

Minutes of the regular monthly meeting of the Planning Commission of the County of Henrico, Virginia, held in the Board Room of the County Administration Building in the Government at Parham and Hungary Springs Roads, Beginning at 9:00 a.m. Wednesday, July 28, 1999

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Members Present: Ms. Elizabeth G. Dwyer, C.P.C., Chairman (Tuckahoe)
Mr. Ernest B. Vanarsdall, C.P.C., Vice Chairman (Brookland)
Mr. C. W. Archer, C.P.C. (Fairfield)
Mrs. Debra Quesinberry (Varina)
Mrs. Mary L. Wade (Three Chopt)

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

Others Present: Mr. Randall R. Silber, Assistant Director of Planning, Acting Secretary
Mr. David D. O'Kelly, Jr., Principal Planner,
Mr. Jim P. Strauss, CLA, County Planner
Mr. E. J. (Ted) McGarry, III, County Planner
Mr. Kevin D. Wilhite, County Planner
Mr. Mikel C. Whitney, County Planner
Ms. Leslie A. News, CLA, County Planner
Mr. R. Kirby Smith, Drafting Technician
Mr. Robert J. Eagle, Associates County Planner
Mr. David Pennock, Planning Technician
Mr. Todd Eure, Assistant Traffic Engineer
Ms. Diana B. Carver, Recording Secretary
Mrs. L. B. Ann Cleary, Office Assistant

Others Absent: Mr. John R. Marlles, AICP, Director of Planning, Secretary

Ms. Dwyer - The July 28, 1999, Planning Commission meeting will now come to order. I'd like to welcome everyone here who has business before the Commission. Do we have any members of the press here this morning? Mr. Silber, let's get started with our agenda.

Mr. Silber - The first matter is roll call, everyone is here with the exception of Mr. Donati. I don't know whether he's going to be here this morning or not. We do have a quorum and we can conduct business. The first item would be the requests for deferrals and withdrawals. Mr. McGarry, can you help us through those?

Ms. Dwyer- Good morning, Mr. McGarry.

Mr. McGarry - Good morning, Madam Chairman, members of the Commission, ladies and gentlemen. Deferrals and withdrawals. There are five deferrals. The first one is on page four.

43 **LANDSCAPE & LIGHTING PLAN**

44

LP/POD-103-98
Eckerd Drug Store -
Staples Mill Road and
Hungary Road

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

45

46 Mr. McGarry - The applicant requests a deferral to your August 25, 1999, meeting.

47

48 Ms. Dwyer - Is that at the applicant's request?

49

50 Mr. McGarry - Yes, at the applicant's request.

51

52 Ms. Dwyer - Is there anyone in the audience in opposition to the deferral of LP/POD-
53 103-98, Eckerd Drug Store? No opposition.

54

55 Mr. Vanarsdall - I move that LP/POD-103-98, Eckerd Drug Store at Staples Mill and
56 Hungary Roads be deferred to the August 25 meeting at the applicant's request.

57

58 Mrs. Wade - Second.

59

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

62

63 At the request of the applicant, the Planning Commission deferred the landscape and lighting
64 plan for LP/POD-103-98, Eckerd Drug Store - Staples Mill Road and Hungary Road, to its
65 August 25, 1999, meeting.

66

67 **SUBDIVISION**

68

Cedar Point
(July 1999 Plan)

Thomas & Associates for Robert D., Sr. and Ernestine JE. Wokaty: The 2.584-acre site is located approximately on the south line of Creighton Road at 3823 Creighton Road, 0.35 ± mile west of Cedar Fork Road on Parcel 130-A-15B. The zoning is A-1, Agricultural District. Individual Well and Septic Tank/Drainfield. **(Fairfield) 2 Lots**

69

70 Mr. McGarry - On page 8 of your agenda, the applicant request deferral to your
71 September 29, 1999, meeting.

72

73 Ms. Dwyer - Is there anyone in the audience in opposition to the deferral of
74 subdivision Cedar Point (July 1999 Plan)? No opposition. We are ready for a motion.

75

76 Mr. Archer - Madam Chairman, I move deferral of Cedar Point Subdivision to the
77 September 29, 1999, meeting, at the applicant's request.

78

79 Mr. Vanarsdall - Second.

80

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

83

84 At the request of the applicant, the Planning Commission deferred Cedar Point (July 1999
85 Plan), to its September 29, 1999, meeting.

86

87 **PLAN OF DEVELOPMENT**

88

POD-37-99
Church of Christ -
Educational and Worship
Facility

**Griffith Graham & Associates, Inc. for The Church of
Christ:** Request for approval of a plan of development as
required by Chapter 24, Section 24-106 of the Henrico County
Code to construct a one-story, 48,705 square foot education
and worship facility. The 10.54-acre site is located on Sandy
Lane at Howard Street on Parcel 129-A-20A. The zoning is
A-1, Agricultural District. **(Fairfield)**

89

90 Mr. McGarry - On page 11 of your agenda, the applicant request deferral to your
91 August 25, 1999, meeting.

92

93 Ms. Dwyer - Is there anyone in the audience in opposition to the deferral of POD-37-
94 99, Church of Christ? No opposition. We are ready for a motion.

95

96 Mr. Archer - Madam Chairman, I move deferral of POD-37-99, Church of Christ -
97 Educational and Worship Facility, to the August 25, 1999, meeting, at the applicant's request.

98

99 Mr. Vanarsdall - Second.

100

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

103

104 At the request of the applicant, the Planning Commission deferred POD-37-99, Church of
105 Christ - Educational and Worship Facility, to its August 25, 1999, meeting.

106

107 Mr. McGarry - Your final deferral is on page 15, Cole Creek. The applicant requests
108 deferral to your August 25, 1999, meeting.

109

110 **SUBDIVISION**

111

Cole Creek
(July 1999 Plan)

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

112

113

114 Ms. Dwyer - Is there anyone in the audience in opposition to the deferral of Cole
115 Creek (July 1999 Plan) subdivision? No opposition. We are ready for a motion.

116

117 Mrs. Wade - Madam Chairman, I move Cole Creek subdivision (July 1999 Plan) be
118 deferred to the August 25, 1999, meeting, at the applicant's request.

119

120 Mr. Vanarsdall - Second.

121

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

124

125 At the request of the applicant, the Planning Commission deferred subdivision Cole Creek
126 (July 1999 Plan) to its August 25, 1999, meeting.

127

128 Mr. McGarry - And for informational purposes, on page 22 the McBal Office Building,
129 POD-59-99, has asked for a deferral. That's in the event someone in the audience would like
130 to know that but we can't take action on that until 10:30 a.m.

131

132 Ms. Dwyer- Is that the only deferral you have proposed for the 10:30 a.m. agenda?

133

134 Mr. McGarry - Those are the only deferrals that I am aware of for 9:00 a.m. and this
135 one for 10:30 a.m.

136

137 Ms. Dwyer - All right. Thank you.

138

139 Mrs. Wade - I have a request for deferral that I would like to make, on page 16, Echo
140 Lake Ridge.

141

142 **SUBDIVISION**

143

Echo Lake Ridge
(July 1999 Plan)

**Jordan Consulting Engineers, P.C. for Attack Properties and
Gunst Associates:** The 23.37-acre site is located at the intersection of
Springfield Road and Francistown Road on Parcel 20-A-27C, 27A
and 27F. The zoning is R-3C, One-Family Residence District
(Conditional) and C-1C, Conservation District (Conditional). County
water and septictank/drainfield. **(Three Chopt) 26 Lots**

144

145 Ms. Dwyer - Is there anyone in the audience in opposition to Echo Lake Ridge
146 subdivision, in the deferral of that case? No opposition. Mrs. Wade.

147

148 Mrs. Wade - And, I would like to move that that be deferred until the 12th of August,
149 at my request, please.

150

151 Mr. Vanarsdall - Second.

152

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

155

156 The Planning Commission deferred subdivision Echo Lake Ridge (July 1999 Plan) to its
157 August 12, 1999, meeting.

158

159 Ms. Dwyer - Are there any other requests for deferrals by Commission members?
160 There being none, thank you, Mr. McGarry.

161

162 Mr. Silber - The next item on the agenda is the Expedited Agenda. I believe we do
163 have some items that will be handled through the expedited agenda. Mr. McGarry.

164

165 Mr. McGarry - There are five on the 9:00 a.m. Expedited Agenda and then two more
166 for the 10:30 a.m. agenda. The first one, on the 9:00 a.m. agenda, is on page 3.

167

168 **TRANSFER OF APPROVAL**

169

POD-10-97 Texaco Eagle Markets (Formerly D & C Enterprises)	Foster & Miller, P.C. for Davis Investments LLC: Request for a transfer of approval as required by Chapter 24, Section 24-106 the Henrico County Code, from Staples Mill South Associates to Davis Investments LLC. The 1.6 acre site is located on the northeast corner of Staples Mill Road and Aspen Avenue on parcel 82-11-D-22 and part of 82-A-41. The zoning is B-2C, Business District (Conditional). (Brookland)
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170

171 Ms. Dwyer- Is there anyone in the audience in opposition to POD-10-97, Texaco
172 Eagle Markets, transfer of approval? No opposition. We are ready for a motion.

173

174 Mr. Vanarsdall - I move POD-10-97, Texaco Eagle Markets (Formerly D & C
175 Enterprises) be approved with the conditions accepted by the new owner and the annotations
176 on the plan, under the Expedited Agenda.

177

178 Mr. Archer - Second.

179

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

182

183 Mr. Vanarsdall - When I saw this, I wanted to congratulate Mr. Marllles for putting the
184 transfers of approval on the expedited agenda. I believe this is the first one, we might have
185 had some before, I don't remember, but Mr. Silber I'll thank you.

186

187 The Planning Commission approved the transfer of approval request for POD-10-97, Texaco
188 Eagle Markets (Formerly D&C Enterprises), transferring from Staples Mill South Associates
189 to Davis Investments, LLC, with the new owner accepting the conditions of the original
190 approval and the annotations on the plan.

191

192 **LANDSCAPE & LIGHTING PLAN**

193

LP/POD-59-98
7-11 @ Pouncey Tract and
W. Broad Street

Grattan Associates, P.C.: Request for approval of a landscape and lighting plan as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code. The 1.34-acre site is located at the northeast corner of W. Broad Street (U.S. Route 250) and Pouncey Tract Road (State Route 271 on Parcel 36-A-20A. The zoning is B-3, Business District and West Broad Street Overlay District (WBSOD).
(Three Chopt)

194

195 Mr. McGarry - On page 11, LP/POD-59-98, and there are some conditions on the
196 addendum.

197

198 Ms. Dwyer- Is there anyone in the audience in opposition to LP/POD-59-98 7-11 @
199 Pouncey Tract and W. Broad Street? No opposition. Are there any questions by Commission
200 on this case? We are ready for a motion.

201

202 Mrs. Wade - Has staff recommended approval of having received the additional
203 information?

204

205 Mr. Strauss- Yes.

206

207 Mrs. Wade - Okay. I move the lighting and landscape plan for LP/POD-59-98 7-11
208 at Pouncey Tract and W. Broad Street, be approved subject to the standard conditions, and that
209 is the revised plan, I move it be approved.

