095 Mr. Archer - They have not set a time.
3096
3097 Mr. Marlles - It really hasn't been determined, Mr. Vanarsdall, it could be in the
3098 afternoon.
3099
3100 Mr. Vanarsdall - I knew as soon as I saw where they were looking at Short Pump and
3101 Innsbrook it wouldn't take them long to get on the ball here.
3102
3103 Mrs. Wade - They like to go where the customers are.
3104

3105 Ms. Dwyer - All right. The Commission will now break for lunch and reconvene in
3106 about 45 minutes to begin the public hearing.

3107

3108 **AT THIS TIME THE COMMISSION TOOK A BREAK FOR LUNCH.**

3109

3110 Ms. Dwyer - The Planning Commission will now reconvene. All right. We have had one work
3111 session on this draft and some comments were made and some changes were made to that draft and the
3112 Planning Commission should have received in the mail another version in which a few minor changes
3113 were included.

3114

3115

3116

BEGINNING AT 1:00 P.M. PUBLIC HEARING

3117

3118 **AN ORDINANCE to amend and reordain Section 19-2 of the Code of the County of Henrico**
3119 **Entitled "Definitions," Section 19-4 Entitled "Granting of exceptions," Section 19-31 Entitled**
3120 **"Agents for approval," Section 19-51 Entitled "Required," Section 19-52 Entitled "Application for**
3121 **approval," Section 19-53 Entitled "Review of plat; action by planning commission," Section 19-54**
3122 **Entitled "Approval or disapproval to be noted on plat," Section 19-55 Entitled "Effect of**
3123 **approval; expiration of approval," Section 19-71 Entitled "Required; construction plans," Section**
3124 **19-72 Entitled "Form and contents," Section 19-73 Entitled "Submission of plat for portion of**
3125 **subdivision," Section 19-117 Entitled "Public sites and open spaces," Section 19-146 Entitled**
3126 **"Sanitary sewers," and Section 19-148 Entitled "Street name signs," and to add Section 19-150**
3127 **Entitled "Terminus of stub road and other streets," all in order to provide an expedited review**
3128 **procedure for certain subdivisions.**

3129

3130 **AN ORDINANCE to amend and reordain Section 24-3 of the Code of the County of**
3131 **Henrico Entitled "Definitions," Section 24-95(q) Entitled "Controlled density**
3132 **development," and Section 24-106(d) Entitled "Required information," all in order to**
3133 **provide an expedited review procedure for certain plans of development.**

3134

3135 Ms. Dwyer - The Planning Commission will now reconvene. All right. We have had
3136 one work session on this draft and some comments were made and some changes were made to
3137 that draft and the Planning Commission should have received in the mail another version in which
3138 a few minor changes were included.

3139

3140 Mrs. Wade - Both of these though dated August 9, 1999, are the same.

3141

3142 Mr. Archer - I think they are the same draft.

3143

3144 Mrs. Wade - Well, one is here and one we got in our packet. Are they the same? They
3145 say August 9, are they the same?

3146

3147 Ms. Harper - Yes.

3148

3149 Ms. Dwyer - Mine say August 5.
3150
3151 Mr. Archer - The inside says August 5.
3152
3153 Ms. Harper - When we first met with you, the last work session, we were using an
3154 August 3 draft, I believe. And, since then, a letter was sent to you under Mr. O'Kelly's signature
3155 that attached pages that were those pages only that were affected by a recommendation that the
3156 Commission made to us, not all of the comments. What I'm going to give you now, which is the
3157 first one, which has been put outside for the citizens, is dated August 23, 1999. That includes the
3158 changes that the Commission asked us to make on August 4 and includes the pages that weren't
3159 affected, both the pages that were and weren't affected.
3160
3161 Mrs. Wade - Now, how long have we been working on this?
3162
3163 Ms. Harper - Do you mean the whole project?
3164
3165 Mrs. Wade - Yes.
3166
3167 Ms. Harper - Well, off and on for about 19 or 20 months I guess. But, this is a portion
3168 of a larger project, as you know. Now, what is going to be passed to you now are the overheads
3169 for today's presentation that were prepared prior to yesterday. Okay. And you understand what
3170 that means. Yesterday Ms. Dwyer called with a.... She had taken the time to look through some
3171 of the revisions that we had made and had some questions. As a result of those questions, the
3172 County Attorney and I met this morning and it affects six sections of the Code and I have two
3173 pages that are, I will pass out now, which are, as you know, portions of what you have already
3174 gotten but the wording would be of the new Code. I'm going to be bringing these up on the
3175 overhead, but I just want you to understand that you will have that.
3176
3177 Then, what I have done is, because I want to be sure that you had a complete set of the
3178 overheads, these are the four slides that have resulted that I merged into today's presentation.
3179 Unfortunately, the print shop did these yesterday because our Xerox machine in the Manager's
3180 office was broken. So, I had this done and they were delivered this morning. So, I did not, until I
3181 met with the attorney this morning, able to do these four overheads. But, as you know, the
3182 overheads are not what are adopted or recommended, they are just for illustrative purposes. But
3183 these, you will find and you will see as we go through the presentation they are merged in here.
3184 So, we have four things that I have given you. One. The August 23 complete draft of the
3185 ordinance, that's 15 pages. Then you have the two pages dated August 25, which are the
3186 additions or changes that Mrs. Dwyer pointed out to us that Mr. Tokarz recommends. Then you
3187 have two different handouts for the presentation. One that was prepared two days ago and one
3188 that was prepared this morning, which are four additional pages and that's what I have given you
3189 so far. Okay.
3190
3191 What I have done in the presentation, and thanks to the control room, we will be able to pull up.
3192 I've tried to keep the number of slides to a minimum today that I have on the screen in order for

3193 you to be able to focus on the changes since August 4, and also any other comments or changes
3194 that you would like to bring. So, I have hidden, what they call hidden slides in Power Point that
3195 can be pulled up as needed by the control room for us to look at of the wording of the full portion
3196 of the Code. I also have the page numbers here in case you have a need to know what page that
3197 was on just please ask me in case I don't bring it up.
3198

3199 All right. Today what we would like to do is focus on the ordinance amendments that are before
3200 us in order to continue to improve the subdivision and site plan process, and this would be the
3201 review of plans process. You know that the Planning Commission as the agent of the Board of
3202 Supervisors for subdivisions and plans of development, see all conditional subdivision plans and
3203 all plans of development. This power was given to the Planning Commission decades ago by the
3204 Board of Supervisors. Currently, the B.O.S. does not review any of these plans. Today the six
3205 items, as we discussed at the work sessions, that we will be focusing on are the controlled density
3206 subdivisions; conditional subdivision extensions of time; the subdivisions that are currently
3207 reviewed by the Planning Commission. As you see, all, and as you know, there is a
3208 recommendation to change that criteria. Then the integradtion of the plans for the G.I.S.
3209 program, which would be a plan application change, some related miscellaneous changes that
3210 were required in the Code, and then a request by the B.O.S. to require signage on stub streets.
3211 After speaking with the Chairman of the Planning Commission yesterday, there will be merged in
3212 this presentation, as you will see on the slide in front of you, I assume you have on the screen in
3213 front of you this slide (referring to the screen). It's not going to follow in your copies in the ones
3214 I gave you because it's on that extra little four. You will see that there are six other areas that she
3215 has recommended changes in and they appear to definitely add clarification. There are no
3216 recommendations for substance changes here. But I'll be going through those as I proceed
3217 through the presentation, but this just gives you an idea of additional amendments and these are
3218 since August 4 work session. She was the only Commissioner that gave me a call. Of course,
3219 obviously, if you have any comments or changes I'd be happy to hear them.
3220

3221 The first topic is the Controlled Density Subdivision. And as you remember this is currently the
3222 process is that the B.O.S. is involved to approve a provisional use permit. Zoning has to be in
3223 place, R-3, R-2, whatever the property is zoned has to be in place that allows then a provisional
3224 use permit to be requested. The provisional use permit goes to the Planning Commission, the
3225 Board of Supervisors and the Board places conditions on that approval when they approve it. In
3226 the future, the change would, as you see, those sections of the subdivision ordinance and the
3227 zoning ordinance would be changed. If this is carried out, that in the future, instead of the
3228 conditional subdivision plat, coming to the Planning Commission only for approval, in the future,
3229 the Board of Supervisors would see it. All notice letters that would go to neighbors for hearing
3230 the provisional use permit, would indicate that the conditional subdivision plat would be a part of
3231 the public hearing process. There are three paragraphs that are currently requested to show, this
3232 is a change in form Section 19-31, this would appear on page 2 of your full text, if you want to
3233 see it. Paragraph No. 1 would focus on Board approval of the PUP, as a part, when they approve
3234 the controlled density subdivision plat. The next would be focusing on the Planning Commission
3235 their approval in the six situations; and the third would then just, in other words, we are just

3236 indenting paragraphs is what Ms. Dwyer suggested that it be a format change. That would be her
3237 change in that particular area. Yes, ma'am.

