

1 Minutes of the regular monthly meeting of the Planning Commission of the County of Henrico,  
2 Virginia, held in the Board Room of the County Administration Building in the Government  
3 Center at Parham and Hungary Springs Roads, Beginning at 9:00 a.m. Wednesday, July 24, 2002.  
4

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

11  
12 Member Absent: Mr. C. W. Archer, C.P.C. (Fairfield)

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

25  
26 Others Absent: Mr. Randall R. Silber, Assistant Director of Planning  
27

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

30  
31 Mr. Taylor - Good morning. It is 9:04 a.m. and we will begin the July POD Meeting. I  
32 want to mention this morning that due to the hard work of the staff we've got out of 25 cases,  
33 we've got 19 cases that are either deferred or on the Expedited Agenda. And I think this is really  
34 a significant fact by virtue of the fact that it represents a lot of work between the staff and the  
35 individual developers each time, on each case, and it really helps us here, and I hope that it helps  
36 the developers and the staff. And I also want to mention today that Commissioner Archer's  
37 cases will be handled by Commissioner Vanarsdall, and with that I will turn the meeting over to  
38 the Secretary.  
39

40 Mr. Marlles - Thank you, Mr. Chairman. Good morning Commission members. As the  
41 Chairman mentioned, Mr. Archer will not be with us today, however, we do have a quorum and  
42 can conduct business. The first item on the agenda is Request for Deferrals and Withdrawals,  
43 and those will be presented by Mr. Ted McGarry.  
44

45 Mr. McGarry - Good morning, Mr. Chairman, and members of the Commission.  
46 We have a total of five deferrals and withdrawals. We will do the first three on your screen and  
47 then we have two more to add. The first is on Page 8.

48

49 **PLAN OF DEVELOPMENT & ALTERNATIVE FENCE HEIGHT**

50 **(Deferred from the June 26, 2002, Meeting)**

51

POD-51-02 **Draper Aden Associates for Smith Land & Improvement**  
L. B. Smith Expansion – **Corporation:** Request for approval of a revised plan of  
1345 Mountain Road development and alternative fence height plan, as required by  
(POD-60-95 Revised) Chapter 24, Sections 24-106 and 24-95(1)(6) of the Henrico  
County Code to expand a gravel parking area and construct a  
six-foot black vinyl clad chain link fence in a front yard with  
landscaping. The 3.96 acre site is located at 1345 Mountain  
Road on parcel 782-759-7585. The zoning is M-1, Light  
Industrial District. County water and sewer. **(Fairfield)**

52

53 Mr. McGarry - The applicant is asking for a deferral to September 25, 2002.

54

55 Mr. Taylor - Is there anybody opposed to the deferral of POD-51-02?

56

57 Mr. Vanarsdall - I move that POD-51-02 be deferred at the applicant's request to September  
58 25, 2002.

59

60 Mr. Jernigan - Second.

61

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

64

65 At the applicant's request, the Planning Commission deferred POD-51-02, L.B. Smith Expansion –  
66 1345 Mountain Road (POD-60-95 Revised) to its meeting on September 25, 2002.

67

68 **SUBDIVISION**

69

The Park at Twin Hickory **Youngblood, Tyler & Associates, P.C. for HHHunt**  
Collector Roads – **Corporation:** The 8.44 acre site is located on the west side of  
Old Nuckols Road Nuckols Road across from the intersection of Nuckols Road  
(July 2002 Plan) and Opaca Lane on part of parcels 745-768-7374, 745-769-  
6845, 5071, 6789, 746-770-0619, 1492, 4038, 745-770-0962,  
747-771-2430 and 3965. The zoning is A-1, Agricultural  
District, RTHC, Residential Townhouse District (Conditional),  
O-3C, Office District (Conditional), R-5AC, General Residence  
District (Conditional) and R-6C, General Residence District  
(Conditional). County water and sewer. **(Three Chopt) 0 Lots**

70 Mr. McGarry - Page 12 of your agenda. The applicant requests deferral to your August 15, 2002  
71 meeting, which is your rezoning meeting, at 7:00 p.m.

72  
73 Mr. Taylor - Is there anyone in the audience opposed to the deferral of The Park at Twin  
74 Hickory Collector Roads – Old Nuckols Road (July 2002 Plan) to the August 15 meeting? I will  
75 move deferral of The Park at Twin Hickory Collector Roads – Old Nuckols Road (July 2002 Plan)  
76 to August 15, 2002, at the applicant’s request.

77  
78 Mr. Jernigan - Second.

79  
80 Mr. Taylor - Motion made by Mr. Taylor and seconded by Mr. Jernigan. All in favor say  
81 aye. All opposed say no. The motion passes.

82  
83 At the applicant’s request, the Planning Commission deferred The Park at Twin Hickory Collector  
84 roads – Old Nuckols Road (July 2002 Plan) to its meeting on August 15, 2002.

85  
86 **LIGHTING PLAN**

87  
LP/POD-83-01 **Foster & Miller, P.C. for Clarendon Associates, L.L.C.:**  
The Lodge @ Hunton Park Request for approval of a lighting plan, as required by Chapter  
24, Section 24-106 of the Henrico County. The 30.00-acre site  
is located on the north line of Hunton Park Boulevard,  
approximately 1,200 feet east of Staples Mill Road (U.S. Route  
33) on parcel 762-775-1005. The zoning is R-5C, General  
Residence District (Conditional) and C-1, Conservation  
District. **(Brookland)**

88  
89 Mr. McGarry - On Page 24 of your Agenda. The applicant requests deferral to September 25,  
90 2002.

91  
92 Mr. Taylor - Is anybody in the audience opposed to the deferral of LP/POD-83-01, The  
93 Lodge at Hunton Park, to September 25, 2002 meeting? No opposition. Mr. Vanarsdall.

94  
95 Mr. Vanarsdall - I move LP/POD-83-01, The Lodge at Hunton Park, be deferred to  
96 September 25, 2002, at the applicant’s request.

97  
98 Mr. Jernigan - Second.

99  
100 Mr. Taylor - Motion made by Mr. Vanarsdall and seconded by Mr. Jernigan to defer  
101 LP/POD-83-01 to September 25, 2002. All in favor say aye. All opposed say no. The motion  
102 passes.

103  
104 At the request of the applicant, the Planning Commission deferred LP/POD-83-01, The Lodge at  
105 Hunton Park, Lighting Plan, to its meeting on September 25, 2002.

106

106 **SUBDIVISION**

107

Thomas Mill  
(July 2002 Plan)  
11868 Old Washington  
Highway

**Foster & Miller, P.C. for WWJ, LC and B & B Development Corporation:** The 78.60-acre site is located on the north line of Old Washington Highway between the Chickahominy River and the CSX Railroad across from Kellipe Road on parcels 772-779-6780, 773-777-3550 and part of 773-777-1078. The zoning is A-1, Agricultural District. County water and septic tank/drainfield. **(Brookland) 47 Lots**

108

109 Mr. McGarry - The applicant requests deferral to September 25, 2002.

110

111 Mr. Vanarsdall - Any opposition, Mr. Chairman?

112

113 Mr. Taylor - Any opposition to the deferral of Thomas Mill (July 2002 Plan) to  
114 September 25, 2002? No opposition.

115

116 Mr. Vanarsdall - I want to thank Christina Goggin for calling all of these things to our  
117 attention and we appreciate you all deferring it. I move that Thomas Mill Subdivision be deferred  
118 to September 25, 2002, at the applicant's request.

119

120 Mr. Taylor- Second. A motion was made by Mr. Vanarsdall and seconded by Mr.  
121 Taylor to defer Thomas Mill (July 2002 Plan) to September 25, 2002. All in favor say aye. All  
122 opposed say no. The motion passes.

123

124 At the request of the applicant, the Planning Commission deferred Thomas Mill Subdivision, (July  
125 2002 Plan), 11868 Old Washington Highway, to its meeting on September 25, 2002.

126

127 **TRANSFER OF APPROVAL (Deferred from the June 26, 2002, Plan)**

128

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

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

129

130 Mr. McGarry - This is the last item of which staff is aware of a deferral. The applicant requests a  
131 deferral to September 25, 2002.

132

133 Mr. Taylor - Is anyone in the audience opposed to the deferral of POD-117-98 to  
134 September 25, 2002? I will move deferral of Transfer of Approval, POD-117-98, Courtland @  
135 Wyndham (POD-116-96 Revised), to September 25, 2002, at the applicant's request.

136  
137 Mr. Vanarsdall - Second.

138  
139 Mr. Taylor - Motion made by Mr. Taylor and seconded by Mr. Vanarsdall to defer POD-  
140 117-98. All in favor say aye. All opposed say no. The motion passes.

141  
142 At the request of the applicant, the Planning Commission deferred Transfer of Approval, POD-  
143 117-98, Courtland @ Wyndham (POD-116-96 Revised), to its meeting on September 25, 2002.

144  
145 **LANDSCAPE PLAN (Deferred from the June 26, 2002, Meeting)**

146  
LP/POD-15-01 **Horton & Dodd, P. C. for HC One LP:** Request for approval  
Henrico Senior Living – of a landscape plan, as required by Chapter 24, Sections 24-106  
Reflections – Gay Avenue and 24-106.2 of the Henrico County Code. The 14.01 acre site  
is located on the south line of Gay Avenue approximately 750  
feet west of its intersection with Laburnum Avenue on parcels  
813-717-2321 and 813-716-0660. The zoning is R-5C, General  
Residence District (Conditional), C-1, Conservation District and  
ASO, (Airport Safety Overlay) District. **(Varina)**

147  
148 Mr. McGarry - This is on Page 4.

149  
150 Mr. Taylor - Is there anyone in the audience who is opposed to LP/POD-15-01, Henrico  
151 Senior Living, in the audience? No opposition.

152  
153 Mr. Jernigan - Mr. Chairman, I make a motion to approve Landscape Plan LP/POD-15-01,  
154 Henrico Senior Living – Reflections – Gay Avenue, subject to the annotations on the plan and the  
155 standard conditions for landscape plans.

156  
157 Mr. Vanarsdall - Second.

158  
159 Mr. Taylor - Motion made by Mr. Jernigan and seconded by Mr. Vanarsdall. All in favor  
160 say aye. All opposed say no. The motion passes.

161  
162 The Planning Commission approved Landscape Plan LP/POD-15-01, Henrico Senior Living –  
163 Reflections – Gay Avenue, subject to the annotations on the plan and the standard conditions for  
164 landscape plans.

165

165 **SUBDIVISION**

166

Parview @ Crosspoint  
(July 2002 Plan)

**Michael E. Doczi & Associates, P.L.L.C. for Virginia Center, LLC:** The 8.416-acre site is located on the north line of Virginia Center Parkway, approximately ¾ mile southeast of I95 on parcel 790-764-6385. The zoning is R-5AC, General Family Residence District (Conditional). County water and sewer.  
**(Fairfield) 28 Lots**

167

Mr. McGarry - This is on Page 7 of your agenda.

168

169

Mr. Taylor - Is there anyone in the audience in opposition to Parview @ Crosspoint (July 2002 Plan) being heard on the Expedited Agenda?

171

172

Mr. Vanarsdall - I move that Parview @ Crosspoint (July 2002 Plan) be approved on the Expedited Agenda, subject to the annotations on the plans, the standard conditions for subdivisions served by public utilities, and the following conditions which would be No. 12, 13, 14 and 15.

173

174

175

176

Mr. Jernigan - Second.

177

178

Mr. Taylor - Motion made by Mr. Vanarsdall, seconded by Mr. Jernigan. All in favor say aye. All opposed say no. The motion passes.

179

180

181

The Planning Commission granted conditional approval to Subdivision Parview @ Crosspoint (July 2002 Plan), subject to the annotations on the plans, the standard conditions for subdivisions served by public utilities, and the following additional conditions:

182

183

184

185

12. The proffers approved as part of zoning case C-18C-02 and C-21C-96 shall be incorporated in this approval.

186

187

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

188

189

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191

192

14. A concrete sidewalk/golf cart path, a minimum of four feet in width, shall be constructed along the north side of Virginia Center Parkway from Fairway Homes Way to the entrance to the Carriage Homes.

193

194

195

15. Prior to requesting the final approval, a draft of the covenants and deed restrictions for the maintenance of the common elements listed in proffer No. 2, case C-21C-96, which must be maintained by a homeowners association, shall be submitted to the Planning Office for review and approval. Such covenants and restrictions shall be in form and substance satisfactory to the County Attorney and shall be recorded prior to recordation of the subdivision plat.

196

197

198

199

200

201

202

Mr. McGarry - The next case is on Page 9 of your Agenda.

203

204

205 **PLAN OF DEVELOPMENT**  
206

POD-56-02  
Chickahominy Family  
Practice Office Building –  
Williamsburg & Whiteside  
Roads (POD-90-00 Revised)

**Jordan Consulting Engineers, P.C. for Evelyn O. Harden and Chickahominy Family Practice:** Request for approval of a revised plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a two-story, 11,977 square foot medical office building. The 3.16-acre site is located on the northwest corner of Williamsburg Road (U. S. Route 60) and Whiteside Road on part of parcel 833-714-8268. The zoning is B-1C, Business District (Conditional) and ASO (Airport Safety Overlay) District. County water and sewer. (**Varina**)

207  
208 Mr. Taylor - Is there anyone in the audience who is opposed to hearing POD-56-02 on  
209 the Expedited Agenda? No opposition. Mr. McGarry.

210  
211 Mr. Jernigan - Mr. Chairman, I do want, on the conditions on this, I want to do Amend No. 9 and  
212 No. 11. With that I will make a motion to approve POD-56-02, Chickahominy Family Practice  
213 Office Building subject to the standard conditions for developments of this type, and the following  
214 additional conditions No. 23 through 30 and No. 9 and 11 Amended.

215  
216 Mr. Taylor - Second. Motion made by Mr. Jernigan and seconded by Mr. Taylor. All  
217 in favor say aye. All opposed say no. The motion passes.

218  
219 The Planning Commission approved Plan of Development POD-56-02, Chickahominy Family  
220 Practice Office Building – Williamsburg and Whiteside Roads (POD-90-00 Revised) subject to  
221 the annotations on the plan, the standard conditions for developments of this type and the  
222 following additional conditions:

- 223
- 224 9. **AMENDED** – A detailed landscaping plan shall be submitted to the Planning Office for  
225 review and Planning Commission approval prior to the issuance of any occupancy  
226 permits.
  - 227 11. **AMENDED** – Prior to the installation of the site lighting equipment, a plan including  
228 depictions of light spread and intensity diagrams, and fixture and specifications and  
229 mounting height details shall be submitted for Planning Office review and Planning  
230 Commission approval.
  - 231 23. The developer shall provide fire hydrants as required by the Department of Public  
232 Utilities and Division of Fire.
  - 233 24. The proffers approved as a part of zoning case C-63C-00 shall be incorporated in this  
234 approval.
  - 235 25. Any necessary off-site drainage and/or water and sewer easements must be obtained in a  
236 form acceptable to the County Attorney prior to final approval of the construction plans.
  - 237 26. Deviations from County standards for pavement, curb or curb and gutter design shall be  
238 approved by the County Engineer prior to final approval of the construction plans by the  
239 Department of Public Works.

- 240 27. Insurance Services Office (ISO) calculations must be included with the plans and  
 241 contracts and must be approved by the Department of Public Utilities prior to the  
 242 issuance of a building permit.
- 243 28. Approval of the construction plans by the Department of Public Works does not establish  
 244 the curb and gutter elevations along the Henrico County maintained right-of-way. The  
 245 elevations will be set by Henrico County.
- 246 29. The location of all existing and proposed utility and mechanical equipment (including  
 247 HVAC units, electric meters, junction and accessory boxes, transformers, and generators)  
 248 shall be identified on the landscape plans. All equipment shall be screened by such  
 249 measures as determined appropriate by the Director of Planning or the Planning  
 250 Commission at the time of plan approval.
- 251 30. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the  
 252 Planning Office and approved prior to issuance of a certificate of occupancy for this  
 253 development.

254  
 255 **SUBDIVISION**  
 256

Meadow Farms **Youngblood, Tyler & Associates, P.C. for R. F. and B. P.**  
 (July 2002 Plan) **Cauthorne, Revocable Trust and Meadow Farms**  
**Associates, L.L.C.:** The 4.86-acre site is located on the south  
 line of Meadow Farm Drive behind the Glen Allen Library on  
 part of parcel 764-766-5496. The zoning is R-2C, One-Family  
 Residence District (Conditional) and A-1, Agricultural District.  
 County water and sewer. **(Brookland) 8 Lots**

257  
 258 Mr. Taylor - Is there anyone in the audience opposed to Meadow Farms Subdivision  
 259 being heard on the Expedited Agenda? No opposition.

260  
 261 Mr. Vanarsdall - I move Meadow Farms (July 2002 Plan) be approved on the Expedited  
 262 Agenda subject to the annotations on the plans, the standard conditions for subdivisions served  
 263 by public utilities, and Conditions Nos. 12, 13 and 14.

264  
 265 Mr. Jernigan - Second.

266  
 267 Mr. Taylor - Motion made by Mr. Vanarsdall and seconded by Mr. Jernigan. All in  
 268 favor say aye. All opposed say no. The motion passes.

269  
 270 The Planning Commission granted conditional approval to Subdivision Meadow Farms (July  
 271 2002 Plan) subject to the annotations on the plans, the standard conditions for subdivisions  
 272 served by Public Utilities and the following additional conditions:

- 273  
 274 12. The proffers approved as part of zoning case C-17C-02 shall be incorporated in this  
 275 approval.
- 276 13. Prior to requesting recordation, the developer shall furnish a letter from Dominion Virginia  
 277 Power stating that this proposed development does not conflict with its facilities.