210

211 Mr. Vanarsdall - Second.

212

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

215

216 The Planning Commission approved the landscape and lighting plan for LP/POD-59-98, 7-11
217 @ Pouncey Tract and W. Broad Street, subject to the standard conditions attached to these
218 minutes for landscape and lighting plans and the annotations on the plan.

219

220 **LANDSCAPE PLAN**

221

LP/POD-119-98
Great To Go #3

CMSS Architects, P.C.: 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 2.34-acre site is located at the northeast corner of Dominion Boulevard and W. Broad Street (U.S. Route 250) on Parcel 47-2-B-11A. The zoning is B-2C, Business District (Conditional). **(Three Chopt)**

222

223 Mr. McGarry - Page 12 of your agenda. The Great to Go on W. Broad Street and
224 Dominion Boulevard, it's a landscape plan, LP/POD-119-98.

225

226 Ms. Dwyer- Is there anyone in the audience in opposition to LP/POD-119-98, Great
227 To Go #3? No opposition. Are there any questions by Commission on this case?

228

229 Mrs. Wade - No. Other than that... They have moved the ATM to the end of the
230 drive-thru lanes. We were concerned about it being put in the alcove between the old building
231 and the new building, but they are going to keep it exposed. There were some security
232 questions there but it's satisfactory where it is. That's all.

233

234 Ms. Dwyer- Are we ready for a motion.

235

236 Mrs. Wade - Okay. I move LP/POD-119-98, Great To Go #3, be approved subject to
237 the standard conditions for landscape plans and the annotations.

238

239 Mr. Archer - Second.

240

241 Ms. Dwyer - The motion was made by Mrs. Wade and seconded by Mr. Archer. All
242 in favor way aye...all opposed say nay. The motion carries.

243

244 The Planning Commission approved the landscape plan for LP/POD-119-98, Great To Go #3,
245 subject to the standard conditions attached to these minutes for landscape plan and the
246 annotations on the plan.

247

248 **ALTERNATIVE FENCE HEIGHT PLAN**

249

Aspen, Gayton Terrace **Broe Companies, Inc. for Broe Companies, Inc.:** Request for
(POD-77-82) approval of an alternative fence height plan as required by
Chapter 24, Section 24-95(l)(6)(b) of the Henrico County Code.
The 9.8-acre site is located between Gayton Road and Poplar
Forest Drive, south of the intersection of Gayton Road and
Ridgefield Parkway on Parcel 65-0A-2. The zoning is R-6C,
General Residence District Conditional. **(Tuckahoe)**

250

251 Mr. McGarry - Also on page 12, Aspen, Gayton Terrace, it's an alternative fence height
252 plan for POD-77-82.

253

254 Ms. Dwyer - Mr. McGarry, I would like to remove that from the Expedited Agenda
255 and place it on the regular agenda.

256

257 Mr. McGarry - All right. The staff is aware of two more but they are on the 10:30 a.m.
258 agenda. One is the Oley Office Building, it's a landscape plan. The other one is Strayer
259 University on Nuckols Road.

260

261 Ms. Dwyer - Thank you.

262

263 **Aspen Gayton Terrace alternative fence height plan was pulled from the Expedited**
264 **Agenda and place back on the regular agenda.**

265 Mr. Silber - The next item on the agenda would be the extensions of conditional
266 subdivision approvals. It appears we have five subdivision approvals. Mr. Wilhite, will you
267 be handling these?

268

269 **SUBDIVISION EXTENSIONS OF CONDITIONAL APPROVAL**

270 **(Presented by Kevin Wilhite)**

271

Subdivision	Magisterial District	Original No. of Lots	Remaining Lots	Previous Extensions
Ansley Glen (July 1998 Plan)	Fairfield	18	18	0
Carter Oaks, Section C (July 1993 Plan)	Tuckahoe	8	8	6
Clarendon Farms Parcel C-2 (July 1995 Plan)	Fairfield	24	24	3
Glenwood Lakes (July 1997 Plan)	Fairfield	265	214	1
Hungary Acres, Section E	Fairfield	11	11	8

272

273

274 Mr. Wilhite - Yes. Good morning. Staff recommends approval of all five.

275

276 Ms. Dwyer- Mr. Wilhite, if you could just name the subdivisions for us just in case
277 there is someone here today in opposition.

278

279 Mr. Wilhite - Sure. Ansley Glen (July 1998 Plan), which is in the Fairfield District;
280 Carter Oaks (July 1993 Plan), Section C, Tuckahoe District; Clarendon Farms Parcel -2 (July
281 1995 Plan), Fairfield District; Glenwood Lakes (July 1997 Plan), Fairfield District; Hungary
282 Acres, Section E, Fairfield District.

283

284 Ms. Dwyer - All right. Is there anyone in the audience in opposition to the extension
285 of any of these subdivision approvals? No opposition. Do we have a motion on the
286 subdivision extensions?

287

288 Mr. Vanarsdall - I move that we approve the subdivision extensions as recommended by
289 staff.

290

291 Mr. Archer- Second.

292

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

295

296 The Planning Commission granted approval of the above listed subdivisions for conditional
297 extension until July 26, 2000.

298

299 **TRANSFER OF APPROVAL**

300

POD-57-81
Deep Run Business Center

Henry F. Liscio, Jr. for Deep Run L.L.C.: Request for a transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code, from The Landmark Company of Virginia, Inc. to Deep Run L.L.C. The 6.52 acre site is located at the southeast corner of Deep Rock Road and W. Broad Street (U. S. Route 250) on parcel 48-4-A-1. The zoning is M-1C, Light Industrial District (Conditional).
(Three Chopt)

301

302 Ms. Dwyer - Is there anyone in the audience in opposition to POD-57-81, and that is
303 the transfer of approval for that POD, Deep Run Business Center? No opposition. Mr.
304 Whitney.

305

306 Mr. Whitney - Thank you, Madam Chairman. Good morning. This transfer of
307 approval, I would inform the Commission that they have applied for an administrative plan to
308 add some additional parking spaces in the front of the building, the first phase that is. The
309 inspector has also been out to this site working on a complaint, as far as the lighting. With the
310 condition on this transfer, the applicant will be posting a bond for doing pavement work, doing
311 the dumpster screens and replacing any missing lighting that was on the previous POD. The
312 applicant has agreed to take care of all of those items and staff would recommend approval of
313 this transfer of approval with condition No. 1, posting of the bond.

314

315 Ms. Dwyer - Thank you, Mr. Whitney. Are there any questions by Commission
316 members?

317

318 Mrs. Wade - Does that include the landscaping along Broad also?

319

320 Mr. Whitney - No. That will be forthcoming after the administrative approval is
321 completed, or we can include it with the administrative approval. Mr. Mike Hildebrand with
322 James River has been contracted to take care of the landscaping issues.

323

324 Mrs. Wade - Thank you.

325

326 Ms. Dwyer - Are there any other questions? Are you ready for a motion?

327

328 Mrs. Wade - I move the transfer of approval for POD-57-81, Deep Run Business
329 Center, be approved with the condition No. 1 on the agenda, with the understanding that the
330 landscaping is to be considered at the administrative level later on.

331

332 Mr. Vanarsdall - Second.

333

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

336 The Planning Commission approved the transfer of approval request for POD-57-81, Deep run
337 Business Center, transferring from The Landmark Company of Virginia, Inc. to Deep Run
338 L.L.C. with the new owner accepting the conditions of the original approval, the annotations
339 on the plan and the following additional condition:

340

341 1. A bond shall be posted to cover the site deficiencies as identified in the inspection
342 report, dated **July 15, 1999**, and such deficiencies shall be correct by **October 1, 1999**.

343

344 **PLAN OF DEVELOPMENT**

345

POD-57-99

Burning Bush Day Care
(POD-57-76 Revised)

Foster & Miller, P.C. for Burning Bush Day Care: Request for approval of a revised plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a one-story, 2,250 square foot day care addition for four classrooms. The 0.574-acre site is located at 5237 Wilkinson Road, approximately 800 feet north of Azalea Avenue on Parcel 96-A-21. The zoning is B-3, Business District. County water and sewer. (**Fairfield**)

346

347 Ms. Dwyer - Is there anyone in the audience in opposition to POD-57-99, Burning
348 Bush Day Care Center, which is the revision of a 1976 POD? No opposition. Mr. McGarry.

349

350 Mr. McGarry - This development was originally approved for Kinder Care in October of
351 1976. That developer proposed four classrooms and gave us 12 parking spaces. The
352 requirement by interpretation for parking at that time was two per classroom. The current
353 proposal proposes to expand the building by about 50% and increase the number of children
354 authorized there by 60%, but it only increase the number of parking spaces from 12 to 18.
355 Eighteen spaces would allow only a total of nine classrooms. The applicant had originally
356 proposed 11. The floor plan that came in with the application showed 11, and this was
357 discussed at the staff/developer meeting.

358

359 Staff has received a revised floor plan, which is now being handed out to you. Low and
360 behold, it shows 9 classrooms. They eliminated some walls. The County doesn't have any
361 standards for minimum classroom size so this is how they are able to accomplish this. Over
362 by the Fairfield Library, there is a day care that has problems with parking, on site, and the
363 people have been parking in the library. We are concerned that there may continue to be
364 parking problems at this site, which have been known to exist in the past. However,
365 technically, we have a floor plan before you that shows nine classrooms, 18 parking spaces
366 and staff can find no reason not to recommend approval.

367

368 Ms. Dwyer - Thank you. Are there any questions for Mr. McGarry?

369

370 Mr. Archer - Yes. Mr. McGarry, in scaling back the classrooms, we didn't do
371 anything to scale back the number of students that will be allowed, did we?

372

373 Mr. McGarry - No, sir.

374

375 Mr. Archer - So, even though we have less classroom space, I shouldn't say space,

376 but classroom, we still have the anticipated 172 students?

377

378 Mr. McGarry - That's correct.

379

380 Ms. Dwyer - It appears that they just removed two walls.

381

382 Mr. McGarry - That's correct.

383

384 Ms. Dwyer -instead of having four classrooms now nominally it looks like two
385 classrooms with the same amount of space.

386

387 Mr. McGarry - That's correct. They footprint of the building did not shrink.

388

389 Ms. Dwyer - So, temporary walls could be put up and you could still have the same
390 number of classrooms that were originally planned.

391

392 Mr. McGarry - Yes, that could happen.

393

394 Ms. Dwyer - You mentioned that there were existing parking problems at the site.

395

396 Mr. McGarry - In the past, there were problems known to have been created by clients
397 parking across the street in the apartment complex and that generated some complaints from
398 the apartment owners. And, in at least one inspection in the past when this was followed up,
399 they found that when the parking lot was full in front of the Kinder Care or the current user
400 site, the people were parking along the shoulders and on Wilkinson Road, which is an unsafe
401 situation. So, it showed us then that there was probably inadequate parking being provided.

402

403 Ms. Dwyer - So, you have an existing parking problem with 107 children and they
404 propose to increase it by about 65 students.