3238
3239 Ms. Dwyer- I guess I had envisioned when we have a controlled density case, that we
3240 are contemplating here, that maybe the zoning and the PUP and the subdivision plat would all
3241 come at the same time. That may not necessarily be true, the zoning may already be in place and
3242 then we would get the PUP and the PUP would have to include the plat and that would go to the
3243 Board also, even if it doesn't involve the zoning case.

3244
3245 Ms. Harper - Correct. And what would have to happen, if they all came at one time, is
3246 the zoning action would have to occur before the PUP in the order on the agenda. It would have
3247 to be sure that the Board, when approving it, that the zoning is in place and then the PUP and
3248 then, of course the subdivision.

3249
3250 Ms. Dwyer - Thank you.

3251
3252 Ms. Harper - But, in most cases it depends on the location in the County, in the Varina
3253 area, would probably always have a rezoning because there is so much A-1 and A-1 does not
3254 allow controlled density at this time.

3255
3256 Mrs. Wade - Are you going to mention the six situations for which the Planning
3257 Commission is the approving agent?

3258
3259 Ms. Harper- Yes. In just a minute. I'm going to talk about this new sixth one. I'm
3260 going to focus on that change. That's going to come in the presentation a little bit later when I'm
3261 talking about the conditional subdivision changes. Do you need to talk about it now, Mrs. Wade?

3262
3263 Mrs. Wade - No.

3264
3265 Ms. Harper - Okay. I need to go back to a previous slide, if the control room could help
3266 me, go back to the previous slide. Conditional subdivision extensions, when we are talking about
3267 the conditional subdivision extensions, there were several suggestions that the Commission made
3268 on rewording. If you look at your copy.... Control room can you go back to the previous slide?
3269 I can do it, but they promised me that they were going to do it. Okay. All right. If you look at
3270 the slide, you had asked for there to be clarification on the 12 months: How long could the
3271 Director of Planning grant approval? Currently all of those approvals go to the Planning
3272 Commission, and you felt that the previous wording was not clear. "A conditional approval shall
3273 expire after 12 months unless the Planning Commission or Director or Planning grants an
3274 extension." So, at this point, this language clarification and the slide you see on the screen were
3275 the complete rewording where the County Attorney tried very hard to actually use more language
3276 than he usually does to clarify. One, that the Director of Planning only has the ability to approve
3277 a 12-month extension at a time. That, two, that there has to be to approve a 60-month extension
3278 there has to be one section recorded within the first 12 months and then if no section has been
3279 recorded he still can consider approval of the 12 months period. Now, one of the changes that

3280 Ms. Dwyer suggested, which was on the screen, on another slide, simply adds two words for
3281 clarity in the second sentence of 19-55 and you will see the complete sentence on the screen as it
3282 is recommended by Ms. Dwyer and staff. That simply says, "extension" of request for conditional
3283 approval, which we wouldn't want to indicate that the Director of Planning can approve that in
3284 this instance, that he's approving an extension of conditional approval. So, we just wanted to be
3285 sure that.... What's wrong with the screen here, it keeps adding things?
3286

3287 Okay. The next item that we wanted to discuss that deals with extensions and is trying to clarify,
3288 and as you said, it looks like it would be easier to clarify, when the Planning Commission would,
3289 therefore, see a conditional subdivision extension. If the Director of Planning normally sees it as a
3290 part of the housekeeping, when would the Planning Commission.... When you asked that the
3291 Planning Commission be able to see them, and in two instances and it has been added, of course,
3292 obviously, appeals process, that has always been there. But, number two would be, that if there is
3293 a request for more than 60 months, that is the third one that you see on your screen now, that the
3294 Planning Commission would be the one that would have to re-grant any requests for any
3295 extensions beyond 60 months. Ms. Dwyer asked the question, so you may have this question
3296 also, would that, what if they have never recorded a section of the subdivision? It doesn't matter.
3297 They could have had five, 12-year extensions and never recorded a section of the subdivision, or
3298 they could have originally been approved by the Director of Planning after the first year and had
3299 the 60 months and now they are coming in for another 12 months. In either case, the Planning
3300 Commission, because this is the way we understood you wanted it, the Planning Commission
3301 would have to hear the case. And this would be a request, and I would assume that the applicant
3302 who would perhaps be the engineer on behalf of the subdivider would come forward and make his
3303 case on why in the world you haven't developed your subdivision yet. And, as you all well know,
3304 we would hope that this would be sure to pick up on any federal or state requirements that
3305 perhaps have changed in the interim and therefore conditions of subdivision approval would need
3306 to be reconsidered.
3307

3308 Now, Mrs. Wade, this gets to the area that you were concerned about, the Conditional
3309 Subdivision Plan Review. As you know, we have talked about how instead of all subdivision
3310 plans that are currently reviewed by the Planning Commission, our focus was to try to identify
3311 those cases in which the Planning Commission would find most controversial, or the B.O.S., and
3312 try to identify those potential cases, and be sure that those are the cases that continue to come to
3313 the Planning Commission, and other cases are reviewed by staff as being more housekeeping and
3314 non-controversial in nature. So, the agents for approval, I will just remind you, there were five
3315 cases and you asked us to add a sixth situation. So, the first three would deal with, of course, the
3316 proffers. That proffers had stated in some way that the Planning Commission was suppose to
3317 review the subdivision. In most cases, my memory is, that that is because a buffer protection, a
3318 landscape strip, a variety of those things occasionally mentioned in a rezoning case that the plan is
3319 to come back and be reviewed by the Planning Commission to do that. So, if that wording is in
3320 there, those plans will continue to return or the sub-divider may actually prefer for the Planning
3321 Commission to hear the case and they would be allowed to ask for that at the time they submit
3322 their plan.
3323

3324 The third would be, and this one was the one that the B.O.S. raised and we discussed before
3325 because it had raised controversy in existing subdivisions when new development was to occur in
3326 infield sites or perhaps in rural area, and that was the extension of roads. So, the idea is to be sure
3327 that at any time when there is going to be a direct connection between roads that are on the Major
3328 Thoroughfare Plan, now these road are clear because they are defined on a map and you can see
3329 them, collectors, arterials, interstates, all of those are clearly defined. And, if there is a direct
3330 connection being established by the proposed subdivision, then that plan would be coming to the
3331 Planning Commission for review.

3332
3333 The next two conditions deal with the appeals of any Director of Planning approval on a
3334 subdivision to the Planning Commission. We feel that this is really an improvement, especially,
3335 for neighbors and for the developer. Currently, you have to go to Circuit Court for any appeals of
3336 the Planning Commission's action. So, if a plan has been reviewed by staff, under the supervision
3337 of the Director of Planning, and there is frustration by the developer or the neighbors or whoever
3338 it would, on this particular issue, the Planning Commission is the appellate body if the Director of
3339 Planning's conditions or action or denial or imposition of an annotation or whatever it may be
3340 would be to the Direction of Planning.

3341
3342 Number five deals with the Exception for Stem Lots. You have recently dealt with this. The
3343 B.O.S. just approved this. But, you did require in that code, and recommended to the Board, that
3344 there be a special request made to the Planning Commission any time stem lots were going to be
3345 requested. This would continue. So, all requests for subdivisions that have stem lots that are
3346 affected by that Code change will continue to come to you. But, we had to modify the code to be
3347 sure that it was taken into account under this change. The Director of Planning, as you can see,
3348 under this, will review and be responsible for the processing of all other plans that did not meet
3349 these five criteria except for the additional situation, which you asked us to add at the last
3350 meeting. This was based on comments presented to you from staff regarding changes in the
3351 Department of Health's code on the types of septic tank systems that are currently going to be
3352 acceptable to use. In the past, there have been many traditional types of septic tanks that have
3353 been allowed. Since I met with you, I have attended a work session that the Manager had with
3354 many users of this, developers and a couple of people that actually install septic tanks, about these
3355 changes in the Department of Health's requirements and there are going to be some new types of
3356 septic tanks allowed which could be better. Some are more restrictive. Some have to have the
3357 lines buried deeper. But, there are some definite changes and as soon as there is more information
3358 about it I think it would be good for a work session for the Planning Commission and the Board
3359 of Supervisors. John may know more about what's going to be happening on that. So, you added
3360 this condition. You asked us to add this condition as sort of a we/may should do this, you know,
3361 this is kind of those, this is a good idea, we should raise the issue that when a subdivision contains
3362 one or more lots, and I hadn't picked up on that, but I notice the County Attorney did, that the
3363 Commission was concerned that if a subdivision, I was thinking about the whole subdivision not
3364 being on sewer or water, but if this is written so that if only one lot isn't served by public sewer
3365 then the whole subdivision would come to you. So, we see, in our undeveloped portions of the
3366 County, there will not be much change in the processing of subdivision at all, that all subdivisions
3367 will continue to come to you until public water and sewer is extended to them. And, that is the