278 14. Prior to requesting the final approval, a draft of the covenants and deed restrictions for the  
279 maintenance of the common area by a homeowners association shall be submitted to the  
280 Planning Office for review. Such covenants and restrictions shall be in form and substance  
281 satisfactory to the County Attorney and shall be recorded prior to recordation of the  
282 subdivision plat.  
283

284 **PLAN OF DEVELOPMENT**  
285

POD-52-02  
The Townes at Twin  
Hickory

**Youngblood, Tyler & Associates for HHHunt Corporation:**  
Request for approval of a plan of development, as required by  
Chapter 24, Section 24-106 of the Henrico County Code to  
construct 69, two-story townhouses for sale units. The 11.33  
acre site is located at 11621 and 11547 Old Nuckols Road,  
approximately 0.2 mile east of Shady Grove Road on parcels  
744-773-3059 and 744-777-6354. The zoning is RTHC,  
Residential Townhouse District, (Conditional). County water  
and sewer. **(Three Chopt)**

286  
287 Mr. McGarry - There is a revised recommendation for approval and a staff plan on your  
288 addendum.  
289

290 Mr. Taylor - Is there anyone opposed to hearing POD-52-02, The Townes at Twin  
291 Hickory, on the Expedited Agenda? None. No opposition. I will move that POD-52-02, The  
292 Townes at Twin Hickory, be approved, subject to the standard conditions for developments of  
293 this type, the annotations on the plan and added conditions No. 9 and 11 Amended and No. 23  
294 through 34, and the notations in the Addendum.  
295

296 Mr. Vanarsdall - Second.  
297

298 Mr. Taylor - Motion made by Mr. Taylor, seconded by Mr. Vanarsdall. All in favor say  
299 aye. All opposed say no. The motion passes.  
300

301 The Planning Commission approved POD-52-02, The Townes at Twin Hickory, subject to the  
302 standard conditions for developments of this type, the annotations on the plans, and additional  
303 conditions shown below:  
304

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

308 **11. AMENDED** - Prior to the installation of the site lighting equipment, a plan including  
309 depictions of light spread and intensity diagrams, and fixture and specifications and  
310 mounting height details shall be submitted for Planning Office review and Planning  
311 Commission approval.

312 **23.** The subdivision plat for The Townes at Twin Hickory shall be recorded before any  
313 building permits are issued.

- 314 24. The easements for drainage and utilities as shown on approved plans shall be granted to  
315 the County in a form acceptable to the County Attorney prior to any occupancy permits  
316 being issued. The easement plats and any other required information shall be submitted  
317 to the County Real Property Agent at least sixty (60) days prior to requesting occupancy  
318 permits.
- 319 25. The developer shall provide fire hydrants as required by the Department of Public  
320 Utilities and Division of Fire.
- 321 26. A standard concrete sidewalk shall be provided along the south side of Old Nuckols  
322 Road.
- 323 27. The proffers approved as a part of zoning case C-20C-02 shall be incorporated in this  
324 approval.
- 325 28. The limits and elevations of the 100-year frequency flood shall be conspicuously noted  
326 on the plan "Limits of 100 Year Floodplain." In addition, the delineated 100-year  
327 floodplain must be labeled "Variable Width Drainage and Utility Easement." The  
328 easement shall be granted to the County prior to the issuance of any occupancy permits.
- 329 29. Any necessary off-site drainage and/or water and sewer easements must be obtained in a  
330 form acceptable to the County Attorney prior to final approval of the construction plans.
- 331 30. Deviations from County standards for pavement, curb or curb and gutter design shall be  
332 approved by the County Engineer prior to final approval of the construction plans by the  
333 Department of Public Works.
- 334 31. The pavement shall be of an SM-2A type and shall be constructed in accordance with  
335 County standard and specifications. The developer shall post a defect bond for all  
336 pavement with the Planning Office - the exact type, amount and implementation shall be  
337 determined by the Director of Planning, to protect the interest of the members of the  
338 Homeowners Association. The bond shall become effective as of the date that the  
339 Homeowners Association assumes responsibility for the common areas.
- 340 32. Insurance Services Office (ISO) calculations must be included with the plans and  
341 contracts and must be approved by the Department of Public Utilities prior to the  
342 issuance of a building permit.
- 343 33. Approval of the construction plans by the Department of Public Works does not establish  
344 the curb and gutter elevations along the Henrico County maintained right-of-way. The  
345 elevations will be set by Henrico County.
- 346 34. The owners shall not begin clearing of the site until the following conditions have been  
347 met:
- 348 (a) The site engineer shall conspicuously illustrate on the plan of development or  
349 subdivision construction plan and the Erosion and Sediment Control Plan, the  
350 limits of the areas to be cleared and the methods of protecting the required buffer  
351 areas. The location of utility lines, drainage structures and easements shall be  
352 shown.
- 353 (b) After the Erosion and Sediment Control Plan has been approved but prior to any  
354 clearing or grading operations of the site, the owner shall have the limits of  
355 clearing delineated with approved methods such as flagging, silt fencing or  
356 temporary fencing.
- 357 (c) The site engineer shall certify in writing to the owner that the limits of clearing  
358 have been staked in accordance with the approved plans. A copy of this letter  
359 shall be sent to the Planning Office and the Department of Public Works.

360 (d) The owner shall be responsible for the protection of the buffer areas and for  
361 replanting and/or supplemental planting and other necessary improvements to the  
362 buffer as may be appropriate or required to correct problems. The details shall be  
363 included on the landscape plans for approval.

364  
365 Mr. McGarry- This is on Page 16 of your agenda.

366  
367 **SUBDIVISION**

368  
The Greens at CrossRidge (July 2002 Plan) **Wingate & Kestner for Courtney Development, Inc.:** The  
22.302-acre site is located on Hungary Road adjacent to  
Dunncroft on part of parcel 766-762-1042. The zoning is R-2C,  
One-Family Residence District (Conditional). County water and  
sewer. **(Brookland) 58 Lots**

369  
370 Mr. McGarry- There is an added condition No. 22 that is on your addendum.

371  
372 Mr. Taylor - Is there anyone opposed to The Greens at CrossRidge (July 2002 Plan)?  
373 No opposition.

374  
375 Mr. Vanarsdall - I move that The Greens at CrossRidge (July 2002 Plan) be approved on  
376 the Expedited Agenda, subject to the annotations on the plans, the standard conditions for  
377 developments of this type, and added conditions Nos. 12 through 21 and we have added  
378 Condition No. 22 from the Addendum on Page 3.

379  
380 Mr. Jernigan - Second.

381  
382 Mr. Taylor - Motion made by Mr. Vanarsdall and seconded and by Mr. Jernigan. All in  
383 favor say aye. All opposed say no. The motion passes.

384  
385 The Planning Commission granted conditional approval to Subdivision The Greens @  
386 CrossRidge (July 2002 Plan), subject to the annotations on the plans, the standard conditions for  
387 developments of this type and added conditions Nos. 12 through 22 as shown below:

- 388  
389 12. Prior to requesting recordation, the developer shall furnish a letter from Dominion Virginia  
390 Power stating that this proposed development does not conflict with its facilities.  
391 13. Each lot shall contain at least 13,500 square feet, exclusive of the flood plain areas.  
392 14. The limits and elevation of the 100-year frequency flood shall be conspicuously noted on  
393 the plat and construction plans and labeled "Limits of 100 year floodplain." Dedicate  
394 floodplain as a "Variable Width Drainage & Utilities Easement."  
395 15. The developer shall construct an all-weather surface walkway within, and a fence along,  
396 each side of the access 40-foot strip between Lots 21 thru 22, Block E. The type, design,  
397 and other details shall be indicated on the construction plans for the approval of the  
398 Planning Office and the Department of Recreation & Parks.

- 399 16. The detailed plant list and specifications for the landscaping to be provided within the 25-  
400 foot-wide planting strip easement along Hungary Road shall be submitted to the Planning  
401 Office for review and approval prior to recordation of the plat.  
402 17. The detailed plant list and specifications for the landscaping to be provided within the 20-  
403 foot-wide planting strip easement along Edwardsville Drive shall be submitted to the  
404 Planning Office for review and approval prior to recordation of the plat.  
405 18. A County standard sidewalk shall be constructed along the north side of Edwardsville  
406 Drive.  
407 19. Any necessary offsite drainage easements must be obtained prior to approval of the  
408 construction plan by the Department of Public Works.  
409 20. The proffers approved as part of zoning case C-17C-00 shall be incorporated in this  
410 approval.  
411 21. Prior to requesting the final approval, a draft of the covenants and deed restrictions for the  
412 maintenance of the common area by a homeowners association shall be submitted to the  
413 Planning Office for review. Such covenants and restrictions shall be in form and substance  
414 satisfactory to the County Attorney and shall be recorded prior to recordation of the  
415 subdivision plat.  
416 22. An access strip a minimum 40 feet in width providing access from a public right-of-way  
417 to the Northwest Middle School #7 / Castle Point Park site shall be dedicated prior to the  
418 recordation of the final plat. A dedication plat and any other required information shall be  
419 submitted to the County Real Property agent at least 60 (sixty) days prior to requesting  
420 approval of a recorded plat.

421  
422 Mr. McGarry - The next case is on Page 18 of your agenda.

423  
424 **PLAN OF DEVELOPMENT**

425  
POD-33-02  
Kentucky Fried Chicken  
2 in 1  
(POD-11-77 Revised)

**LandMark Design Group and James C. Avery for Tricon Global Restaurants, Inc.:** Request for approval of a revised plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one-story, 3,200 square foot fast-food restaurant and associated parking. The 0.94-acre site is located on the northeast corner of Patterson Avenue and Quail Lane on parcel 751-741-5673. The zoning is B-2C, Business District (Conditional). County water and sewer. **(Tuckahoe)**

426  
427 Mr. McGarry - There is a revised recommendation for approval and a staff plan on your  
428 Addendum.

429  
430 Mr. Taylor - Is there anybody in the audience opposed to POD-33-02, Kentucky Fried  
431 Chicken, being approved on the Expedited Agenda? No opposition. Ms. Ware.

432  
433 Ms. Ware - I move that POD-33-02 be approved subject to the annotations on the  
434 plan, the standard conditions for developments of this type, and the following additional  
435 conditions Nos. 9 and 11 Amended and Nos. 23 through 36.

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Mr. Vanarsdall - Second.

Mr. Taylor- Motion made by Commissioner Ware and seconded by Mr. Vanarsdall.  
All in favor say aye. All opposed say no. The motion passes.

Mr. Vanarsdall - Mr. Chairman, I thought this was a coincidence that this was a Kentucky Fried Chicken on Quail Lane.

The Planning Commission approved Plan of Development POD-33-02, Kentucky Fried Chicken 2 in 1 (POD-11-77 Revised), subject to the revised plan, the standard conditions for developments of this type and the following additional conditions:

9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for review and Planning Commission approval prior to the issuance of any occupancy permits.
11. **AMENDED** - Prior to the installation of the site lighting equipment, a plan including depictions of light spread and intensity diagrams, and fixture and specifications and mounting height details shall be submitted for Planning Office review and Planning Commission approval
23. The easements for drainage and utilities as shown on approved plans shall be granted to the County in a form acceptable to the County Attorney prior to any occupancy permits being issued. The easement plats and any other required information shall be submitted to the County Real Property Agent at least sixty (60) days prior to requesting occupancy permits.
24. The entrances and drainage facilities on Patterson Avenue (State Route 60) shall be approved by the Virginia Department of Transportation and the County.
25. A notice of completion form, certifying that the requirements of the Virginia Department of Transportation entrances permit have been completed, shall be submitted to the Planning Office prior to any occupancy permits being issued.
26. The developer shall provide fire hydrants as required by the Department of Public Utilities and Division of Fire.
27. A standard concrete sidewalk shall be provided along the west side of Patterson Avenue (State Route 60).
28. The proffers approved as a part of zoning case C-28C-02 shall be incorporated in this approval.
29. The developer shall install an adequate restaurant ventilating and exhaust system to minimize smoke, odors, and grease vapors. The plans and specifications shall be included with the building permit application for review and approval. If, in the opinion of the County, the type system provided is not effective, the Commission retains the rights to review and direct the type of system to be used.
30. Deviations from County standards for pavement, curb or curb and gutter design shall be approved by the County Engineer prior to final approval of the construction plans by the Department of Public Works.

- 480 31. In the event of any traffic backup which blocks the public right-of-way as a result of  
 481 congestion caused by the drive-up delivery facilities, the owner/occupant shall close the  
 482 drive-up delivery facilities until a solution can be designed to prevent traffic backup.  
 483 32. Insurance Services Office (ISO) calculations must be included with the plans and  
 484 contracts and must be approved by the Department of Public Utilities prior to the  
 485 issuance of a building permit.  
 486 33. Approval of the construction plans by the Department of Public Works does not establish  
 487 the curb and gutter elevations along the Henrico County maintained right-of-way. The  
 488 elevations will be set by Henrico County.  
 489 34. Approval of the construction plans by the Department of Public Works does not establish  
 490 the curb and gutter elevations along the Virginia Department of Transportation  
 491 maintained right-of-way. The elevations will be set by the contractor and approved by  
 492 the Virginia Department of Transportation.  
 493 35. The building shall be constructed of red brick and the brick shall not be painted at any  
 494 time.  
 495 36. The location of all existing and proposed utility and mechanical equipment (including  
 496 HVAC units, electric meters, junction and accessory boxes, transformers, and generators)  
 497 shall be identified on the landscape plans. All equipment shall be screened by such  
 498 measures as determined appropriate by the Director of Planning or the Planning or the  
 499 Planning Commission at the time of plan approval.  
 500

501 **SUBDIVISION (Deferred from the June 26, 2002, Meeting)**  
 502

Trivett Woods  
 (May 2002 Plan)

**Goodfellow, Jalbert, Beard & Associates, Inc. for Salous-  
 West LLC:** The 3.92 acre site is located between Telegraph  
 Road and Battlefield Road south of Francis Road on parcel 785-  
 765-6083. The zoning is R-2A, One-Family Residence District.  
 County water and sewer. **(Fairfield) 8 Lots**

503  
 504 Mr. McGarry - On your Addendum you have a revised recommendation for approval.  
 505

506 Mr. Taylor - Is there anyone in the audience opposed to hearing Trivett Woods on the  
 507 Expedited Agenda?  
 508

509 Mr. Vanarsdall - I move that Trivett Woods (May 2002 Plan) be approved on the Expedited  
 510 Agenda subject to annotations on the plans, standard conditions for subdivisions served by public  
 511 utilities, and staff recommended on Page 3 of the Addendum, Conditions Nos. 12 through 18.  
 512

513 Mr. Jernigan - Second.  
 514

515 Mr. Taylor - We have a motion made by Mr. Vanarsdall and a second by Mr. Jernigan  
 516 to approve Trivett Woods. All in favor say aye. All opposed say no. The motion passes.  
 517

518 The Planning Commission granted conditional approval to Trivett Woods (May 2002 Plan)  
 519 subject to the annotations on the plans, the standard conditions for subdivisions served by Public  
 520 Utilities, and the following additional conditions:

- 521  
522 12. Each lot shall contain at least 13,500 square feet, exclusive of the flood plain areas.  
523 13. The limits and elevation of the 100 year frequency flood shall be conspicuously noted on  
524 the plat and construction plans and labeled "Limits of 100 year floodplain." Dedicate  
525 floodplain as a "Variable Width Drainage & Utilities Easement."  
526 14. The detailed plant list and specifications for the landscaping to be provided within the 10-  
527 foot-wide planting strip easement along Battlefield Road shall be submitted to the Planning  
528 Office for review and approval prior to recordation of the plat.  
529 15. Any necessary offsite drainage easements must be obtained prior to approval of the  
530 construction plan by the Department of Public Works.  
531 16. The dwelling on Lot 1, as shown on the conditional subdivision plan, shall be oriented so  
532 that the front faces Trivett Woods Court.  
533 17. All cul-de-sac lots shall meet the requirements of Section 24-95(v) of the County Code.  
534 18. A landscaping plan for the 10-foot-wide landscape buffer along the northern property line  
535 of Lot 8, as shown on the conditional subdivision plan, shall be submitted to the Planning  
536 Office for review and approval prior to recordation of the plat.  
537

538 **SUBDIVISION**  
539

Brookside Gardens **Engineering Design Associates and G. L. McKinney for Delores Jean**  
(July 2002 Plan) **Carey and Mojave, LLC:** The 1.96 acre site is located along the east  
line of Edgewood Avenue, approximately 80 feet south of Wilkinson  
Road on part of parcel 787-754-1417. The zoning is R-3, One-Family  
Residence District. County water and sewer. **(Fairfield) 4 Lots**

540  
541 Mr. Taylor - Is there anyone in the audience opposed to hearing Brookside Gardens  
542 Subdivision on the Expedited Agenda?  
543

544 Mr. Vanarsdall - I move that Brookside Gardens (July 2002 Plan) be approved on the  
545 Expedited Agenda subject to the annotations on the plans, the standard conditions for  
546 subdivisions served by public utilities, and conditions Nos. 12 and 13.  
547

548 Mr. Taylor - Second. Motion made by Mr. Vanarsdall and seconded by Mr. Taylor.  
549 All in favor say aye. All opposed say no. The motion passes.  
550

551 The Planning Commission granted conditional approval to Brookside Garden Subdivision (July  
552 2002 Plan), subject to the annotations on the plans, the standard conditions for subdivisions  
553 served by Public Utilities, and the following additional conditions:  
554

- 555 12. Any necessary offsite drainage easements must be obtained prior to approval of the  
556 construction plan by the Department of Public Works.  
557 13. The storage building shall be removed if no principle structure is constructed on Lot 2.  
558

559 **PLAN OF DEVELOPMENT (Deferred from the June 26, 2002, Meeting)**  
560

POD-53-02 **TIMMONS for Shady Grove United Methodist Church:** Request

Shady Grove United  
Methodist Church -  
4701 Shady Grove Road  
(POD-78-98 Revised)

for approval of a revised plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a two-story, 16,178 square foot educational building and a one-story, 6,090 square foot fellowship hall for an existing church. The 8.62 acre site is located at the southeast corner of Pouncey Tract Road (State Route 271) and Shady Grove Road on parcels 739-769-2272 and 3330. The zoning is A-1, Agricultural District. County water and private sewer.  
**(Three Chopt)**

561

562 Mr. McGarry - On your Addendum you have a revised condition, No. 28, and a staff plan.

563

564 Mr. Taylor - Is there anyone in the audience who is opposed to hearing POD-53-02,  
565 Shady Grove United Methodist Church, on the Expedited Agenda? No opposition. I will move  
566 approval of POD-53-02, Shady Grove United Methodist Church – 4701 Shady Grove Road  
567 (POD-78-98 Revised), subject to the annotations on the plans, the standard conditions for  
568 developments of this type, and addition conditions Nos. 1B, 23 through 27, 28 Revised, and No.  
569 29 through 38.

570

571 Mr. Vanarsdall - Second.

572

573 Mr. Taylor - Motion made by Mr. Taylor and seconded by Mr. Vanarsdall. All in favor  
574 say aye. All opposed say no. The motion passes.

575

576 The Planning Commission approved POD-53-02, Shady Grove United Methodist Church – 4701  
577 Shady Grove Road (POD-78-98 Revised), subject to the annotations on the plans, the standard  
578 conditions for developments of this type, and the following additional conditions:

579

580 1B. The owner shall enter into the necessary contracts with the Department of Public Utilities  
581 for connections to public sewer. The septic tank location shall be approved by the County  
582 Health Department before a building permit is issued. Connection shall be made to the  
583 public sewer when available within 300 feet of the site/building.