405

406 Mr. McGarry - Yes, about 65, and they are going to add six more parking spaces to
407 bring it up to 18.

408

409 Ms. Dwyer- What kind of outdoor play areas are there going to be?

410

411 Mr. McGarry - The applicant has assured me that they have an outdoor play area square
412 footage that will meet the State's requirement per child. The play area is on two sides of the
413 building, to one side and then to the rear.

414

415 Mrs. Wade - And, it's gravel?

416

417 Mr. McGarry - It's a mix of gravel and grass, but it's outside, open space, sufficient to
418 keep the State satisfied. The County does not have any requirements on that, under our code.

419

420 Mrs. Wade - I understand that. You don't see gravel much anymore on playgrounds.

421

422 Mr. McGarry - The applicant is here along with the engineer, perhaps she can give you
423 a further picture of how she operates her day care. And she can correct me, if I'm wrong, on

424 the outside play area too.

425

426 Ms. Dwyer - Are there any more questions of Mr. McGarry?

427

428 Mr. Archer - No. I think we need to hear from the applicant.

429

430 Ms. Dwyer - Would the applicant come forward please?

431

432 Mr. Webster - Madam Chairman, members of the Commission, I'm Gary Webster with
433 Foster and Miller representing the applicant, Burning Bush Day Care, Ms. Lynette Harris, on
434 this agenda item for your consideration this morning. There were a number of issues that were
435 brought up by the staff that we would like to hopefully shed some light with you on. First, the
436 parking requirements that they made reference to, if you look in your ordinance, they are not
437 ordinance they are policy. It's two spaces per classroom, that is true, but it is not in the
438 ordinance as it is for office buildings and medical buildings and other uses. So, it is a policy.
439 With that said, the day care, and I imagine that came from statistics developed when day cares
440 first came into being. Now, this proposed facility, in addition, is to provide services for what,
441 and I guess for lack of another term, I'll call latch key kids. It's not an increase of the same
442 type of service. It's a service to be rendered in which some of the children which are in the
443 day care will be gone and the latch key, being like from 4 to 6, and I am sure Ms. Harris
444 could speak to those times. This is to provide the service for them. So, while, yes, there will
445 be a net increase in her overall, I doubt there will be at, as anticipated or as I think the staff
446 perceives, it all being the same use. In regard to the open space, right now the entire lot is
447 either paved or graveled. And, what we are doing is converting that graveled area which
448 meets the State's requirements for open area for children to grass. That's a twofold purpose.
449 It provides a better play area and it also enables us to reduce our water quality requirements.

450

451 Ms. Harris is here and can answer questions you may have as far as the operation of her
452 business. But, as Mr. McGarry said, all of the departments within the staff are recommending
453 approval. We are in compliance with the ordinance and the requirements of the POD. As a
454 matter of fact, we had meetings with the traffic engineer on the site before we even filed the
455 POD. Mr. Eure met us out there and was very helpful in assisting us on working out where
456 our parking could be proposed. Now, Mr. McGarry had cited that there were several
457 incidents of traffic problems. I'm wondering what the timing of that was because this was a
458 Kinder Care from 1976 to 1993, and Ms. Harris, I don't believe, feels there has been any
459 parking problems since she has taken over. And, I think it's indicative of any business, the
460 problems are only there if they are not attended to by the people who run it. I think Ms.
461 Harris is a hands on person. As a matter of fact, I think when the traffic engineer and I were
462 out there, she has one-way traffic flow and she went out to police it herself. So, it's an
463 operation where I think she can anticipate there may be some concerns but I don't believe
464 there will be problems. Having said all that, also in your standard conditions for PODs,
465 condition No. 5; Sufficient, effectively usable parking shall be provided. If experience
466 indicates the need, additional parking shall be provided. So, if in fact the POD were
467 approved, and if some problem should arise, the County still has leverage to address these
468 concerns. With that, I will respectfully request approval and I'll be glad to answer any
469 questions. And, as I said, Ms. Harris is here to answer any questions as far as her internal
470 operations.

471

472 Ms. Dwyer - Are there any questions by Commission members?
473

474 Mr. Archer - Mr. Webster, with regard to the piece that you just stated about if the
475 needs arise, additional parking shall be provided. But, in this instance we don't have
476 anywhere to put it.
477

478 Mr. Webster - That's exactly right. So, the option would be, I would think, and I
479 asked this question of Ms. Harris and you can ask her the same. I showed this to her and I
480 said "Now, what you could do, you could go to the expense of adding your proposed addition
481 on and if there were some problem to arise they could come back and reduce the number of
482 children that you have or seek some remedial action." She is aware of that and does concur
483 with that.
484

485 Mrs. Wade- Did you read the staff report about how they visited and found that
486 people were parking along the street?
487

488 Mr. Webster - I did read that, and, again, I've been there at least four or five different
489 times and I've never seen anybody on the street. I'm not saying it hasn't happened, but the
490 incidents that were cited as problems I'd be interested to see when they were filed or when
491 those problems were experienced, if it was pre 1993 or since then.
492

493 Ms. Dwyer- I wonder if staff could enlighten us about those. The observations, and
494 the timing of those observations.
495

496 Mr. McGarry- The information that I have regarding the parking problem was
497 documented in the file. I don't recall the date, so I was relying on historical facts that had
498 been placed in the file. In her defense, it may have occurred prior to her taking over the
499 operation from Kinder Care. I don't remember.
500

501 Mrs. Wade- It says to recent site visits, Mr. McGarry.
502

503 Mr. McGarry - Again, since I didn't perform those site visits I was relying on someone
504 else's notes in the file. I personally did not experience this problem, I was relying on the
505 information collected by someone prior to me.
506

507 Ms. Dwyer - So, we don't know when that was?
508

509 Mr. McGarry- I don't recall offhand.
510

511 Mrs. Wade- And what time of day.
512

513 Ms. Dwyer- I have a question for Ms. Harris. Good morning, if you could state your
514 name for the record please.
515

516 Ms. Harris - Good morning. My name is Lynette Banks Harris with Burning Bush
517 Day Care.
518
519

520 Ms. Dwyer - I can't help but notice in the original floor plan, there were 11
521 classrooms and now there are 9, and there has been no change to the floor plan other than two
522 walls have been removed. Do you plan to just put up temporary walls and where you did have
523 permanent walls, because you are not changing the number of students or the number of
524 children?

525

526 Ms. Harris - The walls that were in, where it says classroom two, the room looks like
527 that now and we thought maybe we would divide it up. But, if it presents a problem, we
528 won't divide it. It stills has the same number of children in it. And, the one that was removed
529 where it says classroom seven, wasn't really a wall, it was a partition to separate the
530 classrooms. Can I say something? I don't know if this is in order or not. With the addition
531 that we are putting on, with the additional 60 children that we will be providing space for, 30
532 of those children are already in the building now, but they are in the section where we have
533 the library. So, they will be coming from the library to the new addition so in actuality we
534 will really have an additional 30, maybe 35 children that can come to the facility, if that makes
535 any difference. And, as far as the parking situation, we do have a couple of parents that may
536 park on the street. That is because they choose to and I do let them know that they are not
537 supposed to park there. There are parking spaces in the parking lot, they just elect to park
538 there. They think it is faster for them to not have to park into a space, get into their car, back
539 up and drive out, as opposed to parking on the street and then pulling straight off. So, that's
540 why, I know of some of the ones that do park on there. But, as far as parking on the street
541 because there isn't any spaces in the parking lot, I don't remember encountering that situation.

542

543 Mr. Silber - So, at this point in time, you don't feel as though there is a parking
544 problem based on the number of students you have at your operation?

545

546 Ms. Harris - No, sir.

547

548 Mr. Silber - Do you feel that when the additional students are permitted to occupy the
549 building, do you think that would bring about a parking problem?

550

551 Ms. Harris - Since we are adding four more spaces, not really. The times that they
552 are dropping off and picking up the children is such a wide time that there are not 100 cars
553 there at one time or not.

554

555 Mr. Silber - The County zoning ordinance says you've got to have a minimum
556 number of parking spaces, and you are complying with that requirement, but the code also
557 goes on to say that you need to have sufficient parking above and beyond that if the use
558 dictates that additional parking. Would you be willing to state for the record, that if it is
559 perceived to have a parking problem in the future, if we find that vehicles are parking on the
560 street and cause a safety problem and hazards for those using the public rights-of-way from
561 those coming to visit your operation, if that becomes a problem would you be willing to scale
562 back your operation?

563

564 Ms. Harris - Yes, I would. That wouldn't be a problem at all because we are there
565 for the safety of the children as well as for the parents and if that is going to cause a problem,
566 we will not have a problem reducing the number of children that we will take. We just need
567 more space, period.

568

569 Mr. Silber - Okay.

570

571 Mr. Archer - Ms. Harris, is your business seasonal, and I guess by that I mean, is it
572 heavier during school season or the summer or is it the same all the time?

573

574 Ms. Harris - It's probably the same all year long. It's just that during the summer
575 hours, our after schoolers are there more as opposed to during the school year they are there
576 for just maybe half an hour to maybe an hour during the morning and three hours in the
577 evening, but basically the same. The traffic flow is in the mornings and the afternoons, some
578 midday for early pickups.

579

580 Mr. Archer - Traffic is generally heavier during school season I would imagine, isn't
581 it, traffic along Wilkinson Road?

582

583 Ms. Harris - Yes, it probably is. Some people take their children to school as
584 opposed to having the school bus take them. Some of the parents that bring their children into
585 us to take them to school, would either have them take the school bus or take them themselves
586 because they know they have to be there a certain time. It varies.

587

588 Mr. Archer - Now, I came through there this morning about 8:30 a.m. and there were
589 three vans in the lot, were there not, or two?

590

591 Ms. Harris - Yes, sir.

592

593 Mr. Archer - I notice three vans and five cars at about 8:31 a.m. The real problem
594 that I have with this and it has to do with what we talked about a little bit earlier. Decreasing
595 the number of classrooms, and I don't know who made that standard, I know you didn't and I
596 didn't, it's not our fault, but I think that the policy or the standard that best is a little weak in
597 that it simply equates the number of parking spaces for classrooms. You could have one big
598 classroom and need maybe one parking space. So, I don't know if that is a good standard to
599 go by, even though that is all we have to work with, but I'm really very uncomfortable with
600 what I perceive as parking might be. The staff report does indicate there has been a parking
601 problem and I don't see how we can alleviate it that way. I know you and I talked about this.
602 So, I know that you are kind of between a rock and a hard place. For the benefit of the other
603 Commissioners, Ms. Harris has tried to lease some space from the Sawyers, I believe, is that
604 who owns the land?