3368 intent that you meant, as opposed to even one lot, two lots, three lots, whatever. Because you
3369 could have a 50-lot subdivision and even if one lot is not served by public water, all of these plans
3370 would come to you the way this is written. Are there any questions on that, Mary, now that I
3371 have been through these six criterias? Are there some concerns that you have?
3372

3373 Mrs. Wade - No. Except that No. 6 would include an existing home on the parcel that
3374 might....
3375

3376 Ms. Harper - Yes. In other words, if it was a rural area that had a farmhouse and that lot
3377 was going to be cut off as a lot, yes. Any lot not served by public water and sewer. Is that what
3378 you intended?
3379

3380 Mrs. Wade - Yes.
3381

3382 Ms. Harper - Okay. I just wanted to be sure.
3383

3384 Ms. Dwyer - I have one question. I presume if there is a controversy or any question
3385 arises between staff and the developer, that the developer could certainly appeal to the
3386 Commission if the Director of Planning ruled in a manner that was unfavorable to the developer.
3387 Would there be a situation... and I don't know, it just occurred to me while I was sitting here,
3388 rather than have to make a decision, the Director of Planning might say let's just let the
3389 Commission make this decision and let the Director place it in the Commission's court, rather than
3390 making a decision?
3391

3392 Ms. Harper - The way the code has been written, currently, is not to do that. What we
3393 are suggesting is that the applicant, when they apply, the decision would either be made by the
3394 applicant to request Planning Commission approval or staff will decide, based on these criterias,
3395 that it has to be reviewed by the Planning Commission. Once it is set on a course to go the
3396 Planning Commission or to staff, as your example. Say for instance: The applicant comes in and
3397 meets the criteria and it's designated for Director of Planning Review, if during that process the
3398 sub-divider says oh, no, no, we want to take it and go to the Planning Commission because we
3399 don't want to have to build two points of access and staff is saying we have to. We have to
3400 complete the actual action by the Director of Planning has to occur. So, he would actually have
3401 to write down I approve or I disapprove this and then that's appealable but not a case in mid-
3402 stream can they switch from one to the other.
3403

3404 Ms. Dwyer - Well, that makes sense, you want to have an issue presented to the
3405 Commission that is clear, not just arguments back and forth, but say if the Director says I'll
3406 approve it with two points of access, then they could appeal and say we only want one, in other
3407 words.
3408

3409 Ms. Harper - Right. That is appealable and there will be a process set up to do that.
3410 But, the idea is not to allow people to change their minds in midstream because we are going to
3411 be on a deadline schedule that is completely different for the two different processes. There will

3412 be a different process by which staff is reviewing plan and has certain deadlines for staff/developer
3413 and switching them in midstream will only break down the process versus improving it.
3414

3415 Mr. Marlles - Angela, maybe this is a little bit different based on a similar question, but if
3416 the Director of Planning, because of the history of concerns in a particular area, feels that a
3417 subdivision would benefit by sending it to the Commission as opposed to handling it
3418 administratively. Right now this would not provide for that, is that correct?
3419

3420 Ms. Harper - There is no criteria listed for that.
3421

3422 Mr. Marlles - Okay.
3423

3424 Ms. Dwyer - Do we feel that would be important, staff?
3425

3426 Ms. Harper - That was originally a proposal under, if we were at this stage on the plan of
3427 development site plans, there was a discretion criteria that was placed on the plans of
3428 development for the Director of Planning, this issue has never come up under the subdivision. We
3429 were hoping that we had identified the criteria enough, but....
3430

3431 Mr. Silber - It seems to me you are asking, Ms. Dwyer, I can think of some
3432 circumstances where because of sensitivities that were known up front, there may be situations
3433 where the Director of Planning may want something to go to the Planning Commission instead of
3434 it going through the process. At the time of zoning, or something came up some time in between,
3435 it seems like there may be circumstances where that would be appropriate.
3436

3437 Ms. Dwyer - What does the Commission think?
3438

3439 Mrs. Wade - For example.
3440

3441 Ms. Dwyer - Tanfield.
3442

3443 Mr. Archer - Did you say Tanfield, Madam Chairman?
3444

3445 Ms. Dwyer - Yes. Is that a good example?
3446

3447 Mr. Silber - I'm trying to think what the circumstances were with Tanfield.
3448

3449 Mrs. Wade - Well, they required legal interpretation. If that was done and determined at
3450 the first level it wouldn't be much point in it.
3451

3452 Ms. Harper - I'm not familiar with that subdivision so I can't help you on that one.
3453

3454 Ms. Dwyer - It was a recent one. I'm just thinking there might be a situation, not being
3455 in the Director of Planning's shoes, I don't really know. But, I'm just trying to imagine there might

3456 be a situation that the Director of Planning might... while the issues may not may be clear... Well,
3457 Tanfield is an example in which there was a legal decision, but it was still helpful I think for the
3458 case to be aired in a public hearing. And there were some other issues that came up, you know,
3459 relating to the buffer, remember, how was that to be interpreted and those kinds of issues were
3460 raised in the public hearing, even though the result was the same as it would have been, if we had
3461 not had the hearing, there was perhaps some benefit to the hearing in that there was some clarity
3462 provided to the neighbors about why this was happening. There were some ancillary issues that
3463 were identified that may have come to light that wouldn't have come to light otherwise.
3464

3465 Ms. Harper - The issue would be for the Director of Planning, when I used to be there
3466 what the problem would be is that when the cases are filed, when a plan is filed, there would have
3467 to be a timeframe in which the Director of Planning made that decision. I mean, they couldn't get
3468 it in the process two or three weeks and then switch it over because....
3469

3470 Ms. Dwyer - Throw up their hands and say "I don't want to do this."
3471

3472 Ms. Harper - Right. Because you really, add what I call the theory of chaos to the
3473 process at that point. So, that's why we were trying very hard to find criteria that would
3474 immediately make it possible for staff to say, yes, this meets our criteria and therefore it should
3475 go. What you are doing, what you are saying to the Director of Planning, you should have some
3476 six sense and be able to pick or pull out whatever these unusual cases that we really can't write
3477 criteria for, but they are there. And maybe he'll be able to.
3478

3479 Ms. Dwyer - But, it may be that those issues won't come to light until you are much
3480 further into the process, in fact, that's probably going to be the case.
3481

3482 Ms. Harper - What I see is happening in those kinds of cases is that the appeal will occur
3483 and that's what will happen during the process if it doesn't work out. And, of course, staff can....
3484 There is no reason why staff review is not going to involve people coming to the table and having
3485 citizens meetings and whatever it could be. No one is saying that that won't occur anymore.
3486 What we are saying is that it would not be on the agenda of this meeting at this time of the month.
3487 The review by staff of plan would occur throughout the month. It will be at various times and
3488 hopefully allow more flexibility to the review of the plans. But, if one of those shows up, it's like
3489 anything else, it's hard to find the criteria to cover everything. But, if you feel a discretionary
3490 clause is needed it can be added, but I think that's simpler than being in the role of the Director of
3491 Planning in sitting down and trying to say within, say, a 48 or 72 hour period to determine does
3492 this plan meet any of the six criteria and then there's the seventh criteria and what if I don't pick
3493 out the plans that could cause all the problems and that comes up and I have missed doing
3494 something I should have known about. It puts him in a awkward situation but yet it does add that
3495 extra opportunity to have the Planning Commission review. I just wanted to tell you the pros and
3496 cons of it. I'm not sure that he is going to be able to pull out with 72 hours, the plan, and know
3497 that it's going to be one of those, like a Tanfield.
3498

3499 Mr. Silber - Excuse me. I think your point is well taken. I was thinking more along the
3500 lines that we would probably know in advance of the submission of this subdivision that there are
3501 certain issues or circumstances that would probably require Planning Commission consideration.
3502 One that came to mind for me was, Mary, maybe the one was adjacent to the Echo Lake that
3503 involved the possible dedication of land, it involved buffer reductions, it involved lot layout, some
3504 circumstances like that where it involves some history, some other agency involvement, some
3505 Commission involvement. I would think, right up front, maybe even before it is filed, we would
3506 know that may be something we may want to take to the Commission.

3507
3508 Ms. Dwyer - So, would staff like that opportunity? That was my only purpose for
3509 asking the questions, that staff might want that opportunity to kick it out to the Commission. It
3510 that would be helpful to staff then let's do that.