584 23. The right-of-way for widening of Shady Grove Road and Pouncey Tract Road (State  
585 Route 271) as shown on approved plans shall be dedicated to the County prior to any  
586 occupancy permits being issued. The right-of-way dedication plat and any other required  
587 information shall be submitted to the County Real Property Agent at least sixty (60) days  
588 prior to requesting occupancy permits.

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

594 25. The entrances and drainage facilities on Pouncey Tract (State Route 271) shall be  
595 approved by the Virginia Department of Transportation and the County.

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



- 599 27. The developer shall provide fire hydrants as required by the Department of Public  
600 Utilities and Division of Fire.
- 601 28. A standard concrete sidewalk shall be provided along the south side of Shady Grove and  
602 the east side of Pouncey Tract Road (State Road 271) in conjunction with ultimate road  
603 construction as approved by the Department of Public Works Traffic Division and the  
604 Virginia Department of Transportation.
- 605 29. All repair work shall be conducted entirely within the enclosed building.
- 606 30. Outside storage shall not be permitted.
- 607 31. Any necessary off-site drainage and/or water and sewer easements must be obtained in a  
608 form acceptable to the County Attorney prior to final approval of the construction plans.
- 609 32. Deviations from County standards for pavement, curb or curb and gutter design shall be  
610 approved by the County Engineer prior to final approval of the construction plans by the  
611 Department of Public Works.
- 612 33. The applicant shall furnish proof to the Planning Office that conditions satisfactory to the  
613 Health Department have been met that insure the proposed septic tank drainfield system  
614 is suitable for this project prior to the issuance of a building permit.
- 615 34. Insurance Services Office (ISO) calculations must be included with the plans and  
616 contracts and must be approved by the Department of Public Utilities prior to the  
617 issuance of a building permit.
- 618 35. Approval of the construction plans by the Department of Public Works does not establish  
619 the curb and gutter elevations along the Henrico County maintained right-of-way. The  
620 elevations will be set by Henrico County.
- 621 36. Approval of the construction plans by the Department of Public Works does not establish  
622 the curb and gutter elevations along the Virginia Department of Transportation  
623 maintained right-of-way. The elevations will be set by the contractor and approved by  
624 the Virginia Department of Transportation.
- 625 37. The conceptual master plan, as submitted with this application is for planning and  
626 information purposes only.
- 627 38. The location of all existing and proposed utility and mechanical equipment (including  
628 HVAC units, electric meters, junction and accessory boxes, transformers, and generators)  
629 shall be identified on the landscape plans. All equipment shall be screened by such  
630 measures as determined appropriate by the Director of Planning or the Planning  
631 Commission at the time of plan approval.
- 632 39. The two temporary 24' x 70' modular units and related improvements shall be removed  
633 with the approval of Phase III or no later than July 7, 2005.

**PLAN OF DEVELOPMENT**

635 636 POD-59-02 Hunters Trace	<b>Balzer &amp; Associates, Inc. for Lillian S. Bernard and Stephen N. Thomas:</b> Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code to construct 12, single-family residential detached dwellings with zero lot lines. The 3.47-acre site is located at the southern terminus of Pinedale Road, 115 feet south of Avery Green Drive on parcel 744-772-8254 and part of 744-772-1191. The zoning is R-5AC, General Residence District (Conditional). County water and sewer. <b>(Three Chopt)</b>
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Mr. McGarry - There is on your Addendum a Revised Condition, No. 26.

Mr. Taylor - Is there anyone in the audience who is opposed to hearing POD-59-02, Hunter's Trace, on the Expedited Agenda? No opposition. I will move approval of POD-59-02, Hunters Trace, subject to the annotations on the plans, the standard conditions for developments of this type, and conditions Nos. 23 through 25, 26 Revised, and 27 through 33.

Mr. Jernigan - Second.

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

The Planning Commission approved POD-59-02, Hunter's Trace, subject to the annotations on the plans, the standard conditions for developments of this type, and the following conditional conditions:

23. Roof edge ornamental features that extend over the zero lot line, and which are permitted by Section 24-95(i)(1), must be authorized in the covenants.
24. Eight-foot easements for construction, drainage, and maintenance access for abutting lots shall be provided and shown on the POD plans.
25. Building permit request for individual dwellings shall each include two (2) copies of a layout plan sheet as approved with the plan of development. The developer may utilize alternate building types providing that each may be located within the building footprint shown on the approved plan. Any deviation in building footprint or infrastructure shall require submission and approval of an administrative site plan.
26. Architectural plans for this development must meet the standards of the April 24, 1995, Planning memo of Zero Lot Line Development Standards. The standard memo addresses the building relationship to the zero lot line and include: minimum percentage of wall on the zero lot line, number, size and location of window and door openings in first and second floors and height and setbacks for fences abutting decks unless a building code modification is granted by the building official.
27. The subdivision plat for Hunters Trace shall be recorded before any building permits are issued.
28. The easements for drainage and utilities as shown on approved plans shall be granted to the County in a form acceptable to the County Attorney prior to any occupancy permits being issued. The easement plats and any other required information shall be submitted to the County Real Property Agent at least sixty (60) days prior to requesting occupancy permits.
29. The developer shall provide fire hydrants as required by the Department of Public Utilities and Division of Fire.
30. The proffers approved as a part of zoning case C-9C-02 shall be incorporated in this approval.
31. Any necessary off-site drainage and/or water and sewer easements must be obtained in a form acceptable to the County Attorney prior to final approval of the construction plans.

- 682 32. Deviations from County standards for pavement, curb or curb and gutter design shall be  
 683 approved by the County Engineer prior to final approval of the construction plans by the  
 684 Department of Public Works.  
 685 33. Approval of the construction plans by the Department of Public Works does not establish  
 686 the curb and gutter elevations along the Henrico County maintained right-of-way. The  
 687 elevations will be set by Henrico County.  
 688

689 **SUBDIVISION (Deferred from the June 26, 2002, Meeting)**  
 690

Logan Estates **Edwards, Kretz, Lohr & Associates for Maguire Properties,**  
 (May 2002 Plan) **L.L.C.:** The 5.24 acre site is located along the south line of Church  
 Road at its intersection with Oak Point Lane on parcel 741-756-  
 4435. The zoning is R-2AC, One-Family Residence District  
 (Conditional). County water and sewer. **(Tuckahoe) 9 Lots**

691  
 692 Mr. Taylor - Is there anyone in the audience opposed to Subdivision Logan Estates  
 693 being heard on the Expedited Agenda? There being none, Ms. Ware.  
 694

695 Ms. Ware - I move that Logan Estates (May 2002 Plan) be approved subject to the  
 696 standard conditions for subdivisions served by public utilities and the following additional  
 697 conditions, Nos. 12, 13 and 14.  
 698

699 Mr. Vanarsdall - Second.  
 700

701 Mr. Taylor - Motion made by Ms. Ware and seconded by Mr. Vanarsdall to approve  
 702 Logan Estates. All in favor say aye. All opposed say no. The motion passes.  
 703

704 The Planning Commission granted conditional approval to Logan Estates (May 2002 Plan)  
 705 subject to the annotations on the plans, the standard conditions for subdivisions served by public  
 706 utilities and the following additional conditions:  
 707

- 708 12. The detailed plant list and specifications for the landscaping to be provided within the 25-  
 709 foot-wide planting strip easement along Church Road shall be submitted to the Planning  
 710 Office for review and approval prior to recordation of the plat.  
 711 13. Any necessary offsite drainage easements must be obtained prior to approval of the  
 712 construction plan by the Department of Public Works.  
 713 14. Exterior construction and development shall begin no earlier than 7:00 a.m. and shall end  
 714 no later than 8:30 p.m., Monday through Friday, and 8:00 a.m. to 8:30 p.m. on Saturday  
 715 and 1:00 p.m. to 8:30 p.m. on Sunday.  
 716

717 **PLAN OF DEVELOPMENT**  
 718

POD-61-02  
Temporary Classroom  
Trailer – Northstar  
Academy – Shrader Road

**Beamon & Associates, P.C. for Northstar Academy:** Request for approval of a temporary plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code to maintain existing temporary classroom space. The 1.894-acre site is located at 8055 Shrader Road on parcel 763-752-8296. The zoning is B-2, Business District. County water and sewer. **(Brookland)**

719

720 Mr. Taylor - Is there anyone in the audience who is opposed to POD-61-02 being heard  
721 on the Expedited Agenda? There being none,

722

723 Mr. Vanarsdall - I move that POD-61-02, Temporary Classroom Trailer – Northstar  
724 Academy – Shrader Road, be approved subject to the annotations on the plans, standard  
725 conditions for subdivisions of this type and added conditions Nos. 23 and 24.

726

727 Mr. Jernigan - Second.

728

729 Mr. Taylor - Motion made by Mr. Vanarsdall, seconded by Mr. Jernigan to approve  
730 POD-61-02. All in favor say aye. All opposed say no. The motion passes.

731

732 The Planning Commission approved POD-61-02, Temporary Classroom Trailer – Northstar  
733 Academy – Shrader Road, subject to the annotations on the plans, the standard conditions for  
734 developments of this type, and the following additional conditions:

735

736 23. Outside storage shall not be permitted.

737 24. The temporary classroom trailer and related improvements shall be removed from the site  
738 on or before **September 1, 2003**.

739

#### 740 **LANDSCAPE PLAN**

741

LP/POD-66-01  
9001 Brook Road  
Mini Storage

**J. Calvin Holcombe, AIA for 9001 Brook Road Mini Storage Associates:** Request for approval of a landscape plan, as required by Chapter 24, Sections 24-106 and 24.106.2 of the Henrico County Code. The 1.039-acre site is located on the west line side of Telegraph Road, approximately 210 feet north of its intersection with Mountain Road on parcel 784-759-3838. The zoning is B-3C, Business District (Conditional). **(Fairfield)**

742

743 Mr. McGarry- On the Addendum there is a revised recommendation for approval and a  
744 staff plan.

745

746 Mr. Taylor - Is anyone in the audience opposed to LP/POD-66-01 being heard on the  
747 Expedited Agenda? No opposition.

748

749 Mr. Vanarsdall - I move LP/POD-66-01, 9001 Brook Road Mini Storage, be approved on  
750 the Expedited Agenda subject to the annotations on the plans and the standard conditions for  
751 landscape plans.

752  
753 Mr. Jernigan - Second.

754  
755 Mr. Taylor - Motion made by Mr. Vanarsdall and seconded by Mr. Jernigan. All in  
756 favor say aye. All opposed say no. The motion passes.

757  
758 The Planning Commission approved LP/POD-66-01, 9001 Brook Road Mini Storage, subject to  
759 the annotations on the plans and the standard conditions for landscape plans.

760  
761 Mr. Taylor - That completes the Expedited Agenda.

762  
763 **SUBDIVISION EXTENSIONS OF CONDITIONAL APPROVAL**  
764 **(Presented by Kevin Wilhite)**

765  
766 **FOR PLANNING COMMISSION APPROVAL**

767

<b>Subdivision</b>	<b>Magisterial District</b>	<b>Original No. of Lots</b>	<b>Remaining Lots</b>	<b>Previous Extensions</b>	<b>Year(s) Extended</b>
<b>Glenwood Lakes (July 1997 Plan)</b>	<b>Fairfield</b>	<b>265</b>	<b>194</b> <b>110</b>	<b>3</b>	<b>1 Year</b> <b>7/23/03</b>

768  
769

769 (FOR INFORMATIONAL PURPOSE ONLY)

770

Subdivision	Magisterial District	Original No. of Lots	Remaining Lots	Previous Extensions	Year(s) Extended
Doran Forest (July 2000 Plan)	Varina	64	64 36	1	1 Year 7/23/03

771

772 Mr. Marlles - These will be presented by Kevin Wilhite.

773

774 Mr. Taylor- Good morning, Mr. Wilhite.

775

776 Mr. Wilhite - Good morning, Mr. Chairperson and members of the Commission. I  
777 would like to direct your attention to Page 1 on the Addendum. There is a correction to the  
778 Subdivision Extensions. One subdivision listed has to have Planning Commission approval. It  
779 has been five years since the Planning Commission originally approved the plan. That is  
780 Glenwood Lakes (July 1997 Plan), and 110 of the original 265 lots have to be extended. Staff is  
781 recommending extension for a one-year period of time. The other subdivision listed, Doran  
782 Forest (July 2000 Plan) is being granted administrative extension by the Director of Planning for  
783 36 of the 64 original lots. I would be happy to answer any questions that you may have.

784

785 Mr. Vanarsdall - I move approval of Glenwood Lakes Subdivision as presented by staff.

786

787 Mr. Jernigan - Second.

788

789 Mr. Taylor - Motion made by Mr. Vanarsdall and seconded by Mr. Jernigan to approve  
790 Glenwood Lakes Extension of Conditional Approval. All in favor say aye. All opposed say no.  
791 The motion passes.

792

793 The Planning Commission approved Subdivision Extension of Conditional Approval for  
794 Glenwood Lakes (July 1997 Plan) for one year to July 23, 2003.

795

796



831 pertaining to the time limit for vehicles being stored on the property. Rezoning case C-45C-00  
832 amended the proffers accepted with rezoning case C-38C-89, which originally rezoned this  
833 property to M-1C. C-45C-00 amended the proffers to allow the sale and/or auction of motor  
834 vehicles, trucks, and heavy equipment. The site is currently occupied by the Motley Auction  
835 Group. This operation moved their automotive auction business to this site within the last year  
836 and a half from their original site on Broad Street.

837  
838 This application would amend proffer #17 accepted with rezoning case C-45C-00. The change  
839 would allow vehicles to be stored on site for 110 days instead of 60 days. The applicant asked  
840 for this time extension because they intend to develop a new aspect of their business dealing with  
841 intact damaged insurance cars. Due to the nature of these types of vehicles, staff has  
842 considerable environmental concerns. Staff also feels this type of business would need  
843 additional screening. The applicant has submitted additional proffers, which have been handed  
844 out to you. These proffers were submitted on Monday and the 48 hour rule would have to be  
845 waived in this case.

846  
847 Proffer #21 covers vehicle storage and the restriction that vehicles must be sold intact.  
848  
849 Proffer #22 covers future screening needs in the event this aspect of the business is expanded  
850 beyond their original boundaries.

851 This new information addresses some but not all of staff's concerns. One issue it does not  
852 address is the inclusion of a sill for the paved areas where the cars will be stored. If the applicant  
853 could address this issue, staff would be able to recommend approval of this request.

854  
855 Mr. Taylor - Thank you. Are there any questions for Mr. Humphreys?

856  
857 Mr. Jernigan - The only question we have right now is the sill. Everything else is taken  
858 care of.

859  
860 Mr. Humphreys - Correct. Everything else is taken care of.

861  
862 Mr. Jernigan - That is all the questions I have, Mr. Chairman.

863  
864 Mr. Taylor - Mr. Jernigan, do you have any questions for the applicant?

865  
866 Mr. Jernigan - Yes. He is going to have to address the sill situation.

867  
868 Mr. Montgomery - Good morning, and thank you for the opportunity to speak with you. I  
869 also want to introduce the gentleman that was sent with me, Mark Motley, who is the principal of  
870 MTM Seven Pines, LLC, in the Motley's Auction Group. The main issue, of course, is the sill,  
871 and just to be clear, we are talking about a perimeter around a certain portion of the paved area,  
872 much like you find at a gas station where runoff would drop in and be drained and collected.  
873 Our environmental consultants have explained to us that such an arrangement is what you would  
874 find and what you would require where you would have a significant amount of fluid buildup,  
875 such as if you were going to be washing truck beds or if you were going to have vehicles that  
876 were intact but were damaged in some fashion, and this was the first place they were going to



877 come. But, as I have explained, and the staff and I have discussed, in this particular  
878 circumstance the vehicles that we are going to have will be coming there after they have already  
879 been drained out, after they have already been parked at a place for a significant period of time.  
880 This will not be the first collection site. So, any reservoirs that have been damaged, anything  
881 that has been compromised will have long been addressed before it gets there. Moreover, it will  
882 be, we already inspect as vehicles come in and to address the concern, what we are going to do in  
883 addition is any of those vehicles that appear to have a compromised tank or reservoir of any type,  
884 they will be consolidated in one area where they can be more easily monitored, as opposed to  
885 disbursed throughout the inventory. So, that is the issue with the sill, and then going back to the  
886 reason we are here initially is that just, quite frankly, is a matter to extend the time, and as part of  
887 that in explaining why we wanted to do that, staff correctly noted a couple of issues, one being  
888 environmental, which we have taken some steps to address, and we believe that the sill is  
889 unnecessary because of the reasons I explained. And, also from a standpoint of screening, and  
890 we will need to submit an approved landscaping plan that will address that, and we are already  
891 working in that regard as well. Is there anything else that I can provide?  
892

893 Mr. Jernigan - For the record, no car that is in an accident the night before or whatever is  
894 hauled to this lot. It is going to be taken to an impound area. Any drainage or anything will  
895 come off of it there, and then it is brought to you all.  
896

897 Mr. Montgomery - That is exactly correct. This is not the place where vehicles come in off  
898 the highway from being in an accident or, and a lot of these vehicles will not be accident  
899 vehicles. These are vehicles that insurance companies have declared as, have paid the full policy  
900 amount on because it was stolen, it could have been flooded, any of those things, and they will  
901 always be sold intact. There will be no parts pulled from them. They will never be stacked, so it  
902 much like the business we are doing now. But no, absolutely not. No vehicles will show up here  
903 the morning after an accident or even shortly thereafter. The insurance company has to go  
904 through the standard process that any of us, unfortunately enough to have been involved in that  
905 knows that it takes longer than it should take. And if it takes too long, you should call a lawyer  
906 like myself or someone else. We'd be glad to help.  
907

908 Mr. Jernigan - OK. Thank you, sir. Does anybody have any questions?  
909

910 Mr. Taylor - Any other questions from the Commission?  
911

912 Mr. Jernigan - Mr. Chairman, we have discussed this quite a bit, and the sill was the only  
913 problem that we had, and I think Mr. Montgomery has addressed that, so I am comfortable with  
914 it. I am ready to make a motion.  
915

916 Mr. Vanarsdall - Have you ever visited that?  
917

918 Mr. Jernigan - Yes, sir. With that, I would like to move for approval of Case C-31C-02 to  
919 amend the proffered conditions accepted with Case C-45C-00, to change the vehicle storage limit  
920 time from 60 to 110 days.  
921

922 Mr. Humphreys - The time limit would have to be waived on that.

923  
924 Mr. Jernigan - OK. First of all, I make a motion to waive the time limits of the 48 hour  
925 rule.