605

606 Ms. Harris - Yes, sir.

607

608 Mr. Archer - And I can't really understand why they may not want to lease her some
609 space because they only use it four days a year. I spoke with Mr. Thornton yesterday and
610 asked him if he would be willing to maybe have another conversation with them regarding
611 that. We might be able to do something to help work that out. At this point, staff is
612 recommending the plan and is probably based on the fact that there is no real reason legally
613 that they can't recommend it. But, I just don't feel like, if we submit this as it is now and
614 approve it, I shouldn't say submit, but approve it, that we would do very much to promoting
615 the health, safety and welfare of the neighborhood. But, with the amount of space that is

616 there, and that could be used, perhaps we can make some headway. Maybe the raceway fans
617 are in a good mood now. Now that they have been able to purchase the fairgrounds. I'm
618 going to ask you to defer this for one month. We will do it at the Commission's request to
619 give us a chance to meet with you and Mr. Thornton and me and talk with the Sawyers and see
620 if we can do something to alleviate this. I'm afraid if we pass this as it is, the situation gets
621 bad, there is nobody there to really monitor it, it would be very difficult to back out, you
622 know. And even though you stated for the record that you would be willing to do that, I would
623 surmise that you would probably have more people wanting to come instead of less people
624 wanting to come. And, that's probably the way you want it too, to be honest with you. So,
625 would you be agreeable to doing that? Let's defer this and see if we can work out something
626 between now and the next meeting. I hope that is enough time.

627

628 Ms. Harris - That would be fine.

629

630 Mrs. Wade- I'm very concerned about the people parking on the street and letting the
631 children in and out. We try to discourage that.

632

633 Mr. Archer - I really don't see it getting any better, and there is supposed to be
634 realignment of Thrush Lane too, Mrs. Wade. I think you may remember that from a prior
635 case that we had. So, the road plan will be changing through there. And I think that might
636 even increase the traffic once we do that. So, let's defer this. I move for deferral of this case
637 until the August 25, 1999, meeting, at the request of the Commission. Thank you.

638

639 Mr. Vanarsdall - Second.

640

641 Ms. Dwyer - Okay. There is a motion to defer the case to August 25, by Mr. Archer
642 and seconded by Mr. Vanarsdall. All in favor of the motion say aye...all opposed say nay.
643 The motion carries.

644

645 The Planning Commission deferred POD-57-99, Burning Bush Day Care (POD-57-76
646 Revised), to its August 25, 1999, meeting.

647

648 Ms. Dwyer - I have a request to make of the Commission members to move a case up
649 because we have someone who needs to leave. It's the case I removed from the Expedited
650 Agenda because I have some questions about it.

651

652 Mr. Vanarsdall - That's up to you. You are the Chairman.

653

654 Ms. Dwyer - It's on Page 12, the Alternative Fence Height Plan for Gayton Terrace.

655

656 **ALTERNATIVE FENCE HEIGHT PLAN**

657

Aspen, Gayton Terrace
(POD-77-82)

Broe Companies, Inc. for Broe Companies, Inc.: Request for approval of an alternative fence height plan as required by Chapter 24, Section 24-95(l)(6)(b) of the Henrico County Code. The 9.8-acre site is located between Gayton Road and Poplar Forest Drive, south of the intersection of Gayton Road and Ridgefield Parkway on Parcel 65-0A-2. The zoning is R-6C, General Residence District Conditional. **(Tuckahoe)**

658

659 Ms. Dwyer - Do we still have our applicant?

660

661 Mr. Strauss- Yes, ma'am, we do. And I can speak for him, he appreciates you
662 moving this up, he does have an urgent appointment to attend. Since the preparation of the
663 agenda, staff has made two requests of the applicant. Staff has requested that the applicant
664 stake the fence location for field evaluation for sight distance by the County traffic engineer.
665 This has been done and the traffic engineer reports that he can recommend approval of this
666 plan. In addition, staff asked if the applicant would agree to planting additional evergreen
667 shrubs along the fence line, in front of the fence and adjust the location of the fence to provide
668 more separation between the proposed fence and the existing trees which are on the site. The
669 applicant has also agreed to this. Given that, staff can recommend approval of the plan as
670 annotated. Mr. Clower is still here. He can answer any additional questions in regard to the
671 proposed landscaping. And, I would like to add, I did ask the applicant if the fence is a board
672 on board type of fence. It is a board on board type. The police made a comment that they
673 prefer to have this type of fence because you see through the slats. This does have gaps
674 between the pickets. So, in response to that question, it is a board on board style of fence,
675 although it is a PVC type fence.

676

677 Ms. Dwyer- I forgot to ask if there was any opposition, I assume there wouldn't be
678 but I will ask for the record. Is there any opposition to the alternative fence plan for Aspen
679 Gayton Terrace (POD-77-82)?

680

681 Mrs. Wade - Are they putting a wooden fence across the front?

682

683 Ms. Dwyer- It's a PCV.

684

685 Mr. Strauss - It looks like wood painted white but it's an artificial, it's a five-foot
686 fence and there is a very small elevation of the fence up in the upper left-hand corner at the top
687 of the plan.

688

689 Ms. Dwyer - I thought it was a logo. What is the size of the gap between the boards?
690 Maybe the applicant or the applicant's representative could come forward to answer that.

691

692 Mr. Clower - Thank you very much. My name is Gary Clower and to answer your
693 question, there's approximately three inches between the pickets. It's like a picket fence, it
694 has a board across the top, and then one down about four inches, if I'm not mistaken. The
695 applicant actually asked for a six-foot-high fence and I convinced him that was too high. They
696 were a little bit concerned about some security. There really hasn't been a problem but they

697 wanted to at least have a fence to give the residents a feeling that it was a secured area. The
698 only concern I have on the landscaping, I just don't want it to get so high that it becomes an
699 area where somebody could hide.

700

701 Ms. Dwyer- Right. And I think, as Mr. Strauss and I discussed, as you face the
702 building from Gayton Road, to the right, the fence will be behind the existing trees.

703

704 Mr. Clower - That was basically what we were doing, setting it up parallel to the curb
705 a certain distance back. I think the comment was made that you would prefer to have the fence
706 behind the trees, or in front of the trees on both.....

707

708 Ms. Dwyer - I prefer having the trees between the fence and the road.

709

710 Mr. Clower - That will be fine. We can make that adjustment.

711

712 Ms. Dwyer - On the right side.

713

714 Mr. Clower - Both sides.

715

716 Ms. Dwyer - On both sides because the trees are set farther back from the road on the
717 left side.

718

719 Mr. Clower- Yes, exactly. That was the same distance in front and on the right-hand
720 side, I'm sorry, in back on the right-hand side.

721

722 Ms. Dwyer- The fence is behind the trees on the right-hand side and in front of the
723 trees on the left-hand side. So, you can move the fence so that it would be behind the trees on
724 both sides?

725

726 Mr. Clower - Yes, ma'am.

727

728 Ms. Dwyer - Then we wouldn't need the extra landscaping, in my view, Mr. Strauss.
729 What do you think?

730

731 Mr. Strauss - We were proposing that staff, with the revised plan, would work out the
732 landscaping issue. We'd be happy to do that. We'd like to have some evergreen shrubs in
733 front in clusters and I've indicated that in a kind of a provisional fashion on the plan, but we
734 will be happy to work with him on that one.

735

736 Ms. Dwyer - So, the fence, then, would be behind the existing trees all along the
737 roadway?

738

739 Mr. Clower - Could I request that we work that out with staff, which looks best? Is
740 that a problem? The only reason I say that is, I do know on the left-hand side there are large
741 pin oaks or willow oaks, and I'm afraid we may have some utilities or something and I'm just
742 not sure about it. If we could work it out with staff... I think what you are looking for is
743 consistency, either in front or in back.

744

745 Ms. Dwyer - That would be nice although the trees are not uniformly spaced from the
746 road.
747

748 Mr. Clower - I know. I tried to convince them to move the ones on the right because
749 they were so small, but they haven't agreed to that yet.
750

751 Ms. Dwyer - Let's see. The fence will either be behind the existing trees, and, if not,
752 then there will be additional landscaping. Does that sounds like what we have discussed?
753

754 Mr. Clower - That's fine.
755

756 Ms. Dwyer - Although, Mr. Strauss didn't want to give up additional landscaping.
757

758 Mr. Clower - Maybe we can negotiate.
759

760 Ms. Dwyer - The trees are, they are deciduous trees and there is a fairly long expanse
761 along the roadway on the left-hand side. So, even if the fence is behind the existing trees, it
762 may be advisable to have some....
763

764 Mr. Clower - Just off of the corners or something like that of the fence.
765

766 Ms. Dwyer - Exactly.
767

768 Mr. Clower - We were trying to tie it into the existing landscaping. And, I'm a little
769 bit unclear about the exact distance we need to be because there are existing landscaping beds
770 there at the entrance, and we want the fence to kind of wrap around.
771

772 Ms. Dwyer - Okay. Let me recap once more to make sure. At least we will have this
773 on the record. So, the fence will be behind the existing trees on the right-hand side and that's
774 one of the shortest distance, and that's not much of a concern to me as on the left-hand side.
775 We will have some additional landscaping along the left-hand side, whether or not the fence is
776 in front of the trees.
777

778 Mr. Clower- Either way. That will be fine.
779

780 Ms. Dwyer- I will let Mr. Strauss work that out. I trust Mr. Strauss.
781

782 Mr. Strauss- Thank you, Madam Chairman.
783

784 Mr. Clower - Thank you for your consideration.
785

786 Ms. Dwyer - I have one other question and that is you have existing landscape beds in
787 the entry drive island. It looks like your fence may be conflicting with those but I just assume
788 that you can....
789

790 Mr. Clower - No. They actually wraps behind those.
791

792 Ms. Dwyer- They will?

793
794 Mr. Clower - Also to help the sight distance, we want to keep it back. It curves kind
795 of back.
796
797 Mr. Strauss - The beds will remain.
798
799 Mr. Clower - The bed will remain, the landscaping will remain there.
800
801 Ms. Dwyer - Will it be behind the fence, then? As I look at it, the way the fence
802 curves around it....
803
804 Mr. Clower - Actually, that landscaping is in front of it. Next to the sign, is that the
805 area you are talking about?
806
807 Ms. Dwyer - Yes.
808
809 Mr. Clower - Yes, ma'am.
810
811 Ms. Dwyer- Do the crape myrtles go all the way back to the end?
812
813 Mr. Clower - No. That's in the median you are talking about now.
814
815 Ms. Dwyer - No.
816
817 Mr. Clower - Okay. I'm sorry. On the left-hand side there are crape myrtles. All of
818 that will remain. The fence will stop short of that bed, that annual bed, it makes a turn in and
819 then stop, it comes towards the curb and stops, as shown on the plan.
820
821 Ms. Dwyer- So, then, the crape myrtles will be behind the fence but then you will
822 have some annual plantings and beds in front of the fence, in front of, I mean on the roadside?
823
824 Mr. Clower - Yes, ma'am. There's a bed on both side of there.
825
826 Ms. Dwyer - But the crape myrtles will be behind it, okay. Are you satisfied, Mr.
827 Strauss?
828
829 Mr. Strauss - Yes, I am.
830
831 Mrs. Wade - Is the whole site fenced?
832
833 Mr. Clower - Just the front portion.
834
835 Mrs. Wade - I was just a little curious about why they wanted to put it there.
836
837 Mr. Clower - They wanted to living it up there a little bit too and they felt a white
838 fence and they are planning some additions and changes to the building and upgrading, and
839 this is a part of their program. They are adding more landscaping. I think they are extending
840 some irrigation and that kind of thing too.