3511
3512 Mrs. Wade - I hesitate to ask this but how is anybody else going to know?

3513
3514 Ms. Dwyer - Well, there would have to be a decision, to kick it out, by the Director
3515 within a certain period of time, I would think.

3516
3517 Ms. Harper - Right, because it has to be processed. The state code has very strict
3518 requirements as you've seen in the plans for the time period in which you have to process, so you
3519 can't wait around. You really have to get it out of the office and to Public Works and Utilities and
3520 everybody immediately. So, you have about 48 to 72 hours is all you have to consider where
3521 does it need to go, what process is it on, and get it out of here.

3522
3523 Mr. Silber - I don't think it's a huge issue, but I think it's probably something that gives
3524 the Director of Planning more flexibility on.

3525
3526 Ms. Harper - I'm sure it's something we can write language on. Mr. Tokarz probably
3527 already has it written over here. Some kind of discretionary language which would give the
3528 Director of Planning the ability to refer to the Planning Commission a case for, do you have an
3529 operative word that you feel comfortable with, what kind of conditions, neighborhood,
3530 community concerns, something like that.

3531
3532 Mrs. Wade - But, how are you going to know that?

3533
3534 Ms. Harper - It would be the Director or Planning's sixth sense or his staff's sixth sense
3535 would have to be the one to pick up on that.

3536
3537 Ms. Dwyer - As Randy said, it would probably be a case with some history attached,
3538 zoning case, that sort of thing.

3539
3540 Ms. Harper - Why don't we sort of think about the word "community concerns" or
3541 "community issues." You've already got language?

3542

3543 Mr. Tokarz - Yes.
3544
3545 Ms. Harper - This man is a miracle.
3546
3547 Mr. Tokarz - One alternative would be to look at 19-31(2), and simply add the words
3548 "or Director of Planning" after the word "subdivider." So it would say: The Planning Commission
3549 shall be the agent of the Board for conditional approval if the subdivider or Director of Planning
3550 request Planning Commission review and approval. I don't know that I would establish in the
3551 ordinance any particular criteria for when the Director of Planning would exercise that option, but
3552 I think this would provide the opportunity for the Director of Planning to request approval.
3553
3554 Ms. Dwyer - Okay. How does that sound to the Commission?
3555
3556 Ms. Harper - That way you are not giving any limitations to it.
3557
3558 Mr. Archer - I can go along with that.
3559
3560 Mr. Vanarsdall - Sounds alright to me.
3561
3562 Ms. Harper - So, we will modify No. 2 then.
3563
3564 Mr. Marles - Angela, just to add one last piece to that. I think particularly in the west
3565 end, as we are starting to, more and more new development is being create in an infill situation. I
3566 think there is going to be a need for some of these subdivisions, they would benefit from some
3567 public airing of concerns. That was something I had in Roanoke that I didn't need to use very
3568 often but when I did, when I was aware, as Randy suggested, there was a history on this property
3569 and I knew there were community concerns, that was the situation then and I think it came into
3570 play most often.
3571
3572 Ms. Harper - As I said, the main issue here is the triage process that happens at the
3573 beginning. Staff will just have to be very alert to that, which is fine. We will hopefully train staff
3574 to do that. The next item deals with the plan submittal requirements. You may remember that we
3575 are trying very hard to be sure that we are able to integrate all new plans as approved into the
3576 G.I.S. (Geographic Information System). In order to do that, plan submittal would require 4
3577 points connected to the Geodetic Control Network. I have summarized here the listing of those
3578 portions of the code. You have those in your full code that talks about the four points; the
3579 monuments; the scale that's required from those monuments; and that any monument as far as the
3580 County system actually have to be shown on the plan. These are no changes from what you saw.
3581 You did ask me to revise this, except for the fact that we have discussed the potential affective
3582 date. And we had used previously the affective date of January 1, 2000, when we began this
3583 process back in the summer. But, as we have discussed with you, in order to get significant lead
3584 time that is needed to help to get the surveying done prior to submittal of plans, we believe it's
3585 going to have to have a six-month lead time. So, in order to do that, Ms. Dwyer also raise this
3586 issue and wondered if this would be the appropriate time to go ahead and change the language

3587 prior to sending it to the Board. So, we are now recommending the difference in the change of
3588 language and that was as shown on the previous slide. It would be beginning and then enclosed
3589 we would put after the Board approval "would appear six months from the day of adoption,
3590 would appear that date." We obviously don't know what that date is. The soonest the Board
3591 could possibly hear this would probably be October, November....

3592

3593 Mr. Vanarsdall - It can't possibly be before November, it doesn't look like.

3594

3595 Ms. Harper - Correct. So, that would mean six months from whatever date that turned
3596 out to be. I don't know what it is, I'm guessing April or May. We would of course be doing
3597 training in that time period so that they would be aware of all of the requirements. And the
3598 engineering community has heard this and they are aware. They fussed a little bit but they have
3599 gotten over it. These are just miscellaneous changes to the definition to the Board. There was no
3600 definition of Board in the Board, which the Board is the Board of Supervisors now that they are
3601 involved in the controlled density process. They need to be defined in the subdivision ordinance.
3602 The Director or Planning will be able to approve a scale different than the 100-foot scale. In
3603 cases where we have very large properties involved. These are pretty much housekeeping things.
3604 And, as you know, currently, a Planning Commissioner is only allowed to determine if sewer is
3605 reasonable accessible. With the Board approving cases and the Director of Planning approving
3606 cases, we expanded that portion of the code.

3607

3608 Looking at the stem, flag, or cul-de-sac lot changes that were just made by the Board, this just
3609 simply modifies that. But, you had asked for a rewording to make it clearer and hopefully you
3610 have had a chance to read this and be sure that if there was as stem, flag, or cul-de-sac lot
3611 proposed that the application was clearly clear as to what had to be submitted with it. The
3612 setback lines, the buildable area plains, and dwelling placement and orientation are not required
3613 for all lots but they are required for stem, flag, or cul-de-sac lots. The previous wording lead to
3614 questions of whether or not it was all lots or just these. So, this is the rewording. Do you feel
3615 this is improved and resolved your issues on that? Signage on stub road, no change on this. This
3616 is just to highlight the fact that the wording that has been proposed in response to the Board's
3617 request, that neighbors are very concerned that they don't know about the extension of stub roads.
3618 So, the proposal is that in a proposal for a conditional subdivision approval that the Director of
3619 Planning would be able to require the developer to post a sign that would give information about
3620 the extension of the road at some point in the future so people wouldn't think they live on a cul-
3621 de-sac or dead end that would never be extended.

3622

3623 The next steps, of course, you know today we do have some people with us today that would like
3624 to comment on this. This is a public hearing. You will decide when and we would like to make
3625 your recommendations to the Board either today or defer this until another date. The Board will
3626 hold a public work session probably a month after your action. They will hold a work session and
3627 invite you to that work session. We will then hold training for the staff and the development
3628 community and they will implement the plan. Of course, some or another the slide left out
3629 adoption by the Board. The adoption by the Board will occur sometime after the work session.
3630 Sorry. I think she missed that.

3631
3632 Okay. Today we are here for comments, and as I said there were several people in the lobby that
3633 did raise questions to me, they apparently heard about this hearing at the last minute. And the
3634 questions that they have raised, they may have concerns they think perhaps this is the site plan
3635 process that is changing, and it's not. And, they also have raised issues regarding rezoning. And,
3636 of course I will be glad to respond to their questions and I'm sure many of you can respond to
3637 their questions. Are there any questions of me regarding the changes?
3638

3639 Ms. Dwyer - Thank you, Ms. Harper. Are there any other questions for Ms. Harper
3640 before we hear from the public? Thank you. This is a public hearing so we will open up the floor
3641 now to members of the public who would like to come forward to comment on these ordinance
3642 amendments. Please come forward and state your name for the record.
3643