926  
927 Mr. Vanarsdall - Second.  
928

929 Mr. Taylor - Motion made by Mr. Jernigan and seconded by Mr. Vanarsdall to waive  
930 the time limits. All in favor say aye. All opposed say no. The time limits are waived.

931  
932 The Planning Commission waived the time limits on Case C-31C-02.  
933

934 Mr. Vanarsdall - I also second the other motion.  
935

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

938  
939 **REASON:** Acting on a motion by Mr. Jernigan, seconded by Mr. Vanarsdall, the Planning  
940 Commission voted 4-0 (one abstention and one absence) to recommend to the Board of  
941 Supervisors to grant the request because the proffers continue to assure a quality form of  
942 development with maximum protection afforded the adjacent properties.

943  
944 Mr. Marlles - The next case is on Page 3 of your Agenda.  
945

946 **TRANSFER OF APPROVAL**  
947

POD-41-78 **TM Associates Management, Inc. for Sandston Woods**  
Sandston Woods **Limited Partnership:** Request for approval of a transfer of  
approval, as required by Chapter 24, Section 24-106 of the  
Henrico County Code from Sandston Woods Associates to  
Sandston Woods Limited Partnership. The 8.26-acre site is  
located on the south line of Betner Road, approximately 140 feet  
east of its intersection with Old Memorial Drive on parcel 837-  
713-7885. The zoning is R-5, General Residence District and  
ASO (Airport Safety Overlay District). (**Varina**)

948  
949 Mr. Marlles - The staff report will be given by Mr. Mike Cooper.  
950

951 Mr. Taylor - Good morning, Mr. Cooper.  
952

953 Mr. Cooper - Good morning, Mr. Chairman, and members of the Commission. At this  
954 time all issues have been resolved and staff can recommend approval of this transfer.  
955

956 Mr. Jernigan - OK. Thank you. Is Mr. Margolis here? Sir, would you come up to the  
957 podium, please? Would you just state your name for the record, please?  
958

959 Mr. Bob Margolis - It is Bob Margolis.

960  
961 Mr. Jernigan - Everything seems to be fine on this case. What I would just like to know  
962 is, for the record, what the changes are that you plan on making there.  
963

964 Mr. Margolis - We intend to do a full rehabilitation, roofing, siding. We are not gutting the  
965 interiors but we are doing carpeting and we are painting all the units and we are changing the  
966 entry ways, and we are fixing the parking lot, and we are putting in fire hydrants, and we are  
967 putting in a new playground in a different location. We are moving the playground. I am not  
968 sure if we are building a new playground. We are adjusting site lighting. We have two fire  
969 hydrants, currently, but you all want us to put two more in.  
970

971 Mr. Vanarsdall - The Fire Marshall required that, didn't they?  
972

973 Mr. Margolis - Right.  
974

975 Mr. Jernigan - How about landscaping?  
976

977 Mr. Margolis - We are doing a lot of landscaping from the original POD as well as a lot of shrubs  
978 under the windows, in front of the buildings, and island plantings. We are tearing down the  
979 existing sheds and we are putting landscaping in its place. We are changing around the entry  
980 ways.  
981

982 Mr. Jernigan - You are going to do a pretty good job there, aren't you?  
983

984 Mr. Margolis - Yes. We are going to spend about 1.2 million.  
985

986 Mr. Jernigan - Good deal. OK. All right. Well, I thank you sir.  
987

988 Mr. Margolis - Thank you.  
989

990 Mr. Jernigan - Any other questions for Mr. Margolis? Mr. Chairman, with that I would  
991 like to move for approval of Transfer of Approval POD-41-78.  
992

993 Mr. Vanarsdall - Second.  
994

995 Mr. Taylor - Motion made by Mr. Jernigan and seconded by Mr. Vanarsdall to approve  
996 the TOA of POD-41-78. All in favor say aye. All opposed say no. The motion passes.

997 The Planning Commission approved Transfer of Approval POD-41-78, Sandston Woods, subject  
998 to the annotation on the plans and the conditions on the original approval of POD-41-78.  
999

1000 **PLAN OF DEVELOPMENT, SPECIAL EXCEPTION & ALTERNATIVE FENCE**  
1001 **HEIGHT (Deferred from the June 26, 2002, Meeting)**  
1002

POD-54-02 **Horton & Dodd, P. C. for F. W. Properties, LLC and**  
Summerdale Apartments **Summerdale, L. P.:** Request for approval of a plan of development,  
- Newbridge Road a special exception for three-story buildings, and an alternative fence

height plan, as required by Chapter 24, Sections 24-106,24-116(c) and 24-95(1)(7)b of the Henrico County Code to construct 11, three-story apartment buildings, (132 units total), a one-story clubhouse, and a one-story maintenance building. The 9.659-acre site is located at 250 Newbridge Road at the intersection of Newbridge Road and Hawkes Lane on parcel 818-725-1306. The zoning is R-5, General Residence District. County water and sewer. **(Varina)**

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Mr. Marlles- The staff report will be given by Mr. Cooper.

Mr. Taylor - Good morning, again, Mr. Cooper.

Mr. Cooper - Good morning, again. Mr. McGarry is handing out new plans that we just received yesterday. These new plans reflect changes to meet Public Works' requirements that were not addressed on previous plans. Specifically, the building originally located near the southeast corner of the property kind of at the intersection of Newbridge Road and Hawkes Lane on the original plan was relocated to the other side of Aster Way, and in addition to that the original BMP was split and created two BMP basins. Now one is existing where the original building was previously located. With this plan, it now meets Public Works' concerns, which were the issue, and the reason this was deferred last month among others. Additionally, staff now has concerns for the safety issues related to this new BMP as it is situated right next to the parking lot and comes up to the edge of the sidewalk. The applicant is also requesting an alternative fence height for the fence along Hawkes Lane. They are proposing a 46-inch fence, where the Code allows for up to 42 inches. The proposed fence along Hawkes Lane and on Newbridge Road is a vinyl picket fence. Staff has concerns with this style of fence and has recommended a more durable and decorative fence. As well, you know the applicant is requesting a special exception for 3-story buildings and the plans coming in late yesterday, we will need to make a motion to waive the time limits. With all of this, staff can recommend approval.

Mr. Vanarsdall - Let me ask you a question. They can put up a 42-inch fence without any kind of exception?

Mr. Cooper - Yes, sir.

Mr. Vanarsdall - Why would you need four more inches? You could skin that as easy as a 42.

Mr. Cooper - The applicant may be able to speak better to that.

Mr. Vanarsdall - I just wondered, out of curiosity.

Mr. Jernigan - I can tell you. When I talked to Ms. Joyner last night, I think they said that was a mistake. That 42 inches was fine. They didn't really apply for the 46. That is what she told me. I am all right either way, 46 or 42 doesn't really matter. She told me they didn't really need the 46. But staff is all right on everything but the fence.

1042 Mr. Cooper - Yes. There are some other issues pertaining to the fire lanes that are  
1043 proposed, but those can be corrected when the construction plans come back in.  
1044

1045 Mr. Jernigan - OK. Thank you, sir. We need to hear from the applicant, Mr. Chairman.  
1046

1047 Mr. Taylor - Is the applicant here? Would you please come down.  
1048

1049 Mr. Bill Devine - Good morning, Mr. Chairman, and members of the Commission. I am  
1050 Bill Devine from Norfolk. I am here on behalf of the applicant. The 42 inches is fine. I don't  
1051 know how that came to be 46. I don't know if it was a typographical error, but 42 inches the  
1052 applicant is fine with. It appears that the Commission is well familiar with the plan. I would say  
1053 it has been a collaborative effort to come to the plan where we are now, with the staff. There  
1054 have been differences of opinion, but I think those have been worked through and worked out.  
1055 The developer of the Summerdale Community is a very experienced apartment developer, has  
1056 communities throughout the state, and I think, I don't think that there is going to be any doubt  
1057 that this is going to be a planned and a community that the County can be proud of. It will be a  
1058 real asset. Again, the fence height appeared to be the only issue of real contention and that was a  
1059 mistake. As for the special exception, we are...  
1060

1061 Mr. Jernigan - Excuse me. The fence height was nothing. It was the material. It was the  
1062 picket. Staff wants wrought iron, and your people want picket, vinyl picket. There is no problem  
1063 if you want to do 46, it does not matter to me. We are OK with that, but it was the materials that  
1064 you were using.  
1065

1066 Mr. Devine - Thank you. We believe the materials we have suggested will present a  
1067 better community look and feel than the iron. If the Commission feels differently on that, that is  
1068 not a fatal change to the plans. We think the white fence versus the metallic fence will present a  
1069 nicer community feel and will provide all of the safety aspects that are necessary with the  
1070 landscaping plan associated with that.  
1071

1072 Mr. Marlles - Mr. Devine, would you be willing to provide the metal decorative fence?  
1073 Are you saying that?

1074 Mr. Jernigan - I discussed with Leslie and Ms. Joyner that what we are going to do, I am,  
1075 if everything is OK I am going to ask for approval of all but the fence, and we are going to work  
1076 that out with the landscaping plan.  
1077

1078 Mr. Devine - That is what we would suggest and that is what I understood the  
1079 discussion had been.  
1080

1081 Mr. Vanarsdall - Do you know that the wrought iron fences come black aluminum. Do they  
1082 come white aluminum? Do you know that?  
1083

1084 Mr. Devine - I don't know the building material aspect of it.  
1085

1086 Mr. Vanarsdall - Do they come white, too?  
1087

1088 Mr. Jernigan - Wrought iron? I suggested that.  
1089

1090 Mr. Vanarsdall - You know, they are aluminum now. You can't tell the difference when  
1091 you pass them.  
1092

1093 Mr. Devine - Yes.  
1094

1095 Mr. Jernigan - Mr. Vanarsdall, they had discussed it and it looked institutional, but I  
1096 think that white wrought iron as opposed to black wrought iron sometimes adds a little classy  
1097 look to it.  
1098

1099 Mr. Devine - Again, I think all of that can be worked out with the landscape plan. If I  
1100 can move briefly to the special exception issue, we do want a special exception for three-story  
1101 buildings. I would note that it is compatible with the community. There are substantial setbacks  
1102 from any adjacent uses and existing trees from the closest adjacent uses. The existing trees, I  
1103 think, will provide great screening. There will be buffering with the landscape plan, as well. But  
1104 I think, most importantly, the three-story buildings, we think accomplish several important goals.  
1105 They, it allows for additional open space, additional green space in the plan which allows further  
1106 for inclusion for some recreational areas that we think it provides better pedestrian and traffic  
1107 circulation, and most importantly, I think decreasing the number of buildings, the amount of  
1108 impervious cover provides more defensible. I think the Public Safety people refer to as  
1109 defensible open space and helps in crime prevention. If there are corners and things to hide  
1110 behind, further there are less shadowy areas at night time with the lights. We think it makes for a  
1111 good plan of development, with a three-story buildings will reflect really the best, most  
1112 reasonable, safest and smartest development of this property. We have satisfied all of the  
1113 County's development criteria, and believe a special exception is really in everyone's best  
1114 interest here. Based on that, we would request approval of the plan of development, subject to  
1115 the condition of working the fence issue with the landscaping issues, and approval of a special  
1116 exception for three-story buildings. We have the developer's representative. We have an  
1117 engineer here. And I am here as well to answer any questions there may be on those subjects.  
1118 Thank you for your time.

1119 Mr. Jernigan - Well, I am OK with the special exception. I discussed that with Ms. Joyner  
1120 that I think it is OK to do that. You do get more green space. And you also have a third less  
1121 foundation, so if we have to work on the fence a little, but we've got some funds to work with,  
1122 right?  
1123

1124 Mr. Devine - We are willing to work through those issues as part of the landscape plan.  
1125 Thank you.  
1126

1127 Mr. Vanarsdall - You didn't know you were going to get all this when you left Norfolk, did  
1128 you?  
1129

1130 Mr. Devine - It is the same everywhere.  
1131

1132 Mr. Taylor - That is nice to hear. All right, I guess...  
1133

1134 Mr. Cooper- Mr. Chairman, I believe there might be an adjacent homeowner who may  
1135 have questions.  
1136

1137 Mr. Taylor - I am sorry. Sir, if you would, please approach the microphone and state  
1138 your name and details for the record, and we would be happy to hear your comments.  
1139

1140 Mr. Timothy A. Cox - Thank you, Mr. Chairman, and Commission members. My name is  
1141 Timothy A. Cox and the property abuts my property at 205 Lowell Street. This is on the back  
1142 side. And I have issues with the fence, and the fence that abuts our property. I have objections to  
1143 the three story because I think the three-story 11 buildings, it started out to be 10 buildings, as I  
1144 understand, but they talk about tree cover, but as you can see, they take down, I've got a clear  
1145 shot from my backyard straight through to that where the tree save cuts in on the upper left-hand  
1146 corner of that map (referring to rendering).  
1147

1148 Mr. Jernigan- Your lot is on the corner.  
1149

1150 Mr. Cox- Right there.  
1151

1152 Mr. Jernigan - OK. Has anybody approached you?  
1153

1154 Mr. Cox - No. The only thing I have gotten is by the mail and I have come in and  
1155 talked to Mr. Cooper, and he has been very accommodating. There is also, I also have a problem  
1156 with the entrance onto Hawkes Lane. I think that is going to further increase the cut through  
1157 traffic down Lowell Street. There is a light at Newbridge and Nine Mile, and we already have  
1158 cut-through traffic. Back about 20 years ago when they built the Subdivision, there used to be a  
1159 dead end street, and they cut through Hawkes Lane to try to alleviate some of the traffic, but all it  
1160 did was increase it, because we have a lot of cut through from Nine Mile to jump the red light  
1161 and go straight through back to the apartment area. The road in front of my house is only 16 feet  
1162 wide. The road in front of Mr. Whitley's house is down to 15 feet wide. It is not a whole lot of,  
1163 it is a straight shot, so there is a lot of speed traffic at that. People cutting through tend to speed  
1164 more than the people in the neighborhood.  
1165

1166 Mr. Jernigan - So you have three people here in opposition?  
1167

1168 Mr. Cox - Well, yes. The other abutting.  
1169

1170 Mr. Jernigan - Ms. Joyner, did you contact the surrounding?  
1171

1172 Ms. Joyner - I did. I spoke with these two gentlemen and Mr. Whitley and I talked  
1173 about getting together with him, (unintelligible), but we didn't get together with him. We got  
1174 together with the other neighbors and I wasn't aware....  
1175

1176 Mr. Vanarsdall - We can't hear anything you are saying because this is all being taped. Can  
1177 you come down to the microphone and identify yourself and tell us that again.  
1178

1179 Ms. Joyner - Commissioners, hi. I am Lou Joyner and I with the Ripley Heatwole  
1180 Company, Virginia Beach, VA. And we did make efforts to contact these neighbors and in  
1181 talking with Mr. Hembrick in his yard one day, we talked about this and getting all of the  
1182 neighbors together, and he mentioned Tim, he called you, and at that time I asked Mr. Hembrick  
1183 to, I gave him business cards and he said that Tim and I would like to talk to you, and Mr.  
1184 Whitley and I spoke with them, but Mr. Hembrick never really brought Tim in, and I attempted  
1185 to contact all of the neighbors, and I am surprised that you and I did not get a chance to get  
1186 together, but what we talked about obviously was the significant buffer between the property  
1187 lines and the buildings, and that is just the property lines, not even the houses there. There is  
1188 even more of a significant buffer, we've got 60 feet between your property line and the building  
1189 itself. As to the traffic, I don't really know how you can control a traffic issue like that. When I  
1190 entered the neighborhood it just seems naturally to come in and out from the Newbridge Road  
1191 because of the light. You know, to make a right is easier, I guess, in either direction, but to make  
1192 the left you would want the light there I would think to make an easier path onto Nine Mile  
1193 Road, so I have been down the street. It is quite narrow. I don't know the reason for that. But, I  
1194 would suggest that, we have very, very significant buffers along with the multifamily guidelines  
1195 in between the property line and the buildings, and I feel like they are far enough away that you  
1196 are not going to have any intrusion from the neighbors and, you know, we are going to do some  
1197 significant landscaping. Obviously, we've got to get a landscape plan approved, but we'd  
1198 certainly be glad to sit down with you and try and compliment what you've got going on in your  
1199 property. Maybe there are some landscape things that we can do to satisfy you and improve  
1200 actually the view that you have there. And I see your property here in front of me, and you are  
1201 right. That large tree line covers about half of it. And your home sits where on that? About in  
1202 the middle. OK. So it looks to me like the tree line comes down a little bit past the middle and  
1203 then the other side of this property, obviously, would have a view into that, and I would suggest  
1204 that that area there is something that we could work on together for you and create something  
1205 that would be attractive and that would satisfy your concerns. We've run these communities all  
1206 over the state, as Mr. Devine said, and our property management, is a management team that  
1207 takes their job very, very, very seriously, and they are going to be very, very hands on. We are  
1208 here to be good neighbors. And we just want to work together with all of you to create a  
1209 neighborhood and a community and be an asset rather than a detriment, so I would suggest we'd  
1210 be very happy to work with the neighbors and the building is 60 feet away from the property  
1211 line, not the house. So, I would suggest that there is probably about 100 feet in there from the  
1212 house even. I seriously doubt that they would have any intrusion from the third story. Thank  
1213 you.

1214  
1215 Mr. Jernigan - Ms. Joyner, were the other neighbors receptive?

1216  
1217 Ms. Joyner - They didn't seem to have a problem. Most of them were far enough away.  
1218 I spoke with Mr. Hembrick. He is about 130 feet away property line wise. And Mr. Whitley is  
1219 behind the trees, and most of the other neighbors are half a football field away from the building  
1220 and did not seem to have a problem with it, so I would suggest that Mr. Cox is the one that is the  
1221 most affected. You can look at the site plan and Mr. Cox is the one who is the most affected, so  
1222 I would say we would need to work with you more closely.