841
842 Ms. Dwyer- Who owns the building now?
843
844 Mr. Clower - It's a group out of Colorado and I don't have it in front of me.
845
846 Ms. Dwyer- Are they new?
847
848 Mr. Clower - Yes, ma'am.
849
850 Ms. Dwyer- Because the original POD approval was with a different company I
851 understand that are no longer in business.
852
853 Mr. Clower - This company purchased all their properties.
854
855 Ms. Dwyer - Would you happen to know when the addition will be submitted?
856
857 Mr. Clower - I know they are working on plans for an addition to the project, but
858 when it's coming forth, I'm not sure.
859
860 Ms. Dwyer - They have an approved POD for the addition. I was just curious when
861 they would be executing that and when. Okay. That's all I have. Thank you.
862
863 Mr. Clower - Thank you.
864
865 Ms. Dwyer - Are there any other questions by Commission members? I move for the
866 approval of the alternative fence height plan as proposed for Aspen Gayton Terrace (POD-7-
867 82), including the annotations on the plan and also including the information regarding the
868 landscaping as discussed and reflected in the minutes.
869
870 Mrs. Wade - And that they are going to make some administrative decisions later
871 about
872
873 Ms. Dwyer- Mr. Strauss will be making some administrative judgements about the
874 precise nature of the landscaping around the fence at a later date. Now, I will have a second.
875
876 Mrs. Quesinberry - Second.
877
878 Ms. Dwyer - The motion was made by Ms. Dwyer and seconded by Mrs.
879 Quesinberry. All in favor say aye...all opposed say nay. The motion carries.
880
881 The Planning Commission approved the alternative fence height plan for Aspen Gayton
882 Terrace (POD-77-82) with the annotations on the plans and the landscaping around the fence to
883 be handled administrative by the staff at a later date.
884
885 Mr. Silber - Okay. We will now go back to page 7.

886 **SUBDIVISION (Deferred from the June 23, 1999, Meeting)**

887

**Allen Estates,
Section B
(June 1999 Plan)**

Engineering Design Associates for David H. Allen: The 17.3 ~~15.20~~-acre site is located at the northwest corner of Portugee Road and Memorial Drive on part of Parcel 197-A-5B. The zoning is A-1, Agricultural District ASO (Airport Safety Overly District). Individual well and septic tank/drainfield. **(Varina)** 2 Lots

888

889 Ms. Dwyer- Is there anyone in the audience in opposition to Allen Estates, Section B
890 subdivision (June 1999 Plan)? No opposition. Mr. McGarry.

891

892 Mr. McGarry - The revised plan has been received, additional acreage has been
893 provided, the total site for the two lots is now 17.3 acres. So, lot No. 1, which was the lot
894 that was deficient has now been provided with more lot width, so both the lots now meet all
895 zoning and subdivision requirements. Therefore, staff can recommend approval of the revised
896 plan.

897

898 Ms. Dwyer - Okay. Are there any questions of Mr. McGarry by Commission
899 members? How much acreage is in lot one?

900

901 Mr. McGarry - The old lot had 9.9 acres, the new one is up to 11.

902

903 Mrs. Quesinberry - Are there existing homes on these lots now?

904

905 Mr. McGarry - Lot No. 2 has an existing home, lot No. 1 would have a new home.

906

907 Ms. Dwyer - All right. If there are no other questions by Commission members, we
908 are ready for a motion?

909

910 Mrs. Quesinberry - I would like to move approval of Allen Estates, Section B (June 1999
911 Plan), subject to the annotations on the plans and the standard conditions for subdivisions of
912 this type.

913

914 Mr. Vanarsdall - Did you say 7/28/99?

915

916 Mrs. Quesinberry - Allen Estates (June 1999 Plan)

917

918 Mr. Silber - I think what Mr. Vanarsdall is referring to is the latest revised plan
919 giving to us today.

920

921 Mrs. Quesinberry - I see. Okay. This is the revised plan, July 28, 1999.

922

923 Mr. Vanarsdall - And I second.

924

925 Ms. Dwyer - Okay. The motion was made by Mrs. Quesinberry and seconded by Mr.
926 Vanarsdall. All in favor say aye...all opposed say nay. The motion carries.

927 The Planning Commission granted conditional approval to subdivision Allen Estates, Section B
928 (June 1999 Plan), subject to the standard conditions attached to these minutes for subdivisions
929 not served by public utilities, and the annotations on the revised plans dated July 28, 1999.

930

931 **LANDSCAPE PLAN**

932

LP/POD-88-97
Greendale
Office/Warehouse

Susan E. Purvis for A. Bertozzi, Inc.: 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 1.18 acre site is located on the northeast corner of Greendale Road and Irisdale Avenue on Parcel 93-12-B-13. The zoning is M-1, Light Industrial District. **(Brookland)**

933

934 Ms. Dwyer - Is there anyone in the audience in opposition to the landscape plan for
935 LP/POD-88-97 Greendale Office/Warehouse? No opposition. Ms. News.

936

937 Ms. News - The applicant is in agreement with the annotations on the plan. Planting
938 provided with these annotations meets the requirements of the 50-foot transitional buffer. It's
939 placed at the rear of the building and along Irisdale Avenue in accordance with the
940 requirements of the transitional buffer deviation agreed to on this project. Staff recommends
941 approval of this plan.

942

943 Ms. Dwyer - Are there any questions for Ms. News?

944

945 Mr. Vanarsdall - Yes, Ms. News. Who owns the property behind there? Who owns the
946 wooded area between the warehouse building, the proposed warehouse, and the home up the
947 road?

948

949 Ms. News - It's a residentially zoned property, I'll have to pull the large plans out.

950

951 Mr. Vanarsdall - It's zoned R-4.

952

953 Ms. News - I can find out the property owner from the plans.

954

955 Mr. Vanarsdall - Does Mr. Bertozzi own it?

956

957 Ms. News- Not that I am aware of. It says Bernie Webber, I believe.

958

959 Mrs. Wade - Is that the person who has the house or is this the third person? Is this a
960 third party, not the one who owns the lot?

961

962 Ms. News - This is an empty lot I believe.

963

964 Ms. Purvis - I believe, Mrs. Wade, it's just an empty vacant parcel that the Webber's
965 own.

966

967 Mr. Vanarsdall- Do you know who owns it, Sue?

968

969 Ms. Purvis - The last name is Webber.
970
971 Mr. Vanarsdall - Thank you.
972
973 Ms. Dwyer - What's the utility area that starts diagonally along Irisdale Avenue?
974 What kind of utilities are they?
975
976 Ms. News - In the right-of-way it is storm drainage. There is going to be curb along
977 that road there, a new storm sewer.
978
979 Ms. Dwyer - For my information, weeping willows are being planted along there and
980 my understanding from past experience is that sometimes their extensive root system can
981 invade pipes and be a problem for sewer systems and pipes and things. Is that true?
982
983 Ms. News - That's true. We have asked that they be pulled back because there are
984 overhead power lines, away from there, and this is a drainage basin. So, the thinking is that
985 around a drainage basin it holds water and that would be a good thing and the water would
986 probably go, the roots would hopefully go more towards the BMP area. Public Works didn't
987 comment on the fact that they were there. They reviewed these plans.
988
989 Ms. Dwyer - They didn't?
990
991 Ms. News - That's right.
992
993 Ms. Dwyer - That's not a problem then in your view either?
994
995 Ms. News- I think it could be. It tends to be a larger problem with smaller pipes
996 than large concrete pipes.
997
998 Mrs. Wade - Are there pipes there now? That's lower than the slope up there.
999
1000 Ms. News - Right. There's a slope up to the building. They were in the process of
1001 installing it. I'm not sure if it's in yet.
1002
1003 Ms. Dwyer - Thank you. Are there any other questions by Commission members?
1004 Are you ready for a motion?
1005
1006 Mr. Vanarsdall - I move LP/POD-88-97, Greendale Office/Warehouse, be approved with
1007 the annotations on the plans and the standard conditions for landscape plans of this nature.
1008
1009 Mr. Archer - Second.
1010
1011 Ms. Dwyer - The motion was made by Mr. Vanarsdall and seconded by Mr. Archer.
1012 All in favor say aye...all opposed say nay. The motion passes.
1013
1014 The Planning Commission approved the landscape plan for LP/POD-88-97, Greendale
1015 Office/Warehouse, subject to the standard conditions for landscape plans attached to these
1016 minutes and the annotations on the plan.

1017

1018 **SUBDIVISION**

1019

Crosspoint, Crossings Green (July 1999 Plan)
(Residential Townhouses) **Michael E. Doczi & Associates, P.L.L.C. for Virginia Center, L.L.C. and Roy B. Amason:** The 2.965-acre site is located north of I-295, east of I-95 on the eastern line of Virginia Center Parkway on part of Parcel 33-A-69A. The zoning is RTHC, Residential Townhouse District (Conditional), B-2, Business District and O-3, Office District. County water and sewer. **(Fairfield) 21 Lots**

1020

1021

1022 Ms. Dwyer - Is there anyone in the audience in opposition to subdivision Crosspoint,
1023 Crossings Green (July 1999 Plan)? No opposition. Mr. McGarry.

1024

1025 Mr. McGarry - Staff can recommend approval subject to the annotations on the plans,
1026 the standard conditions for subdivisions served by public utilities and two additional
1027 conditions, and the applicant is in agreement with both conditions, including No. 14.

1028

1029 Ms. Dwyer - Are there any questions of Mr. McGarry?

1030

1031 Mr. Archer - Mr. McGarry, what can we do about that duplicate street name, or what
1032 do we do about it?

1033

1034 Mr. McGarry - He chooses another name and resubmits to us.

1035

1036 Ms. Dwyer - Mr. McGarry, the C & P easement and the landscape easement one of
1037 the same?

1038

1039 Mr. McGarry - We had asked the.... it's an annotation on the plan to move the C & P
1040 easement to allow for that proffered landscaped area to be unencumbered. The applicant has
1041 since, approached me yesterday and said it's going to cost him \$2000 or \$3000 to move it and
1042 in lieu of that would we accept a 20-foot landscape area part of which would be encumbered
1043 by the actual line and then the other portion would not be. So, he's proposed a 20-foot
1044 landscaping area abutting the property, which would take you from the property line over to
1045 the actual paved area for Crossings Way. Staff felt that would accomplish the intent of the
1046 proffer.

1047

1048 Ms. Dwyer - Thank you.

1049

1050 Mr. Archer - Is that included in the conditions somewhere, Mr. McGarry, and if not
1051 do you think it needs to be, do you think?