3644 Mrs. Newell - Yes, please. I realize I'm short so I'm going to move this microphone
3645 down a bit. I'm Bernice Newell also known as "Bee" Newell. I'm sure quite of few of you have
3646 seen me at some of the Supervisors' meetings. I'm here because I feel that I have some valid
3647 concerns. No. 1. It seems to me that this County, the garden spot of Virginia, and the
3648 Commonwealth of Virginia, the whole United States of America is in a frenzy of development.
3649 I'm not against development but I think some times we need to think long and hard about over
3650 development. I had an occasion to speak with someone from our own Henrico's water and soil
3651 conservation Monday evening. I was appalled when this person told me that these controlled
3652 density developments, I believe they have a common area within the center of the houses, am I
3653 right? They have, as I understand from this person, become dumping grounds. There are sofas,
3654 trash, that is piling up in some of these common areas. Also with the much publicized
3655 development at Short Pump and in that area, I also found that our Chickahominy River, which has
3656 been designated by the State as a scenic river, that far up, has been polluted. So, I think
3657 sometimes we need to work sometime with the soil and conservation people so that we do not
3658 pollute our environment with so much development. I do have a little bit of concern about this.
3659 As president of North Airport Drive Civic Association, in the Varina District, we are concerned
3660 about our district. We are a rural area for the most part. We do not want to be developed like
3661 W. Broad Street. We prefer, the majority of residents in our area, want to remain as rural as
3662 possible. I'm very fortunate. I live two blocks from the Chickahominy River. Second door to me
3663 there are 100 cows grazing in the field. Yes, I have a well and septic tank. Yes, I have an acre
3664 and a third of land. To me one house, two houses on an acre, provides open space for people. I
3665 realize a lot of young people perhaps do not want the yard work. They don't want big yards.
3666 They want big houses. Fine. Let them live where the lots are smaller. We want to retain as much
3667 of our rural scenic as we can. Also, we do not wish to have Williamsburg Road become W.
3668 Broad Street, Mechanicsville Turnpike or Midlothian Turnpike. It is a traffic nightmare. My
3669 concern about this is, I have repeatedly asked for any and all things going on in the Varina District
3670 so that not just the boundaries of our Civic Association are looked into that we are concerned
3671 about, but we are concerned about the surrounding areas outside of our perimeter. We want to
3672 know what is going on. We want to know when subdivisions are being developed. We want to
3673 know. And, of course, we watch the newspapers as closely as possible for everything coming up
3674 that we think that concerns us, especially, rezonings. But, we want to be informed when

3675 developments are going to take place. Do we, as private citizens, not have the right to say what
3676 kind of development or have some say so and some input into these developments? I think we
3677 should. Sometimes we have said, we did have one that we compromised, we were not happy with
3678 the rezoning with the zoning to an R-3, but we compromised. We do not want to see houses on
3679 slabs. We want to see decent housing in our area. In contrary to belief, everybody in the eastern
3680 end of Henrico County are not rednecks, we are not paupers, a lot of us, but we are very
3681 conservative people and we are very concerned about our environment. I hope that this Board or
3682 this Commission will please understand that we feel that we as private citizens should have the
3683 privilege of knowing what is going on in our district as far as development is concerned. Even if
3684 the zoning is already in place, I feel that our civic association and our citizens of 300 members,
3685 300 plus members, should have this information at their fingertips. We are very diverse down
3686 there. We have all types of people. We have all creeds, colors, and denominations. We like our
3687 community. We are close. We work closely. And I thank you, but I do have concerns about
3688 being informed about these developments that take place. I think that the citizens should, in areas
3689 that are affected, all surrounding areas, should know what types of developments etc. are
3690 happening in their area. Thank you.

3691
3692 Ms. Dwyer - Thank you, Ms. Newell. I wonder if I may respond for just a moment to
3693 some of the things you mentioned. I applaud your interest in development that goes on in the
3694 County. I think the more citizen involvement we have, we tend to get better development. It
3695 sometimes assists everyone involved in the process if citizens make their voices known and make
3696 it known that they care about the quality development. They care about whether there is
3697 landscaping along Williamsburg Road, for example. So, I think that's wonderful. I think that
3698 there are also some very productive ways to bring about some of the goals that you mentioned.
3699 For instance: In the far west end of Board Street Mrs. Wade was instrumental in having an
3700 overlay district placed on the new development along W. Broad Street, which requires enhanced
3701 landscaping, wider buffers along the roadway, sidewalks, things that in that area were deemed to
3702 be an improvement and to foster uniformity of development in that area. So, you didn't have
3703 pavement right up to the roadway, pavement against pavement. We now have wider landscape
3704 areas, for instance. So, there are very significant ways that an organization, if it wants to say
3705 prevent a Midlothian Turnpike or prevent an area from looking like the old part of Broad Street,
3706 there are ways to do that. The Broad Street Overlay District I think is one, I think a fine example
3707 of that. As far as open space and preserving rural scenery, I think overlay districts or perhaps
3708 other ordinance changes could probably go a long way to insuring that. So, again, I applaud your
3709 interest in your community and seeing the virtues of that community preserved. I guess I would
3710 encourage you to direct your energies in a way that would produce the end result that you are
3711 looking for. This seems to me, what we are considering today, would have no effect on what
3712 your concerns are. There is no change in the notice that is presently given for subdivisions, for
3713 example. If you have a piece of A-1 property that someone wants to subdivide, the same notice
3714 will be given for the zoning. I'm a little confused about specifically why you think that will be a
3715 problem for what your goals are for your community.

3716
3717 Mrs. Newell - Well, if we can get information to our civic association so that our
3718 members.... We have meetings pretty frequently with all members to bring up various things that

3719 are happening as far as zoning and development and so forth. I think that if we could get the
3720 information somehow to our civic association it would help us a great deal. I just feel that we
3721 need to know all that's going on, not just rezonings, but when a development.... Say, there is a
3722 piece of land that has been rezoned for 30 years, it's still sitting there with this R, whatever it is,
3723 maybe R-4 or R-5, or whatever. I feel too that if a piece of property has set that long and has not
3724 been developed after a certain length of time it should be reverted back. It should be
3725 grandfathered. There is some land surrounding area that has been rezoned, year's ago, R-3, R-4,
3726 and therefore I feel like... and too, I want to comment about the five-year extension. I'm sorry, I
3727 disagree with that. I think that no more than two years. They should have their "ducks in a row"
3728 to me and be ready for whatever they are going to do.

3729
3730 Ms. Dwyer - Of course, now there is no limit. So, we have gone from an infinite number
3731 of years down to five. So, we feel like we have progressed.

3732
3733 Mrs. Newell - We've done a little bit better. I will spell my name for you. It is N E W E
3734 L L. I thank you for letting me speak. I do keep on top of things.

3735
3736 Ms. Dwyer - Good.

3737
3738 Mr. Marlles - Mrs. Newell, just to make you aware in case you may not know. The
3739 Planning Office in the past couple of years has greatly expanded the Web page. If you or a
3740 member of the civic association has access to the internet, many of the items, in fact, all of the
3741 items that come before the Planning Commission on both POD meetings and Rezoning meetings
3742 are listed on the agenda as well as the staff reports for rezoning requests. You can actually get
3743 that information now directly off the internet without even coming into the Planning Office. I
3744 realize that that may be a challenge for some of your members, but maybe the key is to find some
3745 member of the organization that has access to the internet who can pull some of that information
3746 down for you. It is a challenge for the staff to try to get this information out to the citizens.

3747
3748 Mrs. Newell - I'm sure it is. And since we do have folks in our organization that do have
3749 access to the Web site, we can begin to get those folks to pull it off for us and we can go through
3750 it that way.

3751
3752 Mr. Marlles - We can assist you and provide you with the information in terms of how to
3753 go about doing that as well. We will be glad to send you out some information.

3754
3755 Mrs. Newell - Well, thank you. I appreciate it very much. We are P. O. Box 407,
3756 Highland Springs, Virginia 23075, and that's the North Airport Drive Civic Association.

3757
3758 Ms. Dwyer - Thank you, Ms. Newell.

3759
3760 Mrs. Newell - Thank you.