1223



1224 Mr. Thornton - Mr. Chairman, I have an observation here and that observation is one that  
1225 I have expressed before, and that is when people come before us and say that they are going to  
1226 work with the community, that is good. But I also think we need to make sure that it happens,  
1227 and if we have one person who has not been notified. There may be some others. And I think  
1228 the onus is on those persons coming before us to make sure that they do a more diligent job, and  
1229 just to say that we are going to work with the neighborhood, to me does not satisfy the standard  
1230 that the County stands for. So I hope not only will we just have the rhetoric that we are going to  
1231 work well with the neighborhoods, so that that statement, and I am not saying that the one  
1232 expressed today does express what I am going to say, but if you aren't careful and we come up  
1233 here and say before this Board that we want to work with the neighbors, and we say we send  
1234 letters and haven't contacted the majority of them, then we have to be careful that these actions  
1235 don't become a little patronizing. So, I was hopeful that when people come up to speak before  
1236 this Board and Commission that they do a little bit more than say we are going to work with the  
1237 neighborhood, because one you build that establishment, you are gone, but the people who are  
1238 around them are still there, and who knows more about the traffic patterns than those people who  
1239 live in that area now. That is one of my concerns, Mr. Chairman, and I hope that the  
1240 Commissioner, and I am sure that he has taken that into consideration, but we need to do a little  
1241 bit more than say we are going to work with the community is my observation.  
1242

1243 Mr. Taylor - Thank you, Mr. Thornton. I agree with that and I would hope in that spirit  
1244 that there would be a series of public meetings that the applicant would engage in with the  
1245 neighbors, where Ms. Joyner could explain what they are going to do, and Mr. Cox and any  
1246 additional neighbors could get their expectations fulfilled and Mr. Jernigan can be there, and  
1247 somebody from the staff if we need it, to make sure that what Mr. Thornton says gets fulfilled,  
1248 because while you speak of all the distances and they seem wide, sometimes even within those  
1249 distances there are channels or areas that you can see, and perhaps with some remedial  
1250 landscaping or some other remedial activity, including some shrubs, perhaps, we can resolve that  
1251 problem. Thank you very much, Mr. Thornton.

1252 Mr. Jernigan - Let me clear this up now. You did contact, was he the only neighbor that  
1253 you did not talk to?  
1254

1255 Ms. Joyner - He is the only one that I did not speak with personally. We did contact  
1256 through mail and I went out to meet on a day, and I don't know if Tim was home that day. Was  
1257 he home that day, Mr. Hembrick?  
1258

1259 Mr. Jernigan - Did you speak to all of the adjoining neighbors?  
1260

1261 Ms. Joyner - I spoke to all but Mr. Cox and we didn't hear back from the gentleman on  
1262 Hawkes.  
1263

1264 Mr. Jernigan - The rest of the adjoining neighbors you spoke to?  
1265

1266 Ms. Joyner - Yes, I spoke to.  
1267

1268 Mr. Vanarsdall - Did you mail out a letter?  
1269

1270 Ms. Joyner - Mr. Whitley this morning. Yes.  
1271  
1272 Mr. Vanarsdall - Did you mail out a letter to each one of the people? Not just the  
1273 adjoining...  
1274  
1275 Ms. Joyner - We mailed a letter to each...  
1276  
1277 Mr. Vanarsdall - Not just the adjoining homeowners, but all over the immediate area?  
1278  
1279 Ms. Joyner - No, sir. We sent a letter only to the adjacent property owners.  
1280  
1281 Mr. Vanarsdall - Did you know whether there was a civic association or homeowners?  
1282  
1283 Ms. Joyner - I wasn't able to contact a civic association there.  
1284  
1285 Mr. Vanarsdall - Thank you.  
1286  
1287 Mr. Jernigan - I think that gentleman wanted to say something. You can come up here,  
1288 sir.  
1289  
1290 Mr. Ralph Hembrick - My name is Ralph Hembrick and I think I have about four lots behind the  
1291 property. My thought is what type of fence is going to be behind their property, the back of the  
1292 property facing our homes, you know, our property line. What type of fence is going to be  
1293 there?  
1294  
1295 Mr. Jernigan - Well, that is what we haven't decided yet, and earlier when we were  
1296 speaking about this, I was going to delete, I was going to try to approve all but the fence and  
1297 bring that back with the landscaping plan to where we could work out what type it was going to  
1298 be. So, that has not been determined yet.  
1299  
1300 Mr. Hembrick - OK. I have one other statement to make. I know that they are going to be  
1301 tearing the projects down, and these three dwellings, I would like to say that we do have a lot of  
1302 crime around our area, in the apartments across from where this one is going to be built, and the  
1303 police have been in there with their own setup as far as the crime in the apartments. And I am  
1304 just wondering, I don't want to stop anybody from doing what they want on their own property,  
1305 because it is beautiful, but in our area, our neighborhood, we don't have people with class there.  
1306 We have a lower income and poor people, and we don't even keep a decent building around,  
1307 Sears or the 7-11, they all move from around our area. I am just wondering if these buildings that  
1308 are going to be put up there, will they affect the rest of us in leaving their lawnmowers in the  
1309 yard, the dope addicts and the drugs will just be, I am just wondering. You understand. We  
1310 already have some problem like that now. And I would hate to be in my yard and my little  
1311 grandchildren out there and all, and somebody shoot over there in my yard. Do you all  
1312 understand what I am saying? This man has got three little girls. I know he don't want none of  
1313 them shot, and the higher they go, the further down the bullets come. People don't think about  
1314 this. We have a problem. Now it is not cleaned up. The police are always around the  
1315 neighborhood, drug dealers down the street, and the street is very narrow. It has actually got a

1316 pine tree setting in the middle of the street that you have go around by Johnny Withers' house.  
1317 You have to go around this tree to go down the street. I like to see nice apartments all built up. I  
1318 am not against none of that, but will this cost the County more money for crime, or is it going to  
1319 be all right? Check out the area and see what you all think about it.

1320  
1321 Mr. Jernigan - It is a tough area.

1322  
1323 Mr. Hembrick - Yes, it is. Is this going to make it better?

1324  
1325 Mr. Jernigan - Well, is it going to make it better? No. I mean, but with due respect, the  
1326 developer can't control that and neither can the police. Neither can the courts. We need to get a  
1327 little tougher on drugs, but it is what it is and I guess if we were to control building according to  
1328 what happens with drug dealers, there wouldn't be construction going on any where in the  
1329 County. And I see your point.

1330  
1331 Mr. Hembrick - If you put all poor people in an area where nobody knows anything,  
1332 nobody will ever know anything. You have sometimes allow people that know things that  
1333 control other people to make the people that don't know nothing better. That is the problem with  
1334 the world. We have all people really in one area that don't really have a good education or even  
1335 common sense, and they can't teach each other nothing.

1336  
1337 Mr. Jernigan - What suggestions would you have that we would change?

1338  
1339 Mr. Hembrick - I am not, whatever he like you give each one. I am all right. I am fine as  
1340 far as the building. But I do see that if you see the area you will know what I am talking about.  
1341 We are going to have more problems. And you can't stop it. The builder can't stop it. Maybe  
1342 can't nobody stop it. Three stories, that is right up there.

1343  
1344 Mr. Jernigan - And the reason I was OK with it was because that does give more green  
1345 space for kids to play, and that is one reason I support the three-story, because it gives more open  
1346 space for children. And that is my feeling on it, and whether it is right or wrong, I am not sure,  
1347 but that is the way I do feel about it.

1348  
1349 Mr. Vanarsdall - Well, let me interject this. One of the, if this is a problem, one of the  
1350 problems is that this property is already zoned for this.

1351  
1352 Mr. Hembrick - Right. I didn't say anything about changing it. I am just saying that...

1353  
1354 Mr. Vanarsdall - So the secret would be for them to build a better mouse trap.

1355  
1356 Mr. Hembrick - Yes, sir.

1357  
1358 Mr. Vanarsdall - What kind of fence do you think it should be? A high fence?

1359  
1360 Mr. Hembrick - Yes. Don't you think so, Tim?

1361

1362 Mr. Cox - For my property. Yes.  
1363  
1364 Mr. Hembrick - We need a nice fence between us.  
1365  
1366 Mr. Vanarsdall - I understand where you are coming from.  
1367  
1368 Mr. Hembrick - I appreciate that.  
1369  
1370 Mr. Jernigan - I understand, too, because I know that area, and it is a tough area.  
1371  
1372 Mr. Hembrick - Yes, sir. And I can't keep the kids on the street, and other kids are not  
1373 going to be playing on that property. They are from the neighborhood. That is going to be for the  
1374 people who are in there, in the apartment, so they still will be out on the street, the same kids.  
1375 They are all up and down. I try my best to keep out of the street. I got property. I am going to try  
1376 to do something and put them over in my yard behind the property. I have got grandchildren and  
1377 I am going to have a place for them to play back there sooner or later. Yes. Thank you.  
1378  
1379 Mr. Jernigan - I appreciate you coming up.  
1380  
1381 Mr. Taylor - Is there anyone else that would like to...here comes two people that would  
1382 still like to speak. Go ahead.  
1383  
1384 Mr. Cox - Yes. I would like to address the cut-through traffic that is there and it is  
1385 usually on a right-turn basis, where they right-turn off of Nine Mile, go down and turn left, and  
1386 then turn right back up into the apartments. That is definitely a problem, and thank you, Mr.  
1387 Thornton. I agree with you. Because we were not contacted. Mr. Whitley was not contacted  
1388 before. He didn't talk anything about it before today. Mr. Blake owns property and he didn't  
1389 know anything about until I came and talked to him about it.  
1390  
1391 Mr. Jernigan - Is he an adjoining land owner?  
1392  
1393 Mr. Cox- He has property there. Yes. Mr. Blake is also a property manager down  
1394 there in the Bethdale area and speaking to his defense, he has spent I don't know how much  
1395 money putting up a bracket fence those areas, only to have them cut big enough for a truck to  
1396 drive through, I think was his words. And they repair it, and it goes right back to being cut. We  
1397 are single family. And you are putting in a three-story building. I understand the green space,  
1398 but couldn't you accomplish the same thing by eliminating a building or two? I don't think the  
1399 encroachment would be there if we lowered the amount of units, an I understand that units mean  
1400 money, but, you know, you really need to talk to us before coming up with these nice plans.  
1401 That entrance right there can be turned around and go over there onto Newbridge and people  
1402 wouldn't be, then they would have to make a right turn and a left turn to get back into or out onto  
1403 Newbridge, which is a busier street. It won't be as good of a short cut for them. Like I said, 20  
1404 years ago this was a great place to live. It was a dead end street. You did not know you were as  
1405 close to the city as you were. But they came in and they built Bethdale, and they were supposed  
1406 to make road improvements. Like I said, the road improvement they made increased the traffic  
1407 for us, and it is a great deal of speeding, and the speeding comes when you got to get down there

1408 and beat the other car coming the other way to get to the Pine tree, so that you can get on. Only  
1409 one car can get there at a time. And it is dangerous for the kids. There is also, things that could  
1410 be addressed before we get to this part, to this point, and I think a good-faith effort was made to  
1411 contact me. I have two home-school children at home right now, or three at the time. They are  
1412 always home. I have an answering machine on my telephone and I have a mail box. And the  
1413 only mail that I got, I got two pieces of mail from the County, and that was it.

1414

1415 Mr. Jernigan - All right.

1416

1417 Mr. Vanarsdall- Did you say you live on a dead-end street?

1418

1419 Mr. Cox - It used to be, and it was cut through later on, and I understand...

1420

1421 Mr. Vanarsdall - It has always been cut-through?

1422

1423 Mr. Cox - Yes. I think they cut through when Mr. Teal built houses, 86 units down.  
1424 He added that much more traffic on Lowell Street. If they would cut it the other way, back  
1425 through to Pleasant, which is a wider street, they could do a much better job, but that is another  
1426 issue. That is a County issue and we really haven't had much success in addressing those issues.  
1427 We had a petition 20 years ago to stop it, and we felt, the neighborhood felt like we didn't get a  
1428 fair shake at that.

1429

1430 Mr. Jernigan - Well, Mr. Eure is here from Traffic, but I think at this point I am not going  
1431 to ask him today. Ms. Joyner, I think, I was under the assumption that everybody had been  
1432 contacted on this, and that we were straight, but at this point right now I would like to see a  
1433 deferral for 30 days, if you would make that. Is that OK with you? Do you want to defer it or do  
1434 you want me to defer it?

1435

1436 Ms. Joyner- I will defer it.

1437

1438 Mr. Vanarsdall- It will have to be 60 days.

1439

1440 Mr. Jernigan - It will have to be 60 days. We don't meet next month.

1441

1442 Mr. Vanarsdall - We don't meet in August. It will have to be the 25<sup>th</sup> of September.

1443

1444 Mr. Jernigan - What I would like for you to do is – let's get together – and if you want  
1445 me there I will be there. Let's meet with these people and let's get this thing straight. OK. With  
1446 that, Mr. Chairman, I would like to make a motion to defer Summerdale Apartments, POD-54-  
1447 02, to the September 25, 2002 meeting at the applicant's request.

1448

1449 Mr. Vanarsdall- I second that.

1450

1451 Mr. Taylor - Motion made by Mr. Jernigan to defer POD-54-02, Summerdale  
1452 Apartments – Newbridge Road, to September 25, 2002, at the applicant's request. All in favor  
1453 say aye. All opposed say no. The motion passes.

1454  
1455 At the applicant's request, the Planning Commission deferred POD-54-02, Summerdale  
1456 Apartments – Newbridge Road, to its meeting on September 25, 2002.  
1457

1458 **PLAN OF DEVELOPMENT (Deferred from the June 26, 2002, Meeting)**  
1459

POD-28-02                      **TIMMONS for The Tetra Company and The Dakota Group, Ltd.:**  
Dakota Estates                Request for approval of a plan of development, as required by Chapter  
Townhouses                    24, Section 24-106 of the Henrico County Code to construct 82  
   townhouses for sale. The 13.69 acre site is located on the west line of  
   Midview Road approximately 400 feet south of its intersection with  
   Darbytown Road on parcel 807-705-5743 and part of parcel 806-704-  
   4472. The zoning is RTH, Residential Townhouse District and R-5,  
   General Residence District. County water and sewer. **(Varina)**

1460  
1461 Mr. Marles -                      The staff report will be given by Ms. Leslie News.  
1462

1463 Mr. Taylor -                      Is anyone opposed to this project in the audience? No opposition. Thank  
1464 you.  
1465

1466 Ms. News -                      Good morning, members of the Commission. Revised architectural plans,  
1467 which include additional information requested by the Planning Commission at the last hearing,  
1468 have been included in your packet. The plans include the provision of brick on the front façade  
1469 of two units in each grouping of four and on one unit in each grouping of three units. Also  
1470 shown are brick steps at the front of each unit, shutters on all windows, and the addition of  
1471 windows on the sides of the end units. No revision to the site plans have been made since the  
1472 last meeting. As indicated previously, minimum code requirements have been satisfied and,  
1473 therefore, staff recommends approval, subject to the standard conditions for subdivisions and the  
1474 additional conditions in your agenda. The applicant's representative is available to answer  
1475 questions if there are no additional questions of staff.  
1476

1477 Mr. Taylor -                      Any questions for Ms. News?  
1478

1479 Mr. Jernigan -                      Have they addressed everything that we requested?  
1480

1481 Ms. News -                      On the architectural, yes, sir.  
1482

1483 Mr. Jernigan -                      OK. Thank you, ma'am.  
1484

1485 Mr. Taylor -                      Do you want to hear from the applicant?  
1486

1487 Mr. Jernigan -                      Yes, I would, please.  
1488

1489 Mr. Taylor -                      Would the applicant please come up.  
1490

1491 Mr. Tom O'Brien - My name is Tom O'Brien and I am representing the applicant for Dakota  
1492 Estates. I am happy to answer any questions you may have.

1493  
1494 Mr. Jernigan - Mr. O'Brien, I just want to clear up – it seems that you all have met  
1495 everything that we have requested, and they did send in elevations on the three and four units.

1496  
1497 Mr. O'Brien - Yes, sir.

1498  
1499 Mr. Jernigan - The only thing I need you to do is tell me that if this is built, this is what  
1500 they are going to build.

1501  
1502 Mr. O'Brien - Yes. This is why we have submitted these elevations as part of the  
1503 approval and should they decide to build something else, I think they have got to come back  
1504 before this body to get approval for that.

1505  
1506 Mr. Jernigan - OK. I've got your word. That is all that I need.

1507  
1508 Mr. O'Brien - Yes, sir.

1509  
1510 Mr. Taylor - Thank you, Mr. O'Brien.

1511  
1512 Mr. Jernigan - Mr. Chairman, with that I would like to make a motion to approve POD-  
1513 28-02, Dakota Estates Townhouses, subject to the standard conditions for developments of this  
1514 type and the following conditional conditions: Nos. 23 through 35 and I want to Amend Nos. 9  
1515 and 11 to bring that back here for review.

1516  
1517 Mr. Vanarsdall - Second.

1518  
1519 Mr. Taylor - Motion made by Mr. Jernigan and seconded by Mr. Vanarsdall to approve  
1520 POD-28-02, Dakota Estates Townhouses. All in favor say aye. All opposed say no. The motion  
1521 passes.

1522  
1523 The Planning Commission approved POD-28-02, Dakota Estates Townhouses, subject to the  
1524 standard conditions for developments of this type and the following additional conditions:

- 1525
- 1526 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for  
1527 review and Planning Commission approval prior to the issuance of any occupancy permits.
  - 1528 11. **AMENDED** - Prior to the approval of an electrical permit application and installation of  
1529 the site lighting equipment, a plan including depictions of light spread and intensity  
1530 diagrams, and fixture specifications and mounting height details shall be submitted for  
1531 Planning Office review and Planning Commission approval.
  - 1532 23. The unit house numbers shall be visible from the parking areas and drives.
  - 1533 24. The names of streets, drives, courts and parking areas shall be approved by the Richmond  
1534 Regional Planning District Commission and such names shall be included on the  
1535 construction plans prior to their approval. The standard street name signs shall be ordered  
1536 from the County and installed prior to any occupancy permit approval.