1052

1053 Mr. McGarry - I had planned to annotate the plan to reflect what we agreed to
1054 yesterday.

1055

1056 Mr. Archer - Okay.

1057

1058 Ms. Dwyer- So, that will be a new annotation?
1059

1060 Mr. McGarry - Yes. The 10-foot planting strip easement will change to 20.
1061

1062 Mr. Silber - I think that should be a motion of the Commission, and certainly could
1063 be annotated.
1064

1065 Ms. Dwyer - Are there any other questions or comments by Commission members?
1066 All right. We are ready for a motion.
1067

1068 Mr. Archer - I move approval of Crosspoint subdivision (July 1999 Plan) with the
1069 annotations on the plan, the additional annotation to increase the planting strip to 20 feet, the
1070 standard conditions for subdivisions served by public utilities, and additional conditions Nos.
1071 13 and 14.
1072

1073 Mr. Vanarsdall - Second.
1074

1075 Mrs. Wade- Actually, you want to get rid of No. 2 on the, the annotation No. 2 that
1076 talks about the planting strip?
1077

1078 Mr. Archer - Yes. It would change from 10 feet to 20 feet.
1079

1080 Ms. Dwyer- So, we've got the easement annotation?
1081

1082 Mr. Archer - Yes, I included it in the motion.
1083

1084 Ms. Dwyer- The motion was made by Mr. Archer and seconded by Mr. Vanarsdall.
1085 All in favor say aye...all opposed say nay. The motion passes.
1086

1087 The Planning Commission granted conditional approval to subdivision Crosspoint, Crossings
1088 Green (July 1999 Plan) (Residential Townhouses), subject to the standard conditions attached
1089 to these minutes for subdivisions served by public utilities, the annotations on the plans and the
1090 following additional conditions:
1091

1092 13. Prior to requesting the final approval, a draft of the covenants and deed restrictions for the
1093 maintenance of the common area by a homeowners association shall be submitted to the
1094 Planning Office for review. Such covenants and restrictions shall be in form and substance
1095 satisfactory to the County Attorney and shall be recorded prior to recordation of the
1096 subdivision plat.

1097 14. The applicant shall extend the four-foot concrete sidewalk/golf cart path along the east side of
1098 Virginia Center Parkway to Crossings Way, prior to recordation of the plat.
1099

1100 **SUBDIVISION (Deferred from the June 23, 1999, Meeting)**

1101

Magnolia Ridge,
Phase 3
(June 1999 Plan)
(A dedication of a
portion of Magnolia
Ridge Drive)

Jordan Consulting Engineers, P.C. for Ukrop's Super Market:
The 2.836-acre site is located on the west line of Brook Road (U.S. Route 1) approximately 1,800 feet north of its intersection with J.E.B. Stuart Parkway on part of Parcel 23-A-9D. The zoning is O-2C, Office District (Conditional), B-3C, Business District (Conditional) and B-2C, Business District (Conditional). County water and sewer. **(Fairfield)** 0 Lots

1102

1103

1104 Ms. Dwyer - Is the anyone in the audience in opposition to Magnolia Ridge, Phase 3 (June
1105 1999 Plan)? No opposition? Ms. News.

1106

1107 Ms. News - Since the last meeting, a meeting was held which involved representatives from
1108 Brookfield, Virginia Center Commons Mall, VDOT and County staff. After much discussion, staff's
1109 recommendation has not changed. Based on the proffers for the rezoning case, the conditions of POD-
1110 77-96, the overall traffic plan for this area, and the required dedication of the public right-of-way,
1111 staff recommends approval of this plan.

1112

1113 Ms. Dwyer - Are there any questions for Ms. News? Is this case in which we had a lot of
1114 discussion last month regarding the Boy's Home?

1115

1116 Mr. Archer- Yes.

1117

1118 Ms. Dwyer- How has that been resolved?

1119

1120 Mr. Archer- Well, as Ms. News said, we met with the applicant, and several people, and it
1121 was a spirited meeting. I'm not sure that staff or this Commission is in a position to help with the
1122 things that they want done. It would be something that has to be done probably outside of the case
1123 with the cooperation of all of the parties involved. They may do something but I don't think it
1124 impacts this case very much at all, to the point where we could do anything, anyway.

1125

1126 Ms. Dwyer- Are there any other questions by Commission members? We are ready for a
1127 motion.

1128

1129 Mr. Archer- Madam Chairman, I move approval of Magnolia Ridge, Phase 3, subject to the
1130 annotations on the plans, the standard conditions for subdivisions served by public utilities and the
1131 additional condition No. 12.

1132

1133 Mr. Vanarsdall - Second.

1134

1135 Ms. Dwyer- The motion was made by Mr. Archer and seconded by Mr. Vanarsdall.
1136 All in favor say aye...all opposed say nay. The motion passes.

1137

1138 The Planning Commission granted conditional approval to subdivision Magnolia Ridge, Phase
1139 3(June 1999 Plan) (A dedication of a portion of Magnolia Ridge Drive), subject to the standard
1140 conditions attached to these minutes for subdivisions served by public utilities, the annotations

1141 on the plans and the following additional condition:

1142

1143 12. Prior to recordation of the plat, the developer shall escrow or bond improvements
1144 which will consist of half of Grenville Lane, plus 12 feet to complete the extension of
1145 Magnolia Ridge Drive from Brook Road (U.S. Route 1) to J.E.B. Stuart Parkway.
1146 The Bond shall cover all described portions of the road not required to be constructed
1147 by the conditions of POD-77-96.

1148

1149 **LIGHTING PLAN**

1150

LP/POD-10-98
St. Andrew's United
Methodist Church

Robert K. Carter: Request for approval of a lighting plan as required by Chapter 24, Section 24-106 of the Henrico County Code. The 8.552 acre site is located on the southwest corner of the intersection of Fort King Road and Pine Bluff Drive on Parcel 68-A-17. The zoning is R-2A, One-Family Residence District. **(Tuckahoe)**

1151

1152

1153 Ms. Dwyer - Is there anyone in the audience in opposition to the lighting plan for LP/POD-
1154 10-98, St. Andrew's United Methodist Church? No opposition. Mr. Whitney.

1155

1156 Mr. Whitney - Ms. Dwyer and myself met with the engineer last night to examine the lighting
1157 under night time conditions, and we are satisfied with adjustments of the existing lights at this site
1158 satisfactory and staff recommends approval.

1159

1160 Ms. Dwyer - There are not new lights as of a result of the addition?

1161

1162 Mr. Whitney - These are all existing fixtures. This site has never been under a POD until they
1163 did their addition, with this POD, POD-10-98, so the Commission delayed approving the lighting
1164 until a later time and they are close to occupancy at this point.

1165

1166 Ms. Dwyer - There is really not a whole lot that can be required in terms of the existing
1167 conditions but they did make some readjustments to the existing lights, to the one in the front.

1168

1169 Mr. Whitney - There was one in the front, and I believe there were three in the rear, that were
1170 adjusted downward but they still remain their security lighting with that adjustment and the light
1171 spread was reduced. They are meeting the half foot candle at the property line around the entire
1172 boundary with this adjustment.

1173

1174 Ms. Dwyer - Thank you, Mr. Whitney.

1175

1176 Mr. Whitney- You are welcome.

1177

1178 Ms. Dwyer - Are there any questions by Commission members? Okay. I move the approval
1179 of LP/POD-10-98, St. Andrew's United Methodist Church, subject to the annotations on the plans
1180 and standard conditions.

1181

1182 Mr. Vanarsdall- Second.

1183

1184 Ms. Dwyer - The motion was made by Ms. Dwyer and seconded by Mr. Vanarsdall. All in
1185 favor say aye...all opposed say nay. The motion passes.

1186

1187 The Planning Commission approved the lighting plan for LP/POD-10-98, St. Andrew's United
1188 Methodist Church, subject to the standard conditions for lighting plans attached to these minutes and
1189 the annotations on the plan.

1190

1191 **PLAN OF DEVELOPMENT & TRANSITIONAL BUFFER DEVIATION**

1192

POD-46-99 **Carter Design for Parmill, L.L.C and Market Square Partners:**
Parham Green Request for approval of a revised plan of development and
(POD-18-97 Revised) transitional buffer deviation as required by Chapter 24, Sections 24-
106 and 24-106.2 of the Henrico County Code to construct a one-
story, 9,000 square foot office, retail and restaurant building. The
1.06-acre-site is located at the intersection of Hooper Road and
Staples Mill Road on part of Parcels 61-A-42, 43 and 38 and 38A.
The zoning is B-2C, Business District (Conditional). County water
and sewer. **(Brookland)**

1193

1194

1195 Ms. Dwyer- Is there anyone in the audience in opposition to POD-46-99, Parham Green?

1196 No opposition. Ms. News.

1197

1198 Ms. News - A revised plan and architectural elevations have been handed out to you. Much
1199 discussion has occurred on this case regarding potential revisions to the BMP to accommodate this
1200 development due to impacts on proffers and transitional buffers. Underground stormwater quality
1201 measures in the parking area have now been agreed upon which will not impact the existing
1202 vegetation. Therefore, the proffer is not being violated. The measures will also not impact the
1203 transitional buffer as previously shown. Two minor infringements on the transitional buffer may be
1204 necessary along Hooper Road between the building and the road. Five-foot concrete pads at the exit
1205 doors are required, and a concrete sidewalk to be provided along Hooper may slightly infringe on the
1206 buffer past the right-of-way. If that were to happen, a sidewalk easement would be obtained. In
1207 addition, a small underground sand filter is shown along Staples Mill Road in the 25-foot proffered
1208 landscape strip. Staff can recommend approval of these small deviations as landscaping will easily
1209 screen these areas. The architectural elevations have been revised to provide a standing seam metal
1210 roof matching the roof of the drive-thru at the adjacent Rite Aid. And parking calculations now agree
1211 with the proposed building use. Staff recommends approval of the revised annotated plans.

1212

1213 Ms. Dwyer - Are there any questions by Planning Commissioners of Ms. News?

1214

1215 Mr. Vanarsdall- We had an issue with the sidewalk that you resolved and an issue with the BMP
1216 that you resolved very nicely, both of them. What about the roof color?

1217

1218 Ms. News - Right now the plans are showing a tan to gray colored roof that matches a small
1219 amount of roofing that on top of the Rite Aid. It matches the drivit.

1220

1221 Mr. Vanarsdall - Wouldn't it look better if it matched the CVS roof?

1222

1223 Ms. News - Do you mean the Rite Aid?

1224

1225 Mr. Vanarsdall - Not, CVS, Rite Aid, yes.

1226

1227 Ms. News- Right now the plans are proposing, and the applicants are shaking their heads,
1228 yes, that they are going to leave it matching the same color of the roofing that's on the Rite Aid.

1229

1230 Mr. Vanarsdall - Thank you. Those are all the questions that I have.

1231

1232 Ms. Dwyer- Are there any other questions by Commission members? We are ready for a
1233 motion.

1234

1235 Mr. Vanarsdall - I think this will be a very nice thing on this site. I think it will be a very nice
1236 use. I recommend approval of POD-46-99, Parham Green, with the annotations on the plans for
1237 developments of this type. Also, I want to, if this is in accordance with today's plan, July 1999. Let
1238 me ask you a question in the middle of a motion. Do you think we should have No. 9 amended?

1239

1240 Ms. News- If the Commission pleases, that will be fine. They have indicated that they are
1241 going to landscape to match what's already been started along the Staples Mill frontage and they do
1242 have a transitional buffer requirement, so they will be doing a lot of planting on Hooper to meet those
1243 requirements.