3761

3762 Mrs. Donley - My name is Ann Marrow Donley. I'm here today on behalf of the Varina
3763 Environmental Protection Group. We work with the group that Bee was just referring to. I
3764 think, there are a number of things here, I'll try to summarize. One of them is that I believe, one
3765 of you, Mrs. Wade, or someone commented that you have been working on this project for 20
3766 months. But, the public has not. You have been emersed in it, but life is not lived in a vacuum
3767 and all of us are not on the Planning Commission. We are not aware of everything that's going on
3768 or everything that's coming down that pike. Myself, for example, I have essentially the equivalent
3769 of two full time jobs plus looking after my family and an aging aunt and so on and so forth, and
3770 I'm not alone. There are a lot of other people like that. That doesn't leave a lot of time, no matter
3771 how much you love your community, to be checking the Web site, which I have done from time
3772 to time, and things like that, it doesn't leave a lot of time for all of that. We care very much about
3773 our community. What you have given us today is material that has got to be taken back to our
3774 groups and we discuss it and digest it, and I don't think we are going to be ready by the Board of
3775 Supervisors meeting to come up and say this, this, and this. I really think you need a little bit
3776 longer time. I think you also need to say that while you were trying to answer some of her
3777 concerns about getting the information and some things you can do to keep your area from
3778 becoming Midlothian Turnpike etc. The thing is the whole project that you are considering right
3779 now will prevent us even more I think from being able to do that. The way I see it is, looking
3780 over it, now you have to realize I only found out about this public hearing on Friday. So, I tried
3781 to play catch up between my jobs and everything to come here today. I had to take time off from
3782 work and everything else and lose money to come here because this is very important. I'm not
3783 just painting myself as a martyr, I'm trying to say, this is just what the general public is up against.
3784 They want to be involved. And too often subdivision developments come up, they are approved,
3785 and they are suddenly going up and you read about it in the paper or something like that before
3786 you know it's happening sometimes and that's very unfortunate. Your changes, for example, do
3787 not include the public specifically requesting a hearing. Over and over you say if the Director of
3788 Planning thinks that the matter should go before the Board or should go before the Planning
3789 Commission, it would do so. If the subdivider thinks, I don't see anything in there that says what
3790 the public thinks. You are depending on the sixth sense of the Planning staff to say "Oh, yes,
3791 there's going to be some concern out there in that area so we will probably need to have a public
3792 hearing." I think that anything that diminishes the role of the public should be looked at very
3793 carefully. This whole thing, as she was pointing out about growth and the intensity of the growth
3794 and how it's springing up everywhere, this is become a national issue as you've seen. By the time
3795 the television station starts having little programs about it, you know that it is well on its way.
3796 They have been starting to look at it as a national problem. The General Assembly this pass
3797 section did not really come to grips with it. They heard some pros and cons and they went with
3798 the developers. But, many of those legislators who looked at it last year have said they are having
3799 second thoughts and following the election and maybe they are saying it because it is election
3800 time, I don't know, but come January they intend to look at this again. So, I don't know what
3801 effect that will have on your regulations and maybe that's one reason you are kind of rushing this
3802 along. I don't know. However, well intentioned or whatever, I think you have too many things
3803 here to leave the public out.
3804

3805 The consensus is growing across the State that we need to slow the development process and
3806 bring the public into it more for the reasons that, one, we don't have that much land any more.
3807 Two, you shouldn't look at everything if it is not, if it is a forest or whatever, that it's vacant land
3808 and that it must be developed or whatever, because that is so often the plans that come out of the
3809 Planning staff are that way. This is vacant land and you know what shall we do and so on.
3810 Nobody comes and ask the people what they want and when you do they don't listen to what we
3811 have said. The environment is affected, as she pointed out, the Chickahominy River and others,
3812 the Wyndham Development that you all have talked about so much. The people who are very
3813 much involved in the environmental scene have commented on how some of those developments
3814 that Henrico has approved has ended up polluting. So, we need to be looking at that and also the
3815 tax burden. There have been studies that have looked at counties that, such as Clark County, that
3816 made the decision to grow slowly and carefully versus counties such as Stafford, which made the
3817 decision to grow quickly and they have discovered the ones that grows slowly had higher income
3818 and lower taxes, and they didn't have as many schools to build etc. So, those are the reasons why
3819 the public should be involved. The whole reason that you exist that you were there that you are
3820 going over this whole thing, I should assume is because of the public. And, we should have more
3821 control over our way of life, over the landscaping, and I just don't mean little buffer zones, but I
3822 mean the whole process. And, this, I maintain, is taking it away from us.

3823
3824 In 19-31, for example, that's what I was mentioning the discussion about who could bring up and
3825 require that a subdivision be considered by the Planning Commission or not. The public is not
3826 one of the ones who could do that. We need more sunshine on all of this. In looking at
3827 streamlining things, it does seem that it has been streamlined more to help developers and
3828 subdividers. I have to think about the recent one where there has been a lot of history, and that's
3829 the Southernly out in our "neck of the woods." And I think "oh, yes" so he's got five years
3830 supposed then water and sewer comes out there and then they decide okay it's all right now. We
3831 will build Southernly, we will increase the population by 2000 out there overnight and it won't
3832 have to go before the Planning Commission, it can just be decided by the Planning Board. That's
3833 very, very, unnerving, I think, for all of us. We feel we are not a part of the process now and this
3834 is removing it another step.

3835
3836 I would urge you also, in looking at other things from what you were saying, Ms. Dwyer, since
3837 you brought it up about Mechanicsville Turnpike, excuse me, Midlothian Turnpike and so on.
3838 Right now on Laburnum Avenue, near Williamsburg Road, and out by the Airport, we have seen
3839 overnight forest have disappeared overnight and there is nothing but a parking lot there now and
3840 nobody had anything that they could say about it. So, I think that you really need to have more
3841 public involvement, please if you can't do this, at least allow the public some time to digest this,
3842 have a publicized work session or whatever you want but we need some more time for this.
3843 Thank you.

3844
3845 Mr. Vanarsdall - Madam Chairman, I believe what we have been trying to do has been
3846 misinterpreted. I kind of get that sense. I wonder if you have that sense.

3847
3848 Ms. Dwyer - Well, I agree.

3849
3850 Mr. Vanarsdall - What she said was certainly true, what both speakers said.
3851
3852 Ms. Dwyer - And I share their concerns in many cases, and I guess what I was trying to
3853 say earlier is that I think there are some very productive ways to perhaps achieve your goals. I
3854 don't really see what we are doing here today changes that in any significant way. However, there
3855 does seem to be.....
3856
3857 Mrs. Donley - You are putting the power in the hands of Planning.
3858
3859 Ms. Dwyer - May I finish? I do hear that at least some members of the public would like
3860 another opportunity to review this perhaps with staff. Perhaps they would like more time to
3861 review what has been presented because even though we have had a work session on it, they were
3862 not in attendance and have not been present in other work sessions. So, I think that's a legitimate
3863 request and perhaps we will consider that at the time it arrives to make our motion. I don't know
3864 what the sense of the Commission is on that, whether we should defer our decision to allow more
3865 time for the public to review what's been present or not.
3866
3867 Mrs. Newell - I have a question. If we get information from the web site concerning
3868 these developments, are we allowed then to come to the Planning Commission or to the principal
3869 planner or whoever it is that we have concerns about those developments?
3870
3871 Ms. Dwyer - Of course. For instance, the Southerlyn example that was used. That was
3872 a major rezoning case. Nothing changes with regard to that. That would certainly come before
3873 the Commission and all the Commission meetings are public meetings. Nothing changes there.
3874 Certainly, the citizens have always been welcome to come and comment on rezoning cases and
3875 that's never changed and not being changed. All of our hearings are open. So any time we have a
3876 hearing the public is welcome to come and express their concerns.
3877
3878 Mrs. Newell - I'm really speaking of the development that, say, the zoning is in place and
3879 the Director of Planning makes the decision, okay, for this subdivision or development to take
3880 place. If we get information concerning these developments that possibly the Director of Planning
3881 is probably thinking about approving or whatever, can we voice our opinion then to the Director?
3882 Will we have that opportunity?
3883
3884 Ms. Dwyer- I'll let the Director respond to that.
3885
3886 Mr. Marles - Madam Chairman, I would say absolutely. And, in fact, I would hope... I
3887 think there are two situations. There are those situations where we know there are perhaps
3888 community concerns or maybe even an environmental conditions, some type of condition where
3889 we think that the subdivision would best be reviewed by the Planning Commission at a public
3890 meeting setting. But, certainly, if as of a result of getting information about development activity
3891 in your community, you felt that there were concerns, you certainly would be able to contact my
3892 office or myself and that would be in my mind a major factor in my determination as to whether or

3893 not to send a particular development to the Planning Commission or subdivision to the Planning
3894 Commission. Now, I may not always agree but I certainly, acting as the Director of Planning, will
3895 take that, that would be a major consideration in my mind.
3896

3897 Mrs. Newell - As long as you are open minded and I can get my hands on you once in a
3898 while, that will be fine.
3899

3900 Ms. Dwyer - If I may just make a couple of supplementary kind of comments. One is
3901 that, it's true, in 19-31 we have specified which subdivisions, now this is not POD, all PODs will
3902 continue to come to the Planning Commission, parking lots, the commercial development,
3903 apartments, you know, those things would continue to come to the Planning Commission. The
3904 only things that would not be coming to the Planning Commission would be those routine
3905 subdivisions where the zoning is already in place and none of these six factors occur. The reason,
3906 and please correct me if I wrong, anybody. Apparently, Henrico is the only jurisdiction in the
3907 State that has any subdivisions that come before their Planning Commission. In all of the
3908 jurisdictions subdivisions are approved by staff. Is that correct?
3909

3910 Ms. Harper - Almost. Most jurisdictions allow appeals or allow the subdivider to
3911 requests Planning Commission approval but we are the only jurisdiction where all are mandated to
3912 come to the Planning Commission.
3913

3914 Mr. Vanarsdall - Especially, in the metropolitan area. We are the only ones in the
3915 Metropolitan Richmond area.
3916

3917 Ms. Harper - Oh, yes. We definitely are the only ones in the Metropolitan Richmond
3918 area. But, as far as I know, I haven't been able to find any place in the State that has them all
3919 coming to the Planning Commission or to the Board.
3920

3921 Ms. Dwyer - So, that's one factor underlying this. The second is that for subdivision
3922 approval, other than these six which we have pulled out as having factors that we may want to
3923 review, there is very little that we can do to change a subdivision. It's generally all set in the
3924 ordinance and the Code and if the developer meets all that's required in the Code, there is very
3925 little, if anything that we can do to effect change. So, it seems like an unnecessary step, in many
3926 cases, if we couldn't effect any change and we were the only ones in the State doing it to began
3927 with, why were we doing it? Were we wasting the public's time, our time, the developers time? I
3928 think that was a part of the basis for 19-31. Maybe we shouldn't change it, but it seemed an
3929 appropriate thing to do. So, I think maybe if you have a chance to review it all at your leisure and
3930 then perhaps meet with staff, your fears may be allayed on that point. Okay. Do we have any
3931 other speakers who would like to come forward today?
3932

3933 Mr. Archer - Madam Chairman, while he's coming, if I might expand on that a little bit.
3934 I also think that perhaps there is a misconception of exactly what this meeting is all about, and I
3935 do applaud the people from Varina and I suppose maybe there are some more out there, but you
3936 did come forward today. I don't think we are advocating any authority away from ourselves.