- 1537 25. The subdivision plat for Dakota Estates shall be recorded before any building permits are  
1538 issued.
- 1539 26. The right-of-way for widening of Midview Road as shown on approved plans shall be  
1540 dedicated to the County prior to any occupancy permits being issued. The right-of-way  
1541 dedication plat and any other required information shall be submitted to the County Real  
1542 Property Agent at least sixty (60) days prior to requesting occupancy permits.
- 1543 27. The easements for drainage and utilities as shown on approved plans shall be granted to  
1544 the County in a form acceptable to the County Attorney prior to any occupancy permits  
1545 being issued. The easement plats and any other required information shall be submitted  
1546 to the County Real Property Agent at least sixty (60) days prior to requesting occupancy  
1547 permits.
- 1548 28. The developer shall provide fire hydrants as required by the Department of Public  
1549 Utilities and Division of Fire.
- 1550 29. Any necessary off-site drainage and/or water and sewer easements must be obtained in a  
1551 form acceptable to the County Attorney prior to final approval of the construction plans.
- 1552 30. Deviations from County standards for pavement, curb or curb and gutter design shall be  
1553 approved by the County Engineer prior to final approval of the construction plans by the  
1554 Department of Public Works.
- 1555 31. The pavement shall be of an SM-2A type and shall be constructed in accordance with  
1556 County standard and specifications. The developer shall post a defect bond for all  
1557 pavement with the Planning Office - the exact type, amount and implementation shall be  
1558 determined by the Director of Planning, to protect the interest of the members of the  
1559 Homeowners Association. The bond shall become effective as of the date that the  
1560 Homeowners Association assumes responsibility for the common areas.
- 1561 32. Insurance Services Office (ISO) calculations must be included with the plans and  
1562 contracts and must be approved by the Department of Public Utilities prior to the  
1563 issuance of a building permit.
- 1564 33. Approval of the construction plans by the Department of Public Works does not establish  
1565 the curb and gutter elevations along the Henrico County maintained right-of-way. The  
1566 elevations will be set by Henrico County.
- 1567 34. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the  
1568 Planning Office and approved prior to final approval of construction plans for this  
1569 development.
- 1570 35. The developer shall provide signage, the wording and location as deemed appropriate by  
1571 the Director of Public works, which addresses the possible future extension of any stub  
1572 street.

1573  
1574 **SUBDIVISION (Deferred from the June 26, 2002, Meeting)**  
1575

Ivy Heights **Foster & Miller, P. C. for Valerie D. Fuller, Renee Halterman, and**  
(June 2002 Plan) **TWC, LLC:** The 7.63 acre site is located on the west line of N. Ivy  
Avenue approximately 1000 feet north of Mae Street on parcels 825-  
727-2361 and 825-729-8078. The zoning is R-3, One-Family  
Residence District. County water and sewer. **(Varina) 20 Lots**

1576  
1577 Mr. Marlles - The staff report will be given by Mr. Cooper.



1578  
1579 Mr. Cooper - Good morning, again. Since the original plan was submitted, several  
1580 different versions of the plan have been presented to staff. Previously, staff had concerns with  
1581 road access to the rear parcel, the two rear parcels located behind the proposed subdivision,  
1582 being this area (back here). Prior plans provided minimal, if any, road frontage to the rear  
1583 parcels, and that is what caused the deferral last month. Since then this latest plan, which you see  
1584 now, does address those concerns and does appear to provide adequate road frontage to the rear  
1585 parcel, and, in addition, has given the developer two additional lots. With this, staff can  
1586 recommend approval of this plan and, in addition, would need to delete Condition No. 13 as is in  
1587 your agenda. That condition no longer pertains to the layout.

1588  
1589 Mr. Vanarsdall - And the plans that we are looking at here was in the packet on here. Right?

1590  
1591 Mr. Cooper - Yes, sir. I believe so. Yes, sir.

1592  
1593 Mr. Jernigan - Seems all right to me. Ask if there is any opposition, Mr. Chairman.

1594  
1595 Mr. Taylor - Is there any opposition to this case? No opposition. Thank you, Mr.  
1596 Cooper.

1597  
1598 Mr. Jernigan - I don't need to hear from the developer on this. This is cut and dried. We  
1599 have no opposition and I think it is OK with staff, so with that I would like to recommend  
1600 subdivision approval for Ivy Heights, (June 2002 Plan), subject to the standard conditions for  
1601 subdivisions served by Public Utilities, the following additional conditions No. 12 and No. 14  
1602 and No. 13 was deleted.

1603  
1604 Mr. Vanarsdall - Second.

1605  
1606 Mr. Taylor - Motion made by Mr. Jernigan and seconded by Mr. Vanarsdall. All in  
1607 favor say aye. All opposed say no. The motion passes.

1608  
1609 The Planning Commission approved Subdivision Ivy Heights (June 2002 Plan), subject to the  
1610 standard conditions for subdivisions served by public utilities and the following additional  
1611 conditions:

- 1612  
1613 12. The limits and elevation of the 100 year frequency flood shall be conspicuously noted on  
1614 the plat and construction plans and labeled "Limits of 100 year floodplain." Dedicate  
1615 floodplain as a "Variable Width Drainage & Utilities Easement."  
1616 13. Any necessary offsite drainage easements must be obtained prior to approval of the  
1617 construction plan by the Department of Public Works.

1618  
1619 **PLAN OF DEVELOPMENT**

1620  
POD-57-02 **Hulcher & Associates, Inc. for Trustees of Quioccassin Baptist**  
Quioccassin Baptist **Church:** Request for approval of a plan of development as required by  
Church - Quioccassin Chapter 24, Section 24-106 of the Henrico County Code to construct a

Road one-story, 8,522 square foot fellowship hall/gymnasium. The 3.82-acre site is located along the south line of Quioccasin Road, approximately 260 feet east of Blue Jay Lane on parcels 751-745-9705, 751-744-8877, 752-745-1602 and 752-744-2499. The zoning is R-3, One-Family Residence District. County water and sewer. (**Tuckahoe**)

1621

1622 Mr. Marlles - The staff report will be given by Mr. Wilhite.

1623

1624 Mr. Wilhite - The plans should be stamped received on Friday. Are you ready to hear  
1625 from me, or do you want to hear from any opposition?

1626

1627 Mr. Taylor - Is there any opposition to POD-57-02? No opposition. Mr. Wilhite.

1628

1629 Mr. Wilhite - As mentioned, we did get a revised plan that was submitted in your  
1630 addendum packet. Also, on page 4 of the addendum there is a revised recommendation. Staff is  
1631 recommending approval at this time. There are also four added conditions that appear on that  
1632 addendum page. The plan that we received last week does address most of staff's concerns. The  
1633 new building has been reoriented, which allows for the parking lot between the south side of the  
1634 building and the east side of, the building to be connected, so we do have circulation around the  
1635 entire, all side, of the building. It also provides more space between the parking lot and the  
1636 adjacent residential neighborhood to the west. It increased roughly from 6 to 12 feet. The  
1637 dumpster that was shown, also adjacent to the neighborhood, has been moved to the other side of  
1638 the property further away. The BMPs also had to be modified. One of the original BMPs was  
1639 located right on Quioccasin Road. That has been modified to meet the required setbacks under  
1640 the Stormwater Management Guidelines. Public Works can recommend approval based on  
1641 water quality. The current church sits on one parcel of property that was built upon in the 1950s.  
1642 The current parcel is nonconforming as far as lot size and lot width is concerned. The church  
1643 does own a parcel to the south and two parcels to the west. The two parcels to the west each  
1644 have single-family homes sitting on them. Staff is requiring that any parcels which have church-  
1645 related improvements or activities on them would have to be consolidated under one deed. If all  
1646 of all of these parcels were consolidated together, the church would be conforming as far as the  
1647 usual requirements for lot size and lot width.

1648

1649 Condition No. 28 as it appears on your addendum deals with HVAC screening. No. 29 requires  
1650 that all the parcels be consolidated where church-related improvements are proposed. Condition  
1651 No.30 deals with the existing dwelling on the easternmost parcel that is currently being rented  
1652 out as residential property. If the BMP, as proposed in the revised plan, gets constructed on that,  
1653 then they would have to incorporate it with the rest of the church property, and they would have  
1654 to cease renting that dwelling out for residential purposes. The final condition on your  
1655 addendum addresses the 11 additional parking spaces shown on the revised plan. They are  
1656 shown relocated into a existing 15-foot right-of-way easement that goes back to the Taubman  
1657 property, which is zoned business in the southeast corner of this property. In order to locate the  
1658 parking spaces there, they would have to take measures to have that right of way vacated or those  
1659 parking spaces would have to be relocated to elsewhere on the property. As I said, staff is in a  
1660 position to recommend approval of the revised plan, with the added conditions Nos. 28 through  
1661 31 on your addendum. I will be happy to answer any questions that you might have.

1662  
1663 Mr. Taylor- Any questions for Mr. Wilhite?  
1664  
1665 Ms. Ware - I have one. I would like to address the applicant briefly.  
1666  
1667 Mr. Taylor - Thank you, Mr. Wilhite. Sir, if you would, come down to the podium and  
1668 state your name for the record, we would appreciate it.  
1669  
1670 Mr. Bruce Hulcher - Mr. Chairman and members of the Commission, my name is Bruce  
1671 Hulcher of Hulcher and Associates, and I represent the applicant, and also with me today are  
1672 several members of the church Board of Trustees sitting in the rear here. I'd be happy to answer  
1673 your questions.  
1674  
1675 Ms. Ware - The first question that I have is concerning the HVAC, the air-  
1676 conditioning system. Can you show me on this where, well actually we might need one of the  
1677 revised maps, where you plan on locating the compressors, and I am concerned about the  
1678 neighborhood.  
1679  
1680 Mr. Hulcher - The intent at this point is to locate them between the existing building and  
1681 the new building.  
1682  
1683 Ms. Ware - Can you point that out? Mr. Wilhite had mentioned that they would be  
1684 going into that back inset. I just wanted to see.  
1685  
1686 Mr. Hulcher - To tell you the truth, what my concept was is that they would be in  
1687 between the buildings. There are some existing units already to the rear of the existing building,  
1688 but if they are moved from that location, they would be screened with the same materials that the  
1689 building would be constructed of.  
1690  
1691 Ms. Ware - Which is masonry?  
1692  
1693 Mr. Hulcher - Yes.  
1694  
1695 Ms. Ware - I am just concerned. We have had some issues in the past from the noise  
1696 of the large HVAC system impacting the neighborhood, and I am concerned about the people on  
1697 Blue Jay Lane.  
1698  
1699 Mr. Hulcher - Yes. If we end up, and I think we will probably end up with them between  
1700 the buildings, I wouldn't be surprised if they couldn't hear them from the houses, but again they  
1701 would be screened, so it is a pretty good distance to the nearest house; not the lot line, but to the  
1702 nearest house.  
1703  
1704 Ms. Ware - But it will definitely be screened with a masonry wall to deflect the noise.  
1705  
1706 Mr. Hulcher - Yes, ma'am.  
1707

1708 Ms. Ware - Is that correct?  
1709  
1710 Mr. Hulcher - Yes, ma'am.  
1711  
1712 Mr. Vanarsdall - Would you feel better if they had a condition added to this that it would be  
1713 screened?  
1714 Ms. Ware - There is one indicating screening, but it doesn't indicate the types of  
1715 material.  
1716  
1717 Mr. Vanarsdall - It wouldn't be any problem for him to put it on there.  
1718  
1719 Mr. Hulcher - Not a problem at all.  
1720  
1721 Mr. Vanarsdall - If you'd feel better about it and be safer, because could happen to him or  
1722 the church is sold or something.  
1723  
1724 Mr. Wilhite - We can add that as an annotation. I feel that would cover it between  
1725 Condition No. 28 and the annotation on the plan for masonry screening.  
1726  
1727 Ms. Ware - OK. And the last concern I have has to do with the Blue Jay Lane  
1728 residents. When you build the parking lot, you will take down an extensive tree line there, and I  
1729 would be interested in seeing some type of landscaping, large evergreen trees, be planted  
1730 between the parking lot and your property line in order to create a good buffer there.  
1731  
1732 Mr. Hulcher- Yes, ma'am. There would be our intent with the landscaping plan  
1733 submittal.  
1734  
1735 Ms. Ware - OK. So I am going to ask that the landscaping and lighting plans come  
1736 back through. OK. Thank you.  
1737  
1738 Mr. Taylor- Thank you, Mr. Hulcher.  
1739  
1740 Ms. Ware - I am ready. I move for approval of POD-57-02, subject to the annotations  
1741 on the plans, the standard conditions for development of this type, and the additional conditions  
1742 listed on the agenda, and the new conditions Nos. 9 and 11 Amended, and Nos. 23 through 31.  
1743  
1744 Mr. Vanarsdall - Second  
1745  
1746 Mr. Taylor - Motion made by Ms. Ware and seconded by Mr. Vanarsdall to approve  
1747 POD-57-02. All in favor say aye. All opposed say no. The motion passes.  
1748  
1749 The Planning Commission approved POD-57-02, Quioccasin Baptist Church – Quioccasin Road,  
1750 subject to the annotations on the plans, the standard conditions for developments of this type, and  
1751 the following additional conditions:  
1752

- 1753 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for  
1754 review and Planning Commission approval prior to the issuance of any occupancy permits.
- 1755 11. **AMENDED** - Prior to the approval of an electrical permit application and installation of  
1756 the site lighting equipment, a plan including depictions of light spread and intensity  
1757 diagrams, and fixture specifications and mounting height details shall be submitted for  
1758 Planning Office review and Planning Commission approval.
- 1759 23. The easements for drainage and utilities as shown on approved plans shall be granted to  
1760 the County in a form acceptable to the County Attorney prior to any occupancy permits  
1761 being issued. The easement plats and any other required information shall be submitted  
1762 to the County Real Property Agent at least sixty (60) days prior to requesting occupancy  
1763 permits.
- 1764 24. The developer shall provide fire hydrants as required by the Department of Public  
1765 Utilities and Division of Fire.
- 1766 25. Outside storage shall not be permitted.
- 1767 26. Deviations from County standards for pavement, curb or curb and gutter design shall be  
1768 approved by the County Engineer prior to final approval of the construction plans by the  
1769 Department of Public Works.
- 1770 27. Insurance Services Office (ISO) calculations must be included with the plans and  
1771 contracts and must be approved by the Department of Public Utilities prior to the  
1772 issuance of a building permit.
- 1773 28. The location of all existing and proposed utility and mechanical equipment (including  
1774 HVAC units, electric meters, junction and accessory boxes, transformers, and generators)  
1775 shall be identified on the landscape plans. All equipment shall be screened by such  
1776 measures as determined appropriate by the Director of Planning or the Planning  
1777 Commission at the time of plan approval.
- 1778 29. The applicant shall provide evidence that all the parcels with church-related  
1779 improvements proposed have been consolidated into one single parcel of property prior to  
1780 construction plan approval.
- 1781 30. The existing building on Parcel 752-744-2499 can only be used for church-related  
1782 activities if incorporated into the proposed development and cannot continue to be used  
1783 as a separate residential dwelling.
- 1784 31. The 11 parking spaces partially located within the 15-foot right-of-way easement on the  
1785 eastern side of the existing church building shall be eliminated or relocated unless the  
1786 said easement has been vacated.

1787  
1788 **APPROVAL OF 2003 CALENDAR**  
1789

1790 Mr. Vanarsdall - I looked at this and I don't see any conflict this year and Mr. Marlles, you  
1791 will be glad to know this, too, that it doesn't conflict with you on this meeting or the Board. The  
1792 conference this year is in Denver, Colorado, and it begins on Friday, the 28<sup>th</sup> of March and ends  
1793 on the 4<sup>th</sup> of April, and it doesn't conflict with any of our meetings nor the Board's meetings, and  
1794 no conflict on Thanksgiving or Christmas, and good news is no meeting in August. So I  
1795 recommend approval if no one else has any suggestions, or if you do have some suggestions, I  
1796 still recommend it.  
1797

1798 Mr. Taylor - I certainly second that motion. I think this is a nice calendar and we  
1799 will... do we need a motion to approve that? All right, I will second Mr. Vanarsdall's motion to  
1800 approve the 2003 Calendar. All in favor say aye. All opposed say no. The motion passes.

1801  
1802 The Planning Commission approved the calendar for the 2003 Planning Commission meetings.

1803  
1804 **The Planning Commission took a five minute break at this time.**

1805  
1806 **PUBLIC HEARING: Urban Mixed Use Zoning District and Urban Mixed Use**  
1807 **Comprehensive Plan Amendment**

1808  
1809 Mr. Taylor - Good morning, again. Mr. Secretary, we will now reconvene for the next  
1810 part of our agenda at 10:43 a.m.

1811  
1812 Mr. Marlles - Thank you, Mr. Chairman. Mr. O'Kelly is going to be taking my place  
1813 while I give this presentation. This is a public hearing on the proposed Comprehensive Plan  
1814 Amendment and proposed Zoning Ordinance Amendment for Urban Mixed Use District. The  
1815 Commission previously had a work session on this matter, and the Board has also had a work  
1816 session on this matter. As the Commission is aware, traditional zoning is characterized by a  
1817 strict separation of land uses with each zoning district having its own specific requirements for  
1818 setbacks, area, height, etc. Over the past 10 or 15 years Mixed Use Development ordinances  
1819 have proven to be an effective tool encouraging redevelopment and more efficient land use  
1820 patterns. When we talk about Mixed Use Development, what we are talking about is  
1821 development characterized by a mixture of three or more land uses in a single building or on a  
1822 single site. Again, there are many examples of Mixed Use Development projects both in  
1823 Virginia and around the nation.

1824  
1825 There are many reasons why staff believes the County should encourage Mix Use Development  
1826 in appropriate areas in the County. First, it can help facilitate the redevelopment of older  
1827 commercial, residential and industrial areas in the County. Second, it often results in higher  
1828 quality design than traditional site-by-site development. Mixed Use Development can also  
1829 reduce traffic on local streets by encouraging employment opportunities closer to where people  
1830 live. Mixed Use Development can result in more fiscally balanced development, and also Mixed  
1831 Use Development can help preserve open space by encouraging higher density development,  
1832 again, in appropriate locations.