1244

1245 Mr. Vanarsdall - So, then, conditions Nos. 23 through 32.

1246

1247 Mr. Archer- Second.

1248

1249 Ms. Dwyer- The motion was made by Mr. Vanarsdall and seconded by Mr. Archer. All in
1250 favor say aye...all opposed say nay. The motion passes.

1251

1252 The Planning Commission approved POD-46-99, Parham Green (POD-18-97 Revised), subject to the
1253 standard conditions attached to these minutes, the annotations on the plans and the following
1254 additional conditions:

1255

1256 23. The easements for drainage and utilities as shown on approved plans shall be granted to the
1257 County in a form acceptable to the County Attorney prior to any occupancy permits being
1258 issued.

1259 24. The developer shall provide fire hydrants as required by the Department of Public Utilities in
1260 its approval of the utility plans and contracts.

1261 25. The developer shall install an adequate restaurant ventilating and exhaust system to minimize
1262 smoke, odors, and grease vapors. The plans and specifications shall be included with the
1263 building permit application for review and approval. If, in the opinion of the County, the type
1264 system provided is not effective, the Commission retains the rights to review and direct the
1265 type of system to be used.

1266 26. Any necessary off-site drainage easements must be obtained in a form acceptable to the County
1267 Attorney prior to final approval of the construction plans by the Department of Public Works.

1268 27. Deviations from County standards for pavement, curb or curb and gutter design shall be
1269 approved by the County Engineer prior to final approval of the construction plans by the

- 1270 Department of Public Works.
- 1271 28. Insurance Services Office (ISO) calculations must be included with the utilities plans and
 1272 contracts and must be approved by the Department of Public Utilities prior to the issuance of a
 1273 building permit.
- 1274 29. Approval of the construction plans by the Department of Public Works does not establish the
 1275 curb and gutter elevations along the Henrico County maintained right-of-way. The elevations
 1276 will be set by Henrico County.
- 1277 30. Approval of the construction plans by the Department of Public Works does not establish the
 1278 curb and gutter elevations along the Virginia Department of Transportation maintained right-
 1279 of-way. The elevations will be set by the contractor and approved by the Virginia Department
 1280 of Transportation.
- 1281 31. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the
 1282 Planning Office and approved prior to issuance of a certificate of occupancy for this
 1283 development.
- 1284 32. Trash pick up from the site shall be limited to the hours of 7:00 a.m. to 8:00 p.m., Monday
 1285 through Saturday. There shall be no trash pick up on Sundays.

1286
 1287 Ms. Dwyer - We have finished our 9:00 a.m. agenda and it's not even 10:30. The
 1288 Commission will recess until 10:30 a.m.

1289
 1290 **The Planning Commission took a break at this time and then reconvened and started with the**
 1291 **10:30 a.m. agenda**

1292
 1293 Ms. Dwyer - The Planning Commission will reconvene. All right, Mr. Secretary, let's start
 1294 with the requests for deferrals and withdrawals for the 10:30 a.m. agenda.

1295
 1296 Mr. Silber - Yes ma'am. I believe we do have a couple of deferrals on the 10:30 portion of
 1297 the agenda. Mr. McGarry, would you let us know which ones those are?

1298
 1299 Mr. McGarry - We have one deferral and two expedited items. The first deferral is on page 22
 1300 of your agenda.

1301
 1302 **PLAN OF DEVELOPMENT AND TRANSITIONAL BUFFER DEVIATION**

1303
 1304
 1305 **POD-59-99** **Balzer & Associates, P.C. for Virginia Center Inc. and**
 1306 **McBal Office Building** **McBal Corporation:** Request for approval of a plan of
 development and transitional buffer deviation as required by
 Chapter 24, Sections 24-106 and 24-106.2 of the Henrico
 County Code to construct a two-story, 15,375 square foot
 office building. The 1.90-acre site is located on the north line
 of Technology Park Drive, 250 feet east of its intersection with
 J.E.B. Stuart Parkway on part of Parcels 33-A-64A and 52A.
 The zoning is M-1C, Light Industrial District (Conditional).
 County water and sewer. **(Fairfield)**

1307
 1308 Mr. McGarry - The applicant requests a deferral to your August 25, 1999, meeting.

1309
 1310 Ms. Dwyer - Is there anyone in the audience in opposition to the deferral of POD-59-99,

1308 McBal Office Building? No opposition.

1309

1310 Mr. Archer - Madam Chairman, I move deferral of POD-59-99, McBal Office Building, to
1311 the August 25 meeting, at the applicant's request.

1312

1313 Mr. Vanarsdall - Second.

1314

1315 Ms. Dwyer - The motion was made by Mr. Archer and seconded by Mr. Vanarsdall. All in
1316 favor say aye...all opposed say nay. The motion passes.

1317

1318 At the request of the applicant, the Planning Commission deferred POD-59-99, McBal Office
1319 Building, to it's August 25, 1999, meeting.

1320

1321 Mr. Silber- Is that the only deferral, Mr. McGarry?

1322

1323 Mr. McGarry - That's the only one of which staff is aware of.

1324

1325 Mr. Silber - And expedited items.

1326

1327 Mr. McGarry - The first of two is on page 23.

1328

1329 **LANDSCAPE PLAN**

1330

LP/POD-126-96
Oley Office Building

Balzer & 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 .86-acre site is located on the north line of Three Chopt Road, approximately 250 feet west of Eastridge Road on Parcel 91-A-8. The zoning is O-1, Office District. **(Three Chopt)**

1331

1332 Ms. Dwyer - Is there anyone in the audience in opposition to the landscape plan for the Oley
1333 Office Building, this would be LP/POD-126-96? No opposition. Are there any questions by
1334 Commission members?

1335

1336 Mrs. Wade - Do they have a new access to that? And, they just changed the one that goes
1337 down between this and the office building on the other side. When I talked to Jim he wasn't sure
1338 either.

1339

1340 Mr. Strauss - Yes, ma'am. When we were out there we notice there was access and it was
1341 provided for on the approved plan. It's not a new access point, it was on the approved POD.

1342

1343 Mrs. Wade - That can be shared with next door. The sight distance is not good here. I was
1344 thinking there had been one there before, but I couldn't remember because they changed it around a
1345 little bit. Okay. Thank you.

1346

1347 Ms. Dwyer - Are you ready for a motion?

1348

1349 Mrs. Wade - Yes. I guess there's no one here from next door. It looks as if next door they

1350 have an access on the western or northern side that's graveled. Anyway, let's see, I move that
1351 LP/POD-126-96, Oley Office Building, landscape plan be approved subject to the annotations and
1352 standard conditions.

1353

1354 Mr. Vanarsdall - Second.

1355

1356 Ms. Dwyer - The motion was made by Mrs. Wade and seconded by Mr. Vanarsdall. All in
1357 favor say aye...all opposed say nay. The motion carries.

1358

1359 The Planning Commission approved the landscape plan for LP/POD-126-96, Oley Office Building,
1360 subject to the standard conditions for landscape plans and the annotations on the plan.

1361

1362 **PLAN OF DEVELOPMENT**

1363

POD-54-99
Strayer University -
Nuckols Road

**Youngblood, Tyler & Associates, P.C. for Loch Levan
Land Limited Partnership and Strayer University:**
Request for approval of a plan of development as required
by Chapter 24, Section 24-106 of the Henrico County
Code to construct a one-story, 20,800 square foot
educational facility. The 10.6-acre site is located along
the south line of Nuckols Road opposite its intersection
with Concourse Boulevard on part of Parcel 10-A-20N.
The zoning is O/SC, Office/Service District
(Conditional). County water and sewer. **(Three Chopt)**

1364

1365 Ms. Dwyer - Is there anyone in the audience in opposition to POD-54-99, Strayer University
1366 - Nuckols Road? No opposition. Are there any questions by Commission members on this case? No
1367 questions. We are ready for a motion.

1368

1369 Mrs. Wade - I move that POD-54-99, Strayer University on Nuckols Road, be approved
1370 subject to the annotations, the standard conditions, No. 9 amended, and Nos. 23 through 31. That's
1371 to bring the landscape plan back.

1372

1373 Mr. Vanarsdall - Second.

1374

1375 Ms. Dwyer - The motion was made by Mrs. Wade and seconded by Mr. Vanarsdall. All in
1376 favor say aye...all opposed say nay. The motion carries.

1377

1378 The Planning Commission approved POD-54-99, Strayer University - Nuckols Road, subject to the
1379 standard conditions attached to these minutes, the annotations on the plans and the following
1380 additional conditions:

1381

1382 Ms. Dwyer - Is that it for the Expedited Agenda, Mr. McGarry?

1383

1384 Mr. McGarry - That's correct.

1385

1386 Mr. Silber - Okay. Moving back to the beginning of the 10:30 a.m. agenda, page 17. This
1387 is a subdivision deferred from the July 15, 1999, Rezoning meeting, the Tanfield (June 1999 Plan).

1388

1389 **SUBDIVISION (Deferred from the July 15, 1999, Rezoning Meeting)**

1390

Tanfield
(June 1999 Plan)

E. D. Lewis and Associates, P.C. for Earl Thompson, Inc.: The 18.2-acre site is located north of Shrader Road and Green Run Drive on part of Parcel 50-A-70 and 70NA. The zoning is R-2A, One-Family Residence District (Conditional), and C-1, Conservation District. County water and sewer. **(Brookland)** 21 Lots

1391

1392 Ms. Dwyer - Is there anyone in the audience in opposition to the Tanfield (June 1999 Plan)?
1393 We have opposition. We had discussed, and I believed provided some notification that the
1394 Commission may chose to have an executive or closed meeting at this point to discuss legal matters
1395 with legal counsel. I believe all of the Commissioners are aware of the unique characteristics of this
1396 case and the difficulties it has presented to us, and to those who are interest in it. I believe we have
1397 had a chance individually to discuss our questions with legal counsel. Are there any members of the
1398 Commission who would like to have that opportunity to ask questions of legal counsel now, or have
1399 you had all your questions answered? Or the need to go into executive or closed meeting? The
1400 Commission doesn't see a need to do that, if that's all right with you, Mr. Tokarz. Okay. Thank
1401 you. We will proceed then with the case. Mr. Strauss, would you like to make your presentation?

1402

1403 Mr. Strauss - Yes, I would. Thank you, Madam Chairman. Members of the Commission,
1404 this case was deferred by the Planning Commission at the meeting on July 15, 1999, in order to allow
1405 time for the applicant to meet with the Shannon Green homeowners. That meeting did take place on
1406 the evening of July 15 and the applicant has, since that meeting, resubmitted a revised plan for this
1407 conditional subdivision. We received that plan on Monday in the afternoon. As such, staff will be
1408 recommending that the time limit for submission be waived for the consideration of this plan. We
1409 have distributed the plan. We have annotated the plan as we feel appropriate. Staff also recommends
1410 that the Commission approve the waiver of the maximum length for cul-de-sac in accordance with the
1411 subdivision code 19-112, block length greater than 1,320 feet. We are recommending this be
1412 approved in consideration of the design due to special conditions. If the Commission should approve
1413 this application, staff recommends that an addition to the standard conditions for subdivisions served
1414 by public utilities, the following additional conditions are recommended and that would be conditions
1415 Nos. 12 though 14. I can read them if you like or you can read them on your own. They were also
1416 annotated on the plan. Condition No. 12 is in regard to the applicant making the best effort to convey
1417 land not used in lots and is designated on the staff plan dated July 28, 1999, to the appropriate
1418 homeowners association of Shannon Green.