3937 And we certainly don't intend to take away your right as the public to attend and have input in
3938 what we propose to do.

3939
3940 Mr. Vanarsdall - That's what I meant when I said it's been misinterpreted. I agree with you.

3941

3942 Ms. Dwyer - Okay. The next speaker, come forward please.

3943

3944 Mr. Gary - I'm Bob Gary from the Varina District. It's going to be short. Quoting
3945 from an article of May 19, 1999. The Manager, Virgil Hazelett, assigned this case to Angela
3946 Harper. This was May 19, 1999, how many months did you said you have been working on this,
3947 Ms. Harper?

3948

3949 Ms. Harper - I'm sorry, I don't know.

3950

3951 Mr. Gary - Well, any how it goes on to say that she has talked with planners,
3952 developers and builders locally and researched how development plans are handled in localities
3953 around the nation. Her preliminary work on the project won her local and national awards last
3954 winter. Now did she have any citizens input? The average citizen doesn't have the time to come
3955 down here during the middle of the day, he holds a job. The builder, that's his business to be here.
3956 Another thing that I would like to point out. I think you are putting an awful lot on the Director
3957 of Planning to make all these decisions. And another thing I would like to quote from the article.
3958 "Mr. Vanarsdall said the current process takes time but has no real significance because the
3959 Commissioner essentially rubberstamps the request." That's quoted from the newspaper.
3960 Anyhow, I would like to see if the Planning Commission has any... We are not the only citizen
3961 group in the Varina district, there are several of them, and the County has a list of those groups,
3962 couldn't they call us and let us sit in on some of these meetings that you all have with the
3963 developers and the planners and builders and so forth? I mean, I know you meet with them, you
3964 are bound to, to have this concept of how you are going to do things.

3965

3966 Ms. Dwyer - Yes, sir. And all of our work sessions are public.

3967

3968 Mr. Gary - Yes, ma'am. I realize that but you know all of the public doesn't have the
3969 time during the day. Whereas the builder, it would be in his interest to be here, and the developer.
3970 That's all. Thank you for your time.

3971

3972 Ms. Dwyer - Are there any other comments?

3973

3974 Mr. Dixon - Good morning, I'm Gordon Dixon with the Homebuilders Association. I
3975 just wanted to let you know that we thank you and the County staff for all the efforts you have
3976 done with this project. We have been working for quite some time on this process, not only have
3977 builders but engineers and architects, provided numerous hours of input to the County staff on
3978 this. We think this is a proactive approach to help the business community in their business here.
3979 And the Homebuilders Association of Richmond is in support of these ordinance amendments.
3980 Thank you.

3981
3982 Ms. Dwyer - Are there any other comments? Is there any discussions by the
3983 Commission on what we have heard today or how we would like to proceed?
3984
3985 Mr. Vanarsdall - Well, it's very evident, as you just said a few minutes ago, we are not ready
3986 to make any kind of recommendation, I wouldn't think to the Board.
3987
3988 Ms. Dwyer - Ms. Harper, would you come to the microphone please?
3989
3990 Ms. Harper - Yes.
3991
3992 Ms. Dwyer - Would it be appropriate perhaps for you to meet with the citizen who have
3993 come here today. I don't know that the Commission needs to be present. If you want to meet
3994 with them and maybe go over in detail and give them a chance to read it and meet with you and
3995 then we could have another public hearing in a month and then if there are outstanding issues that
3996 the citizens want to raise based on the additional time they have had to review the ordinance, then
3997 to discuss it with you, then we can deal with those at that time. I think a lot of the comments that
3998 were made today were concerns that they hadn't had time to fully understand the implication of
3999 those.
4000
4001 Ms. Harper - I am more than willing to meet with them. I do think though there is a
4002 mailing list available through our Public Information Office. One of the speakers mentioned that,
4003 the last gentlemen, he mentioned that civic associations might be interested, and I think he is right.
4004 There is a fairly long list. What I could do is do a mailing to everyone and have a work session or
4005 an opportunity for anyone to come, like an information meeting, on the whole project available
4006 for all citizen groups. I'm afraid that what could happen is that if I focus only on North Airport
4007 Drive and the Varina coalition that, you know, two will show up from some other district and
4008 they would have not been informed so I'm thinking it might be better if I try to do a mailing and
4009 invite them all here, just because of the facility, it is a little easier and try to answer everyone's
4010 question about the project. I would have been prepared today to have gone over the "who shot
4011 who," why we are having the whole project, if I had realized that there was going to be questions
4012 regarding the why we are doing it and the change of authority. I will redo my presentation to be
4013 sure that it is geared to understanding the process a little more. So, to do that and to have that
4014 meeting, and then get back to you in a month, hopefully I can do that. And deferring it to your
4015 September POD meeting is that what you are thinking about?
4016
4017 Ms. Dwyer - What about for two months?
4018
4019 Ms. Harper - I would prefer to shoot for that because I know that the Manager would
4020 really like to be sure that we are at least able to let the Board know what is going on, on the
4021 project soon. And, I will share with him, there are always minutes of the meetings, plus I will
4022 share with him the comments the citizens and you have made so that he is aware. But, if I
4023 understand correctly, I would hold a work session, share with the public the general purpose of
4024 what's going on, the changes in the request and try to answer all their questions. Then, we would

4025 set another public hearing date and if you want to set another public hearing date, I understood
4026 them to say that they would not like to have it during the day. Would it be possible to have it on
4027 an evening meeting that you normally have? Are your zoning cases heavy for November?
4028

4029 Ms. Dwyer - Even when we have light zoning agendas, our zoning meetings tend to run
4030 late and really do preclude having public hearing, in my view, I mean if we start at 12:00 a.m.
4031 nobody's worth anything by that point and I'm sure the citizens don't want to be here at midnight.
4032

4033 Ms. Harper - Oh, yes. I do remember those days.
4034

4035 Ms. Dwyer - And we have been here as late as two, which I hope that will never happen
4036 again. But I really would prefer having these during the day.
4037

4038 Ms. Harper - What I'm thinking is if you would like to have a deferral of this public
4039 hearing to another time, what will be good is, when I make the presentation to the citizens I
4040 would be able to send out in that notice letter the fact that I would have the information meeting
4041 and be able to notify them of the public hearing so that I would be able to do both at one time.
4042 So, even if they couldn't come to the work session then we would give them the potential of being
4043 at the public meeting. I want to try to give them as much opportunity as possible.
4044

4045 Ms. Dwyer - Well, maybe we should set our deferral for October, if we think there may
4046 be a chance that we can get the notice out and have the meeting.
4047

4048 Ms. Harper - Which meeting in October are you talking about?
4049

4050 Ms. Dwyer - Defer the public hearing until October, the October POD. That will give
4051 you 60 days instead of 30 days to send the notice out.
4052

4053 Ms. Harper - And have the meetings and do whatever.
4054

4055 Ms. Dwyer - If we think that 30 days is not going to be enough, let's just go ahead and
4056 decide now.
4057

4058 Ms. Harper - I am concerned about it, only in the fact that, I want to be sure that I get
4059 the meeting in and get it done. I'm thinking we will have the work session and then, I don't know,
4060 I can even offer two work sessions to the public in case they could get to one. I did that before
4061 where I had two or three and they had alternative times, it's pretty much the same meeting, but
4062 they can come at alternative times if they want.
4063