1833  
1834 This afternoon's public hearing really is on two matters. The first item is a proposed amendment  
1835 to the County's Comprehensive Plan, which would establish a new land use map classification  
1836 called the Urban Mixed Use Development Area. The Comprehensive Plan Amendment would  
1837 also develop new guidelines to assist in the selection of areas in the County, which may be  
1838 appropriate for a mixed use development. That new land use map classification describes an  
1839 Urban Mixed Use Development Area, and I'm just reading off the slide, as an area characterized  
1840 by mixed use, pedestrian oriented activity centers, which may contain a variety of uses including  
1841 business, office, multi-family residential, cultural, educational, open space and other public and  
1842 private uses. A mix of uses is permitted in a single structure or a group of structures on a parcel  
1843 or a group of parcels. And in comparison to other land use classifications, a larger combination

1844 of principal, provisional, and accessory uses are permitted. Greater regulatory flexibility is  
1845 intended to encourage innovative and creative design and high-quality development and  
1846 redevelopment is expected. And, again, this classification would correspond to the Urban Mixed  
1847 Use District. This is actually the Land Use Map Classification description. This would come  
1848 with it's own color that would be incorporated into the County's Comprehensive Plan.  
1849

1850 The second component of the proposed Comprehensive Plan Amendment includes proposed  
1851 guidelines that would be incorporated into the text of the Comprehensive Plan. Copies of these  
1852 guidelines have been sent out to the Commission members prior to the public hearing and were  
1853 available to the public. The proposed guidelines are actually divided into six sections including  
1854 introduction, mixture of uses, urban design, project design criteria, economic impact, and future  
1855 opportunities for Urban Mixed Use Development. Taking together, these six sections describes  
1856 what an Urban Mixed Used Development should look like and the type of considerations which  
1857 should be taken into account in considering a specific proposal for an Urban Mixed Use  
1858 Development.  
1859

1860 The second item, which is the subject of this afternoons public hearing, is the proposed Urban  
1861 Mixed Use District, which would be an amendment to the County's Zoning Ordinance. The  
1862 purpose of the Urban Mixed Use District is to allow development of mixed use, pedestrian  
1863 oriented activity centers, which contain a variety of uses including business, retail, residential,  
1864 cultural, educational and other public and private uses. The proposed Urban Mixed Use District  
1865 is 17 pages long, and I was not planning on going through that page by page otherwise we would  
1866 be here for a considerable time period. What I would like to do is summarize or highlight the  
1867 major provisions of the proposed Urban Mixed Use District. The proposed Urban Mixed Use  
1868 District would permit multiple uses on the same site and within the same building. A Mixed Use  
1869 Development District must have a minimum project size of 20 acres. There are no defined yard  
1870 requirements in the Urban Mixed Use District, again, as we would traditionally find in our  
1871 current zoning ordinance. The intent is to encourage more urban development. Up to 40 multi-  
1872 family units per acre would be permitted by right, and greater density could be approved by a  
1873 provisional use permit, which of course would require Board approval. We believe this density  
1874 would provide a strong incentive to encourage redevelopment in the County. Up to 12  
1875 townhouse units would be permitted by right. Again, greater density could be approved by the  
1876 Board subject to a provisional use permit. Building heights up to 60 feet would be permitted by  
1877 right. This is a change from your work session that we had earlier. I believe Mr. Jernigan  
1878 actually suggested that, and staff did agree with that recommendation. Also, that 60-foot height  
1879 requirement by right would bring us in line with the Riverfront Ordinance that was recently  
1880 approved by the City Council in Richmond.  
1881

1882 Mr. Vanarsdall - What did you say? Is this one of the things that the Council wanted?  
1883

1884 Mr. Marlles - As the Commission is probably aware, the City of Richmond has also  
1885 recently approved an ordinance for development immediately along the river that would allow  
1886 buildings up to 60 feet. So, this brings our ordinance in line with what Richmond City Council  
1887 has recently approved. I think, Mr. Jernigan, your original concern at the work session was to  
1888 make sure that we allowed for, I believe it was three-story buildings without having to go  
1889 through any PUP requirement. Finally, a minimum of 25 % of the total building square footage

1890 must be developed for office and commercial use. This will help insure that Urban Mixed Use  
1891 Developments are fiscally balanced. The guidelines and ordinance encourage Urban Mixed Use  
1892 Developments in areas, first of all, which would be compatible with surrounding land uses, and  
1893 secondly, areas that contain adequate infrastructure. Appropriate areas would also have to be  
1894 served by adequate transportation facilities. We would want, for example, an urban mixed use  
1895 development to be near an interstate or major road capable of carrying traffic to this type of  
1896 development or perhaps near a mass transit line. Primary access is required to a major access  
1897 road from a mixed use development and, of course, a proposed mixed use development would  
1898 have to be consistent with guideline in the Comprehensive Plan and would have to be shown or  
1899 indicated on the County's Land Use Plan.

1900  
1901 The process for applying for an Urban Mixed Use District is spelled out in the Code. First, the  
1902 applicant would have to request a pre-application conference with the Planning Staff. Second,  
1903 the applicant would have to apply for an amendment to the County's Land Use Plan. Next, after  
1904 the land use plan were amended, which, of course, require approval by the Planning Commission  
1905 and the Board, the applicant would be able to apply for a conditional zoning application, which  
1906 also includes submitting an application for a provisional use permit. Once all of those approvals  
1907 were in place, and only after those approval were in place, would an applicant be able to apply  
1908 for a POD approval for the entire development or for each phase of the development. So, the  
1909 point is there are multiple reviews and public hearings and approvals required before an Urban  
1910 Mixed Use Development can actually occur.

1911  
1912 Mr. Vanarsdall - John, I want to ask you a question. Go back to pre-application conference.  
1913 That would be no difference from someone coming in today to see you and want to put up  
1914 another racetrack or something, is that right? It would be the same thing.

1915  
1916 Mr. Marlles - It's different in that it is actually mandated in this case. An applicant  
1917 would be required to have a pre-application conference. In most cases that occur, Mr.  
1918 Vanarsdall.

1919  
1920 Mr. Vanarsdall - So, in other words, instead of just putting an application in at the front  
1921 desk, you are saying that you would have to come by appointment with a conference.

1922  
1923 Mr. Marlles - Yes, sir.

1924  
1925 Mr. Vanarsdall - Could it be possible at some times for the Planning Commissioner to be in  
1926 on that too?

1927  
1928 Mr. Marlles - Absolutely. I think, Mr. Vanarsdall, a development of this type, we would  
1929 be working very closely with the Planning Commission member from the district.

1930  
1931 Mr. Vanarsdall - That's what I'm thinking. It would be something... And I don't know at  
1932 what point you get the Board member in on it, I guess that would be later.

1933  
1934 Mr. Marlles - Well....

1935



1936 Mr. Vanarsdall - You answered the question. Thank you.

1937

1938 Mr. Marlles - Yes, sir. The application for an Urban Mixed Use District will also be  
1939 more comprehensive than anything we currently require. In addition to the application for  
1940 rezoning and the application for a provisional use permit, which, by the way, does require a very  
1941 detailed master plan. The applicant will also be required to submit what the ordinance calls a  
1942 Development Impact Statement. That Development Impact Statement would require very  
1943 detailed information on traffic impacts that would be expected from the development. A fiscal  
1944 impact analysis would also be required as part of the Development Impact Statement. We would  
1945 want to make sure, for example, that we are not getting a development that would result in a  
1946 drain on County services. We would want to know how much the way of taxes would be  
1947 generated from that particular development. The idea, and what we want to encourage, is  
1948 fiscally balanced developments in the County, not just, for example, a total residential  
1949 community. It would also include a public service and facilities analysis. We would want  
1950 information on what impact would this proposed development have on County utilities and  
1951 services. We would want a description of what impact the applicant felt this development would  
1952 have on surrounding land uses both existing and future land uses. And then finally, the  
1953 Development Impact Statement would include information on what the environmental impact  
1954 could be of a project. If these items are recommended by the Commission for approval today,  
1955 staff is recommending that the Board schedule a public hearing on August 13, 2002. This  
1956 particular ordinance amendment to the Comprehensive Plan has been under development by the  
1957 staff for over a year and a half. We believe there has been a lot of study done on the ordinance  
1958 and the comprehensive plan amendment. We have received comments from a number of citizens  
1959 and different groups which we have reviewed and in many cases made changes, particularly to  
1960 the ordinance. But, staff is recommending that the Commission approve both of these items, and  
1961 hopefully take action today so that we can bring it forward to the Board. With that, I'll be glad  
1962 to answer any questions that the Commission members have. And, again, this is a public hearing  
1963 and I believe that there are citizens here who may have comments or questions.

1964

1965 Mr. Taylor - Mr. Secretary, before we have additional comments, should we see what  
1966 public comments we have?

1967

1968 Mr. Marlles - Yes, sir, Mr. Chairman.

1969

1970 Mr. Taylor - Is there anyone here who would like to speak? All right then, then if I  
1971 might just ask the Secretary, Mr. Marlles, a question. Just relax for a moment. Are there just  
1972 two people, I saw two hands? Okay, three. Please, if you would, ma'am, come up and address  
1973 the group. And if you would, please give us your name and affiliation.

1974

1975 Mrs. Blackwell - Mr. Chairman, Mrs. Ware, gentlemen, I'm Phyllis Blackwell, North  
1976 Airport Drive Civic Association. Thank you for giving us this opportunity to air our views on  
1977 this. This proposed amendment represents a drastic departure from a traditional zoning rule and  
1978 it's just been in the last few years that Henrico County began promoting less dense building. So,  
1979 this proposal is a surprise to us. This is a complex and new idea and we believe the average  
1980 taxpayer is unaware of it. I haven't talked to anyone who has heard anything at all about this.  
1981 Because of that, we think the most important thing, at this point, is to plan a citizen workshop

1982 that should be held so that the County can receive input from the taxpayers before they go further  
1983 with this plan. We are particularly concerned with this amendment for several reasons. Because  
1984 of the newness of it, too little is known about the long run effects. Now, it may be in other  
1985 states, a lot is known about it, but around here I don't know anything about it and I haven't heard  
1986 any average citizen, maybe the experts like yourselves and Mr. Marlles and the Planning Staff do  
1987 know, but we don't know and we do need to know before this goes on.

1988  
1989 In the executive summary draft on page one, the statement is made that this district will be  
1990 located on carefully, selected, sites. That's a very subjected term and that's not intended for  
1991 general application throughout the County. However, the only criteria for selection of a site  
1992 appears to us is to allow it anywhere where there is at least 20 acres with the proper  
1993 infrastructure, public facilities, public services and the necessary transportation facilities. This  
1994 could allow one of these districts to abut an establish older neighborhood where each lot is  
1995 located on one or more acres, which is the case in our general area is a large part of the  
1996 boundaries of our association. There will be only 35 feet of buffer between an old established  
1997 neighborhood and this new high, high, density project. Since this mixed use district will allow  
1998 40 dwelling units per acre, and now I find that could be increased approval of the Board, we can  
1999 imagine the unfortunate situation the established neighbors would find themselves in. To  
2000 illustrate the point of this, maybe to illustrate it to myself, this 40 units per acre, if I'm correct  
2001 then my understanding is that the residential townhouse district only allows nine units per acre.  
2002 And, that's not something most people want in their neighborhood, even a residential townhouse  
2003 where these existing residents are one or more acres and I'm sure you can understand that.  
2004 There's a different character and different quality of neighborhood when you interject something  
2005 that dense into a much less dense neighborhood.

2006  
2007 And where it says that, something was shown up here, (referring to screen) that it would be  
2008 compatible with existing units. That to is very subjective. Who is going to decide that it is  
2009 compatible? Are we going to get to decide if it's compatible or will the builder/developer decide  
2010 if it is compatible? We want to see things written into this so that we will know just what to  
2011 expect. We don't claim to be experts on this sort of thing, but reading through the draft it  
2012 doesn't seem to provide clear guidelines. It only gives the general information that I just  
2013 mentioned about the infrastructure and the transportation and that sort of thing. An area outside  
2014 Highland Springs, like North Airport Drive, meets all of the criteria that are laid out. We would  
2015 not consider that to be suitable to the homeowners in that area. Another statement made on page  
2016 1 of the Land Use Plan Map and Guidelines for Future Growth says that a greater regulatory  
2017 flexibility is intended to encourage innovative, creating design and high-quality development.  
2018 This is a good goal of course but I don't understand how flexibility will insure high-quality, and  
2019 when you have something this dense you must insure high-quality. It's got to be high quality.  
2020 Imagine 40 housing units per acre where there is no guarantee of quality. Encouragement is  
2021 good, but laws work, laws are requirements and that's what needs to be written into this. There  
2022 are situations in the proposed amendment where the Director of Planning has the authority to  
2023 change the requirements. Now, we have John Marlles, that's great but who will we have next  
2024 year, we don't know. This is going to be in effect for we don't know how long into the future.  
2025 We don't know who is going to be making those discretionary decisions. These things need to  
2026 be written as requirements, not discretionary decisions. There are situations where vague words  
2027 such as "minor" "occasional" and "may" are used. Such as "request for variations maybe

2028 reviewed by the Planning Commission.” I don’t understand that statement “Prior to approval by  
2029 the Director of Planning.” Since the primary connection that we have is with our elected and  
2030 directly appointed officials, we feel it is imperative that important issues such as variations be  
2031 reviewed by the Planning Commission and the Board of Supervisors and that that should be so  
2032 stated in this amendment. As few things as possible should be left to interpretation and at any  
2033 one persons discretion. We’ve all seen scenes like that where things were left to interpretation  
2034 when it could have been written so that it would have been a requirement and an absolute instead  
2035 of a discretionary thing. As written, this amendment does not give any assurance to the citizens  
2036 or the builder/developer as to what is actually allowed and required. Once in place, the citizens  
2037 will not have the resources available to direct builders and developers to challenge various  
2038 interpretations and discretionary decisions. The property values and character of our  
2039 neighborhoods are at stake if a Mixed Use District is placed in close proximity to an established  
2040 neighborhood. In conclusion, we ask that you defer action on this amendment until such time as  
2041 a citizen’s workshop can be advertised and conducted and at a time appropriate for the majority  
2042 of the citizens. With that workshop you can have the benefit of citizens input and be assured that  
2043 this important proposal has been considered by everyone who would be subject to the impact of  
2044 it once it is, as the final sentence says, “in full force in affect on and after its adoption as required  
2045 by law.” Now those are very definite words. Everything that precedes those words should be  
2046 just a definite. I thank you. Do you have any questions?  
2047

2048 Mr. Jernigan - Yes, ma’am, I do. Ms. Blackwell, first I want to thank you for coming out  
2049 today. Now, are you familiar with Reston, VA?  
2050

2051 Mrs. Blackwell - I haven’t been there.  
2052

2053 Mr. Jernigan - It’s right up outside of DC. Reston has been probably one of the most  
2054 thriving communities in the State, and they are set up like this. They are set up as a mixed use  
2055 development. It has been very successful for them up there. So the long-term effects seem to be  
2056 okay there. And that’s probably the place I know of most. The second thing, when we are  
2057 speaking of the pre-application process.  
2058

2059 Mrs. Blackwell - Right.  
2060

2061 Mr. Jernigan - What you are saying has merit, but we wouldn’t want to throw this in the  
2062 middle of Highland Springs or throw it in the middle of Brookland or anywhere else. But, I  
2063 think, the way this is set up, this pre-application process is going to be very discriminatory. In  
2064 other words, when it comes up and they look at it, if the staff feels like this is not the place for it  
2065 to go, they are going to axe it right there. I know it sounds kind of broad but they are not just  
2066 going to allow this to go just anywhere. I think basically, I know it says 20 plus acres and that’s  
2067 the way it is set, but I don’t think that the County staff is going to allow somebody to take 20  
2068 acres in the middle of Highland Springs and build this because it is not right for the area. What  
2069 we are basically looking at there, and I guess the Rocketts Landing thing is the first on the  
2070 agenda, I think everybody feels that is proper.  
2071

2072 Mrs. Blackwell - That seems to be an appropriate use of it.  
2073

2074 Mr. Jernigan - With doing this ordinance the way it is, everything is done at one time  
2075 instead of having to piecemeal it. The streets and everything have to be determined. The signage  
2076 and all is one clean package, building heights and everything. So, it's all critique at that point to  
2077 where it's straight to go to the developer. I don't think, and Mr. Marlles you can correct me if  
2078 I'm wrong, I'm pretty sure that pre-application process is going to be very discriminatory. They  
2079 are not going to allow it to go just anywhere.

2080  
2081 Mrs. Blackwell - Well, I can appreciate your thinking of that but still if there are not written  
2082 regulations it's still a subjective thing. And we don't know who will be on the Planning staff or  
2083 who will be our Director of Planning at that time. Anything that can be taken care of in advance,  
2084 as you did with the height of a building, why not clarify that and not have to interpret it and  
2085 arrange it and tweak it later on. These things that are put into the law are things that we all are  
2086 going to live with on down the road for a long, long, time, and particularly in the Varina district  
2087 where there is so much land. So, while we have all faith in the Planning staff and, of course, in  
2088 Mr. Marlles, we think this should be written so that we can be very sure of just what can be done  
2089 and where these things can be put as opposed to hoping that the Planning staff, maybe 10 years  
2090 from now, sees it the way we see it. I'm not saying that in my opinion that this whole plan is  
2091 bad. I think for Rocketts Landing it's probably very good and mostly what we have heard, like  
2092 the waterfront in Norfolk, that seems to be very successful. But, it is this openness and these  
2093 vague words that concern us as to where these things can be put. So, that's what we like and  
2094 primarily we want to see a citizens workshop because I think most people are not aware of it and  
2095 I think they are not going to be pleasantly surprised if this thing is posted and they didn't know it  
2096 was going to happen.

2097  
2098 Mr. Jernigan - Well, it's been well advertised in the paper.

2099  
2100 Mr. Vanarsdall - One thing I notice in your letter was that you had a problem with the  
2101 sections that said, "may" and "might."

2102  
2103 Mrs. Blackwell - Right.

2104  
2105 Mr. Vanarsdall - So, that's what we have to tie down. That's why I suggested to Mr.  
2106 Marlles, not suggested, but asked him would the Planning Commission or a public official be  
2107 involved in the pre-application conference. We have had cases where that didn't happen and we  
2108 had problems with them, and there was no reflection on anyone on the staff. The public official  
2109 is suppose to know his territory and know what's next door to things and what fits and what does  
2110 not. This is a most unusual type zoning, but you will notice in the way that staff has gotten it  
2111 together they are using a lot of PUPs (Provisional Use Permits) and that's good. That means it's  
2112 not set in stone and we can have ways to shift that. As far as having a public... what did you call  
2113 it?

2114  
2115 Mrs. Blackwell - A citizen's workshop. That has been done on other amendments.

2116  
2117 Mr. Vanarsdall - I think that would be good at some point in time but since the City of  
2118 Richmond has already acted on their portion of this, I think... we have already had a work

2119 session and now we are having a public hearing today, I think we should send this on to the  
2120 Board and let something like that happen between now and Board time. That's just my opinion.

2121  
2122 Mrs. Blackwell - Okay.

2123  
2124 Mr. Vanarsdall - I don't think this is something we want to drag our feet on.

2125  
2126 Mrs. Blackwell - Something with such far reaching impact and such significant changes I  
2127 think should be approached slowly and not rushed.

2128  
2129 Mr. Vanarsdall - That reminds me, and I wasn't on the Commission at the time, but there is  
2130 a zoning that Henrico has that most jurisdictions don't have, it's called office/service. It was  
2131 designed to be near and back up to residential and we had that required also with a minimum of  
2132 20 acres and it was very carefully considered and Mr. Weinberg was the architect of that. And  
2133 it's turned out to be really nice and as far as I know we haven't put it anywhere where it wasn't  
2134 supposed to be. I do know what you are saying and I appreciate you saying it.

2135  
2136 Mrs. Blackwell - Thank you.

2137  
2138 Mr. Jernigan - Thank you, ma'am.

2139  
2140 Mr. Taylor - I think we have two other speakers. John would you like to address Ms.  
2141 Blackwell's comments now or should we wait until the end?

2142  
2143 Mr. Marlles - Why don't we wait until the end, Mr. Chairman?

2144  
2145 Mr. Taylor - All right. Ma'am, if you would please, come forward and identify  
2146 yourself and we would enjoy hearing from you.

2147  
2148 Mrs. Koontz - Thank you, Phyllis. I appreciate your point of view. My name is Jane  
2149 Koontz and I live at 9184 Hoke Brady Road in Mr. Jernigan's district. I speak today for Varina  
2150 Beatification Committee a group of concerned citizens organized to work for only quality  
2151 development along our historic scenic Route 5 Byway. The committee support Henrico  
2152 County's move toward smart growth with the Urban Mixed Use proposal, which will use very  
2153 carefully selected sites near major thoroughfares that's part of the Smart Growth Principles.  
2154 Advocates of Smart Growth Principles believe in fixing up the old existing sites, often discarded,  
2155 vacant and depilated sites, renovating and making these sites usable again. So, fix it up first is  
2156 one Smart Growth Principle that will be addressed with this mixed use district in urban areas.  
2157 Infill is another byword of the Smart Growth Principle movement making density and moving  
2158 density toward other density. It's a sprawl buster. It also creates livable, walkable, convenient,  
2159 accessible communities that are clustered to provide actually more open space by this clustering  
2160 outside of the neighborhood, outside of the Urban Mixed-Use District. I've already mentioned it  
2161 being a sprawl buster, but it will provide citizens more time at home, less time spent in  
2162 automobiles, commuting to errands and work sites. More times with families, more time  
2163 spending time with things we really want to do other than sitting in traffic. I believe it would be  
2164 imperative to have something like this in place and workable in light of the impending Rockett

2165 Landing Riverfront development near the Henrico/Richmond line on our historic Route 5. This,  
2166 I believe, could be the finest hour for Henrico Planning. It will be progressive, forward looking,  
2167 and state of the art, from what I read. Thank you so much and I wish you luck with it.  
2168

2169 Mr. Taylor - Thank you, Mrs. Koontz. I think there was one other speaker. If you  
2170 would, sir, please come down and identify yourself and we would enjoy hearing from you.  
2171

2172 Mr. Root - Good afternoon, my name is David Root with the Richmond Home  
2173 Builders Association. And, John, I certainly hope you are still with us next year as well as the  
2174 rest of the staff. We would like to offer our support for this position as with anything with this  
2175 sort of moving forward and reaching out into the future. It's going to take some time to work out  
2176 the details and the real test is going to be the first case. I would offer, if I might, for just a  
2177 moment to the citizens from a developer's perspective, there are two important components to it.  
2178 Number one is the site location. It is as important to the development community as it will be to  
2179 the Planning Commission, to the Planning Commission staff. It's pointless to put a district like  
2180 this in a place where you are not going to be able to draw the businesses and draw the people  
2181 who want to live there. I don't know the particulars about your particular location that you  
2182 addressed as a potential site, but that's a very impact on site selection. The second item is that in  
2183 this instance, and I think John sort of eluded to it, this is one of those rare instances where the  
2184 complexity of the application process is going to help your Planning Commission and your  
2185 Planning Staff develop the kind of quality that everyone is looking for and because they are  
2186 asking for everything up front, except for the kitchen sink, they are going to, the Planning Staff  
2187 and the Planning Commission, are going to be able to look at the development in total and be  
2188 able to take that total picture and apply it to how it looks with the surrounding community as  
2189 opposed to the more traditional method, which is more or less a piecemeal approach. And if you  
2190 are not able to put it all together as you look at it, you may agree to one thing and not agree to  
2191 another and at the end of the day when the thing is finally built out you've got a hodgepodge that  
2192 doesn't work and doesn't fit with the community. So, I would say the depth of detail for which  
2193 the Planning Commission has put this together is something that has been geared toward insuring  
2194 the quality that you want, that the development community want and I think the Board of  
2195 Supervisors and the Planning Commission look forward to as well. Again, I would only say that  
2196 the key thing is going to be in the first use of this application. Hopefully, we will be able to  
2197 move it forward and I hope that the progressiveness that developed this process would be in  
2198 stage as we look at whatever comes forward that attempts to utilize this service. With that, if  
2199 there are any other questions I'll be glad to answer.  
2200

2201 Mr. Taylor - Are there any other questions for Mr. Root? Mr. Root, I share your views  
2202 in the area that this has been used and we have cited a couple today. We cited Reston and we  
2203 cited downtown Norfolk. In all of these areas this does require a great deal of comprehensive  
2204 thinking and thought and discussion to make sure there is a balance between the business  
2205 aspects, the urban aspects, as well as the residents aspects. So, in every one of these cases, even  
2206 as we stated previously, they have a paramount application to an individual site that will require  
2207 a great deal of comprehensive study and thought and coordination. But, they really are aimed at  
2208 those special cases that are so complex like the River Walk and at Riverfront in areas that  
2209 they.... Those areas, those applications, particularly benefit from this type of (unintelligible).  
2210 Oh, we have one more. I'm sorry, sir, I did not see you raise your hand, sir.

2211  
2212 Mr. Gary - My name is Robert Gary. Good morning. This public meeting that Mrs.  
2213 Blackwell recommended. The City of Richmond is mighty slow in doing things. Why not this  
2214 public meeting at a time when citizens can be here, not during working hours? Most citizens  
2215 hold jobs and we are fortunate that we are retired and we can be here, well Ms. Blackwell is self-  
2216 employed. Well, anyhow, as far as the Reston section of Virginia. I avoid that in northern  
2217 Virginia every time I go that way, so don't use that as an example, please. Anyhow, if you can  
2218 find it in your schedule to schedule a public meeting during the evening hours it would be  
2219 helpful.

2220  
2221 Mr. Vanarsdall - I don't think it's up to the Planning Commission to have that kind of a  
2222 meeting. I think this is something that the Board of Supervisors should hear. And I think maybe  
2223 if we want to have a joint meeting, which we maybe haven't had but one in a lifetime, but I think  
2224 this is something we should send to the Board and let the Board have that type of thing. We are  
2225 going to be involved in it, the people and the Board members anyway to begin with.

2226  
2227 Mr. Gary - I realize that, sir. Well I thank you.

2228  
2229 Mr. Vanarsdall - And you talked about Reston, Reston was an excellent example when it  
2230 was built because we didn't have that type of thing in Virginia and Reston was built as a, what  
2231 they call... What's this type of community called? You would think by the name that everyone  
2232 in there worked there and lived there and played together and that's not true at all and that's what  
2233 causes all the traffic, rarely does anyone lives there. Planned community.

2234  
2235 Mr. Gary - Well, I thank you, sir. Have a nice day.

2236  
2237 Mr. Vanarsdall - Mr. Marlles, that's the reason what I said about the application. We do  
2238 represent the Board because we are appointed by them, and if you don't feel like a  
2239 Commissioner should be invited well at least we should be notified when the meeting is. I think.  
2240 Do y'all feel that way?

2241  
2242 Mr. Taylor - Well, Mr. Thornton is here and he might want to answer that from the  
2243 standpoint of how he feels the Board of Supervisors might feel. Would you like to address that,  
2244 sir?

2245  
2246 Mr. Marlles - Mr. Chairman, maybe I can make a suggestion before Mr. Thornton  
2247 answers. I was going to say, staff would certainly be willing to meet with Mrs. Blackwell's  
2248 group, the North Airport Civic League. We certainly haven't tried to keep this new ordinance a  
2249 secret. In fact, I was out on Nine Mile Road meeting with the business community last Thursday  
2250 night and this is one of the programs that I talked about. We would request of the Commission,  
2251 if you are comfortable, move forward today. But, on the other hand, I would certainly be willing  
2252 to meet with Mrs. Blackwell's group or any other group that expresses interest in this proposed  
2253 ordinance and comprehensive plan amendment between now and the Board's public hearing.

2254  
2255 Mr. Taylor I recognize that and I think that is a good idea. Mr. Thornton, I did not  
2256 mean to put you on the spot, sir. Supervisor Thornton and I had a small opportunity to compare

2257 the last case and some of our thoughts about the complexes of multi-use planning. It bears some  
2258 tangential relationship to this so I'll give him another opportunity to, if he would like to do it, or  
2259 we will shut it down. Would you like to speak?  
2260

2261 Mr. Thornton - Mr. Chairman, I don't want to speak for the Board in my capacity here.  
2262 The only thing I would think is that I'm always concerned when we have a meeting like this, at  
2263 this time though, and we expect the citizens to have input. Maybe what we could do is, as a  
2264 suggestion, maybe to recognize Mrs. Blackwell, which I think is very important, is that send it to  
2265 the Board maybe, but there still should be, I don't think that we want to feel or give the  
2266 impression that we are rushing anything. I think we have been looking at this for about two  
2267 years almost but maybe there should be some setting wherein they give the public another look.  
2268 Sometimes maybe before the Board makes its final decision or whatever how the Board feels at  
2269 that time, it's always important to make sure that citizen input is there. I mean, sometimes we  
2270 get good ideas from them. That's just my feelings on it. It's always good to get as much input  
2271 as we can.  
2272

2273 Mr. Taylor - Thank you, sir. From that application and the discussion it seems to me  
2274 that the application for mixed use is more of an opportunity to go back into some areas like  
2275 Rocketts Landing and some of these area and comprehensively plan to the benefit of that  
2276 particular facility. I think the whole thrust of it is to take something that's perhaps significant  
2277 and complicated and work carefully to unravel it and put it into a careful perspective and come  
2278 up and take the opportunity to make it much better. But I'll go back and yield to our Chief of  
2279 Planning.  
2280

2281 Mr. Vanarsdall - Mr. Marlles, before you speak. I didn't in no way suggest we not have a  
2282 public input. Ms. Blackwell and I talked a long time on the telephone. I just don't think that we  
2283 should do it.  
2284

2285 Mr. Marlles - I understand and staff can do that.  
2286

2287 Mr. Vanarsdall - If not at this level it should be at the next level. And the Board should  
2288 make that decision as we are going to have a public hearing for all the citizens or are we going to  
2289 have citizens, committee and so forth?  
2290

2291 Mr. Marlles - Mr. Chairman, if I could, I would like to maybe respond to a couple of the  
2292 other comments that Mrs. Blackwell made. Again, staff does understand that this is a new  
2293 concept perhaps for some of our citizens. However, I do want to reiterate that staff has been  
2294 looking at this proposed ordinance and this type of development over the past several years. In  
2295 fact, it was first presented to the Planning Commission and the Board at a joint work session we  
2296 had back on May 1, 2001. We have had several work shops involving the Planning Commission  
2297 and the Board, of course, we have tonight's public hearing and we will have a future public  
2298 hearing with the Board of Supervisors. So, we do think we are providing adequate opportunity  
2299 for public input. We did receive a number of comments from different individuals and different  
2300 groups. So, I think we are doing what we can to get the word out on this new concept. As far as  
2301 the selection of the sites, or potential sites for an Urban Mixed Use Development, I want to  
2302 emphasize, and I did at the work shop, but I do want to emphasize again that this district is not



2303 intended for general applications throughout the County. It is for very carefully selected sites.  
2304 We have gone through the steps of actually, and we are proposing an amendment to the  
2305 Comprehensive Plan, that I think goes into detail as to describe not only what these Mixed Use  
2306 Developments should look like but also the type of factors or consideration that needs to be taken  
2307 into account, but by the staff, the Planning Commission and the Board in actually designating an  
2308 area for an Urban Mixed Use Development. Again, we don't typically do that with our other  
2309 land use classification, but we have in this case. We have laid out specific guidelines for Urban  
2310 Mixed Use Development type projects.

2311  
2312 As far as the 35-foot buffer, that is in the ordinance as a minimum of 35-foot buffer. We actually  
2313 increased from the previous draft where it was 30 foot. But, I want to emphasize that's a 35-foot  
2314 minimum buffer and that could be adjusted through the rezoning process, through the provisional  
2315 use permit process. That buffer can be expanded through the approval review and approval  
2316 process, and the Board has the ability to add conditions to the PUP to increase that. So, we have  
2317 the ability, I think, to provide greater buffers in appropriate areas. As far as the concerns about  
2318 no guarantee of quality, I guess I would suggest that this ordinance and this process that we are  
2319 describing here, in staff's opinion, will result in much higher quality development than we can  
2320 possibly guarantee right now. We will get a very detailed application with a very detailed master  
2321 plan that we will be able to see. I think right now under our current development process, I think  
2322 we all know you have to look at individual parcels and individual sites. The ability to get a  
2323 master plan will literally, and that comes along with a Comprehensive Sign Package, a  
2324 Comprehensive Landscaping Package, streets being shown, heights, all of that up front, we will  
2325 have that snapshot up front of what this development is going to look like. And we typically  
2326 don't get that right now under our current development process. As far as guarantees of quality,  
2327 we will have conditions that will be submitted as a part of that rezoning process, proffers. We  
2328 will have conditions that can be attached to the provisional use permit. We will have a master  
2329 plan that will be approved as part of the PUP. We will have various PODs that will be submitted  
2330 with each phase of development. So, again, I think we have greater guarantees under this district  
2331 than we do currently under our current development process.

2332  
2333 As far as the Director of Planning, there are certainly situations in the proposed draft ordinance  
2334 where the Director of Planning is able to make minor, and I emphasize minor adjustments,  
2335 through the requirements. The reason for doing that is if, and this is what our research has  
2336 brought out, if we require the developer of one of these projects to go back through the Planning  
2337 Commission and the Board for minor adjustments, it's essentially going to kill that development.  
2338 I think everyone we have talked to, including the developers, but also other communities, say it's  
2339 really important to have some ability to make minor adjustments once the plan is approved. If  
2340 there is anything that, I think, and I can only speak for myself as Director of Planning, if there is  
2341 anything that I think would have a significant impact, I can tell you I'm going to send that plan to  
2342 the Planning Commission and the Planning Commission has the ability to send it to the Board, if  
2343 they think the Board needs to see it. So, I think there are controls in place that will protect the  
2344 public. And the additional control that I would mention is any decision or interpretation by the  
2345 Director of Planning can be appealed to the Board of Zoning Appeals. So, whoever is sitting in  
2346 my seat in the future, if a citizen or neighborhood group disagrees with that decision it can be  
2347 appealed to the Board of Zoning Appeals. So, that's another safety valve that's in place and  
2348 that's required or provided under the State Code.

2349  
2350 As far as the inclusion of standards in the ordinance, the concept here I think we recognize is  
2351 what we are trying to do is to encourage redevelopment of primarily older, commercial and  
2352 industrial areas. One of the obstacles to developing these older areas, not only have we found,  
2353 but, again, I think it has been borne out by research and the experience of other communities is  
2354 often the regulations are in place that are in place in that area serve as barriers or obstacles for  
2355 the developer. He has to go in there and assemble that land. He usually has to provide new  
2356 infrastructure. He has to clear those buildings and often any old roads. There is a lot of costs  
2357 involved to the development community in going into these older areas. What we have found  
2358 and what we are proposing through this district is to try to offset some of those costs by  
2359 providing the developer with some flexibility. Does that mean that we are going to have some  
2360 reduction in quality? We don't believe so because through the rezoning process and the PUP  
2361 process we will be able to add conditions and get proffers that will address any quality issues or  
2362 design issues, and also that master plan. So, to include extensive standards in this ordinance is  
2363 actually bringing us back to where we are right now. We have that right now, but what we are  
2364 trying to do is provide flexibility and density to try to encourage redevelopment. Again, this may  
2365 be a new concept to Henrico County it certainly is not a new concept to Virginia or other places  
2366 around the country. Again, we will be more than willing to meet with any group that would like  
2367 to meet with us to further explain the concept and try to answer questions for them. And with  
2368 that, I'll be glad to answer any additional questions but staff is recommending approval of both  
2369 these amendments.

2370  
2371 Mr. Taylor - Thank you, Mr. Marlles. Are there any other questions for Mr. Marlles? I  
2372 understand what you are saying that this is really more of an approach then it is a final solution  
2373 of one plan. This is effectively deciding on an approach that we are going to take to these basic,  
2374 very complicated, cases that we have primarily for redevelopment. So, I'll move that the  
2375 proposed Comprehensive Plan Amendment to establish an Urban Mixed Use District be  
2376 approved.

2377  
2378 Mr. Vanarsdall - Second.

2379  
2380 Mr. Taylor - The motion was made by Mr. Taylor and seconded by Mr. Vanarsdall to  
2381 approve the Urban Mixed Use District.

2382  
2383 Mr. Marlles - I think you just approved the district, Mr. Chairman. We also need a  
2384 motion on the amendment to the Comprehensive Plan as well.

2385  
2386 Mr. Taylor - Well, I guess we need to vote on that first motion. All in favor say  
2387 aye...all opposed say nay. Okay. Now that's established. Now the next one is for?

2388  
2389 Mr. Marlles - This would be for the amendment to the Comprehensive Plan to establish  
2390 the new classifications and guidelines.

2391  
2392 Mr. Taylor - Okay. Then I'll move for the amendment of the guidelines for the  
2393 Comprehensive Plan Amendment.

2394

2395 Mr. Vanarsdall - Second.  
2396  
2397 Mr. Taylor - The motion was made by Mr. Taylor and seconded by Mr. Vanarsdall. All  
2398 in favor say aye...all opposed say nay. There being no opposition, the motion is approved.  
2399  
2400 Mr. Marlles - Thank you, Mr. Chairman.  
2401  
2402 Mrs. Ware - We have to approve the minutes, right?  
2403 Mr. Jernigan - There were no minutes on there.  
2404  
2405 Mrs. Ware - Okay.  
2406  
2407 Mr. Jernigan - We will just have to approve twice as many next month.  
2408  
2409 Mr. O'Kelly - Is there a motion to adjourn?  
2410  
2411 Mr. Taylor - I think we are through.  
2412  
2413 Mr. Vanarsdall - I move that we adjourn.  
2414  
2415 Mr. Jernigan - Second.  
2416  
2417 Mr. Taylor - The motion was made by Mr. Vanarsdall and seconded by Mr. Jernigan to  
2418 adjourn. All in favor say aye...all opposed say nay. The motion is approved and the meeting is  
2419 concluded.  
2420  
2421 On a motion by Mr. Vanarsdall and seconded by Mr. Jernigan the Planning Commission  
2422 adjourned its July 24, 2002, meeting at 11:37 a.m.  
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 Allen Taylor, P.E., C.P.C., Chairman  
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 John R. Marlles, ACIP, Secretary  
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