4064 Ms. Dwyer - Well, why don't we defer this public hearing until our October POD
4065 meeting. Is that satisfactory to the Commission? That would give Ms. Harper and the citizens 60
4066 days in which to, because I mean you are going to be giving notice and having possibly to
4067 informational meetings.
4068

4069 Ms. Harper - What ever you ask of me, I'll be glad to do.
4070
4071 Mr. Marlles - Madam Chairman, this is a continuation of the public hearing.
4072
4073 Ms. Harper - So, you are deferring the public hearing until October 27, 1999. Do you
4074 want to set a specific time again so that the citizens would know when to come?
4075
4076 Ms. Dwyer- Yes, 1:00 p.m.
4077
4078 Mrs. Wade - Is it possible perhaps to summarize or clarify, I know I'm having trouble
4079 with all of these papers in front of me. It says we do it this way now and we are proposing it that
4080 way without some of the legal ordinance quotations.
4081
4082 Ms. Harper - Right. And I did that back two or three presentations ago, remember,
4083 when the Board approved it, and I can gladly do that, which talks about this is the way we are
4084 doing it now and this is the way we are proposing to do it. The main reason why I had to bring
4085 you Code is because we are now actually talking about changes to the Code. So, I'm required by
4086 law to bring you the exact words.
4087
4088 Ms. Dwyer - I don't know if this is appropriate, Ms. Harper, and if it's not please say so.
4089 But, somewhat, of what I was hearing today, people have a concern generally about quality
4090 development, density of development, open space. And, I guess what's frustrating for me sitting
4091 here, is while we have an ordinance in front of us and so those concerns which are sort of just out
4092 there are now being focus on this as if this is going to help or hinder their efforts to achieve
4093 greater open space and I don't see that.
4094
4095 Ms. Harper - It's a tool simply. It's not zoning or....
4096
4097 Ms. Dwyer - There are other ways to express and bring into reality one's desire as far as
4098 community development. I wonder if you would have a chance at that meeting, or if it would be
4099 appropriate at that meeting, to talk about, say, the overlay district for example or development
4100 standards that kind of thing. That's far field from this topic but it does seems to be a general sense
4101 from the citizens that they would like to achieve certain goals in terms of development standards.
4102
4103 Mrs. Wade - Which is not what Angela has been directed to do.
4104
4105 Ms. Harper - No. Well, the problem is that this project, as you know, there are other
4106 projects that the Planning Office is involved in. They are looking at that. So maybe what we can
4107 do is have help from John's staff to have an introduction to this and maybe share some of the
4108 other things that are going on, like the comprehensive plan. What is going on with that, and a few
4109 of those things as a part of this hearing that might be helpful. This, as you know, is directed
4110 toward a change, sort of a reengineering of a process, I would say, as opposed to actually trying
4111 to get into the substance of quality of development. I understand completely that the focus also

4112 needs to be on participation by the public in the process and that we can definitely focus on
4113 because I think there are ways to improve that.

4114
4115 Mr. Marles - Madam Chairman, another option there, there certainly are communities
4116 and planning commissions around the state that actually holds a special work session or public
4117 hearing on some bases to try to solicit ideas from the communities as to what changes are needed
4118 in the community, the standards in that are in the zoning ordinance or in the subdivision
4119 ordinance. So, there are a number of ways to get ideas from the public as to what areas needs to
4120 be looked at by the Commission and the staff within the coming year.

4121
4122 Ms. Dwyer - I hesitate to dump that on Angela because that's not her role here.

4123
4124 Ms. Harper - Well, as I said, hopefully in combination with your staff of the Planning
4125 Office, we could try to put together a combo, because I do love to get the information out to
4126 citizens at any opportunity. But, it's, just as you know, this project takes a long time to explain
4127 and do we are talking about a presentation at a work session or public meeting that could take a
4128 couple of hours if we add to much on to it. But, we will be glad to work on it. There has been a
4129 proposal that we try to have a work session at the east end. The main reason, just so that you
4130 would know, that we have difficulty with that is that they do not have the technology available for
4131 us to use power point presentations there. So, we can check on that to see if that has changed but
4132 it is a great deal of difficulty, you almost have to use flip charts and slides there. You have to use
4133 slides there, which the Manager has pretty much mandated that his staff will use power point for
4134 everything we do. We can try to approach that. We can check out the east end. If the Planning
4135 Commission wants to require a hearing in the east end, we will definitely do it in what ever
4136 method that we have. Between now and October, there may be the possibilities of having two
4137 meetings, one would be here and one would be there. But, again, there's the potential of not
4138 having the ability to do the same type of presentation there because it is just not technology
4139 outfitted.

4140
4141 Ms. Dwyer - We will leave that up to you, but it might be a good idea to have one in the
4142 east end and one in the west end.

4143
4144 Ms. Harper - I would love to, but I just wish there were the same facilities.

4145
4146 Mr. Gary - Ms. Harper, you speak so well, could you read this for me please. This is a
4147 statement by Ms. Blackwell who is....

4148
4149 Ms. Harper - No. I'm sorry that sounds like a political issue. I'm sorry, sir, I don't the
4150 Chair has not recognized you yet. This is a political statement and the Chair has to recognize you.

4151
4152 Ms. Dwyer - Okay. So, what we are going to do then is have two informational
4153 meetings.

4154

4155 Ms. Harper - Yes, I'm going to schedule two informational meetings and the public
4156 hearing, which you have now set the public hearing, and I will notify with the same letter that says
4157 the two dates of the meetings and the one hearing date.
4158

4159 Ms. Dwyer - And, again, I understand your responsibility is to explain this and to put
4160 this in context in terms of what we are trying to accomplish here to improve our process. But, it
4161 may be that if someone from the Planning Office could be there to perhaps open the floor up to
4162 other ideas, then someone from the Planning Office could be there to receive ideas from the
4163 community about what else they would like to accomplish, or what other ideas they would like to
4164 put forward regarding the planning process or planning ordinances, development standards in our
4165 community.
4166

4167 Ms. Harper - We will notify you of these dates as well as the Board of Supervisors in
4168 case any of you would like to attend.
4169

4170 Ms. Dwyer - Do we need a motion on....
4171

4172 Ms. Harper - It's always best to set meetings by a motion.
4173

4174 Ms. Dwyer - All right. Do I have a motion on the continuation of the public hearing.
4175

4176 Mr. Vanarsdall - I move we continue this public hearing with a tentative date of October 27,
4177 1999, at 1:00 p.m. here in the Board Room of Henrico County.
4178

4179 Mr. Archer I second the motion, Madam Chairman.
4180

4181 Ms. Dwyer - The motion was made by Mr. Vanarsdall and seconded by Mr. Archer. All
4182 in favor say...all opposed say nay. The motion carries.
4183

4184 The Planning Commission voted to continue the public hearing on these ordinance amendments at
4185 the October 27, 1999, Planning Commission meeting at 1:00 p.m.
4186

4187 Mr. Vanarsdall - And we appreciate the time you all took to be here too.
4188

4189 Mrs. Wade - Does that newsletter that goes out on Planning events every now in then
4190 does that includes work sessions?
4191

4192 Mr. Silber - We haven't done a newsletter recently, it's time for another one. That's
4193 another opportunity to get the word out.
4194

4195 Mrs. Wade - I'm sure all of the groups are on that list.
4196

4197 Ms. Dwyer - Are the work sessions on the internet?
4198

4199 Mrs. Newell - We don't get any. We've never gotten any newsletters. I got one notice.
4200
4201 Mr. Silber - Probably not, Ms. Dwyer.
4202
4203 Ms. Dwyer - We might want to consider, then, Mr. Secretary, placing our work sessions
4204 in the newspaper as well.
4205
4206 Mrs. Wade - And we will probably have the same people, hopefully some more.
4207
4208 Ms. Dwyer - Well certainly we can put them on our internet source, so that it is readily
4209 available at anytime.
4210
4211 Mr. Marlles - That a good idea.
4212
4213 Ms. Dwyer - All right. Well, that will be done in the future. Thank you very much. Is
4214 there any more business this afternoon?
4215
4216 Mr. Marlles - No, Madam Chairman.
4217
4218 Ms. Dwyer - All right. Do we have a motion to adjourn.
4219
4220 Mr. Archer - So move.
4221
4222 Mr. Vanarsdall - Second.
4223
4224 Ms. Dwyer - The motion was made by Mr. Archer to adjourn and seconded by Mr.
4225 Vanarsdall. All in favor say aye...all opposed say nay. The motion carries.
4226
4227 On a motion by Mr. Archer and seconded by Mr. Vanarsdall, the Planning Commission adjourned
4228 its August 25, 1999, meeting at 2:45 p.m.
4229
4230
4231
4232 _____
Elizabeth G. Dwyer, C.P.C. Chairman
4233
4234
4235
4236 _____
John R. Marlles, AICP, Secretary
4237