1419

1420 Mrs. Wade - Excuse me. Is this something that interested parties would have seen?

1421

1422 Mr. Strauss - Some of them have seen it. Although, I have to admit there are 13 homeowners
1423 groups in Shannon Green and I can't say that they are willing to accept the common area yet. But,
1424 we are asking the applicant to make his best effort to convey those.

1425

1426 Mrs. Wade - I was just wondering if they were familiar with Nos. 12, 13, and 14.

1427

1428 Mr. Strauss - They would have seen these conditions on the July 15, 1999, meeting date we
1429 had. Some of these conditions are the same, that one in particular.

1430

1431 Mrs. Wade - Okay. Thank you.
1432

1433 Mr. Strauss - Condition No. 13, recommended by staff, reads: The owner/developer shall
1434 provide a 100-foot-wide scenic easement as shown on the revised staff plan (July 28, 1999). This
1435 scenic easement shall be an undisturbed buffer, and shall be recorded with the final subdivision plan,
1436 and the existing trees shall remain undisturbed, with the exception of activity associated with the
1437 maintenance and installation of planting or the existing fence. Lastly, condition No. 14: The
1438 developer and builder of this subdivision shall not perform any construction activity on Sunday. And,
1439 that was in response to public comment at the meeting on July 15. With that, staff can recommend
1440 approval and I'll be happy to answer any questions that I can. I may have to rely on Delmonte Lewis
1441 who is here representing the applicant Mr. Earl Thompson.
1442

1443 Ms. Dwyer - Are there any questions of Mr. Strauss by Commission members.
1444

1445 Mr. Vanarsdall - Mr. Strauss, there are now 20 lots, isn't it?
1446

1447 Mr. Strauss - This plan still proposes 21 lots. And, of course, with approval of the conditional
1448 subdivision does not guarantee those 21 lots. He has to provide final construction plans for approval.
1449

1450 Mr. Vanarsdall - So, it's still 21?
1451

1452 Mr. Strauss - Yes.
1453

1454 Mr. Vanarsdall - I thought he lost a lot by changing the road.
1455

1456 Mr. Strauss - Well, there was some discussion about whether or not that lot would work.
1457 You will see that one of the lots is encumbered by a scenic easement. If he can make that lot work,
1458 he will have 21.
1459

1460 Ms. Dwyer - Mr. Strauss, could you delineate the scenic easement on the plan that's on the
1461 board for us?
1462

1463 Mr. Strauss - The scenic easement starts at this property line, with the Silvia Wright property,
1464 here. If you follow this line (referring to slide) this is the edge of the civic easement and that will
1465 remain undisturbed on this lot.
1466

1467 Ms. Dwyer - Oh, I see. It's the dotted line. Then that adjoins the common area?
1468

1469 Mr. Strauss - This area here is common area previously deeded and recorded with Shannon
1470 Green with Section 16, which is this section over here.
1471

1472 Ms. Dwyer - It looks like there is a small parcel between the scenic easement and the other
1473 common area that is to the south.
1474

1475 Mr. Strauss - This parcel, here?
1476

1477 Ms. Dwyer - Yes. Is there something between the scenic easement?
1478

1479 Mr. Strauss- This is common open area, a part of Shannon Green now, deeded and recorded.
1480
1481 Ms. Dwyer- Okay. But, that's not the part I'm talking about?
1482
1483 Mr. Strauss- Oh. I'm sorry. Which part?
1484
1485 Ms. Dwyer- There is a cross hatched area that's designated as common area, to the south.
1486
1487 Mr. Strauss- Do you mean this area here (referring to screen)?
1488
1489 Ms. Dwyer - Right. Just above that there is a letter 45 feet, I mean the number is 45 feet. Is
1490 that a part of lot one or is that a part of the scenic easement or....?
1491
1492 Mr. Strauss - That would be a part of the scenic easement, the 100-foot scenic easement
1493 which is taken from this property line right here (referring to screen).
1494
1495 Ms. Dwyer- So, the scenic goes down to the common area?
1496
1497 Mr. Strauss- There is a 40-foot scenic easement also deeded and recorded with Section 16,
1498 and this 100-foot ties in with that 40 in this direction.
1499
1500 Ms. Dwyer- Okay. So, there does appear some space on lot one, between the scenic
1501 easement and the common area?
1502
1503 Mr. Strauss- Correct.
1504
1505 Ms. Dwyer- If I'm reading that correctly. What is the nature of the scenic easement? Is that
1506 a private agreement between the adjacent property owner and this property owner?
1507
1508 Mr. Strauss - No. Historically, that originated with a proffer, proffer No. 12, with previous
1509 zoning cases. And, we felt it wise to bring that proffer forward with this conditional plan and make it
1510 a part of the approval.
1511
1512 Ms. Dwyer- So, if someone purchases lot one, what are the restrictions to their using and
1513 enjoyment of this property?
1514
1515 Mr. Strauss- They would not be allowed to do any clearing, grading, or disturbance in that
1516 area.
1517
1518 Ms. Dwyer- Will there be a fence along the scenic easement line?
1519
1520 Mr. Strauss - There is currently a fence and I've been out to the site and walked it. There
1521 appears to be a fence very close to, and there is a chain link fence with a wire arrangement on top,
1522 very close to this property line, and then it runs in a westerly direction, above Hungary Creek. That
1523 fence, we would envision, remains because it is in an undisturbed area.
1524
1525 Ms. Dwyer- But, is the scenic easement for the benefit....
1526

1527 Mr. Strauss- If I understand your question correctly, and as Delmonte advised, there won't
1528 be a fence between the scenic easement and the lot. There is only going to be the fence that is
1529 existing in this location.
1530

1531 Ms. Dwyer- For his benefit, is the scenic easement in place?
1532

1533 Mr. Strauss - That easement is for the benefit of this property here, which is the Silvia Wright
1534 property.
1535

1536 Ms. Dwyer- So, why is there a fence between the beneficiary of the easement and the scenic
1537 easement?
1538

1539 Mr. Strauss- Historically, that was to prevent, I believe it was to keep people from getting
1540 into the pond, which is in this area.
1541

1542 Ms. Dwyer- Has the easement been recorded?
1543

1544 Mr. Strauss- This easement, itself, has not been recorded, yet. Although, the common area
1545 has been recorded.
1546

1547 Ms. Dwyer- I'm not going to ask any more questions but I'm real concerned about the
1548 easement on Lot 1. I think you would run into a tremendous amount of trouble if someone purchases
1549 Lot 1. We have a condition that there is no recordation of this easement, infringing on this property.
1550

1551 Mr. Strauss- Well, I will try and answer your question the best way I can. This easement
1552 will be recorded with the final subdivision. If I could make an analogy, this condition would not be
1553 that dissimilar to lots that were previously recorded year's ago with Section 16, which has a 40-foot
1554 easement on the lot. It's a similar situation, although it is a greater scenic easement in width. Does
1555 that answer your question?
1556

1557 Ms. Dwyer- It's just that we had so much trouble with the proffers in this, I just don't want
1558 to start another problem with the future of imposing a scenic easement when we are not quite sure
1559 what we are getting and how it's defined and how it limits the use of lot 1 and how it's actually going
1560 to provide a scenic easement? I mean, how is it going to actually going to benefit the beneficiary of
1561 the easement?
1562

1563 Mr. Silber- Ms. Dwyer, I have questions about that too, but I think that may be best
1564 directed to Mr. Lewis.
1565

1566 Ms. Dwyer- All right. I'll save all those questions for Mr. Lewis.
1567

1568 Mrs. Wade - So, of course, in a case like this, whoever brought one, you could say,
1569 legitimately, that nothing is going to be built there behind you, and nothing will be. I mean, Lot 1, if
1570 there is space enough you would benefit having this scenic easement back there, in terms of it being
1571 undisturbed. You know how often we hear, "well, we were told that this was going to be undisturbed
1572 or whatever" and that is, but here it would not be. As long as they understand that up front, and I
1573 guess that's your concern.
1574

1575 Ms. Dwyer - Well, I guess I'm thinking about the Royal Oaks, Whitaker Woods case. In that
1576 case we had an easement on residential property which limited the homeowners use of their property.
1577 They had to maintain 10/20 feet as a natural buffer, which meant that they could not put a bird bath
1578 or hang a bird feeder in their own backyard. Understandably, that created a lot of problems, and I'm
1579 just wondering what the nature of this easement is. How this lot owner would be aware of that?
1580 Exactly, how would their use and enjoyment of their lot be limited by the existence of this easement?
1581 That's my concern.

1582

1583 Mrs. Wade- So, basically, what is the legal definition of a scenic easement. You hear about
1584 people getting scenic easement, you know putting on their property, exactly what it entails, as it
1585 versus a natural buffer.

1586

1587 Ms. Dwyer - Are there any other questions of Mr. Strauss by Commission members? Would
1588 the applicant come forward, please?

1589

1590 Mr. Archer - I have one question. Mr. Strauss, what's in that area, the area Ms. Dwyer is
1591 talking about?

1592

1593 Mr. Strauss- It's very heavily wooded and it does have a slightly rolling topography. There's
1594 nothing in there other than trees of various sizes. There are large trees, small trees, underbrush, that
1595 type of thing.

1596

1597 Mr. Archer - Okay.

1598

1599 Mr. Lewis - Good morning, Madam Chairman, members of the Planning Commission. For
1600 the record, my name is Delmonte Lewis and I represent the applicant.

1601

1602 Ms. Dwyer- Would you like to reserve some rebuttal time?

1603

1604 Mr. Lewis - I think I will have plenty of rebuttal time. Let me start by saying we do accept
1605 all of the conditions that Mr. Strauss has outlined. This has been a very difficult case, and we have
1606 done everything humanly possible to work with the citizens out here. The question about the scenic
1607 easement, the reason it is called scenic easement, simply because in the records of 1984 it was
1608 considered a scenic easement. So, we agreed with Mrs. Silvia Wright to record this on our
1609 subdivision as a scenic easement. If it would be better called something else we would be more than
1610 happy to do that. But, as we see the scenic easement, if you look on the plan, half of the scenic
1611 easement is already in common area that we do not own. So, when you think about it, we have a
1612 100-foot-wide scenic easement, it's really not 100 feet it's more like 50 feet at the greatest width on
1613 our property. It would be the same type of restrictions placed on that in the restrictive covenants that
1614 would be recorded with the subdivision as you would have on any easement that would be a buffer or
1615 wetlands or any other nature of easement that should not be disturbed. It's there for the protection of
1616 Huntings Lake and Mrs. Silvia Wright has requested this all along and we have complied with that
1617 and we are happy to give that as a scenic easement that will not be disturbed. It will be recorded and
1618 shown on the subdivision plat. Other than that, I'll be glad to answer questions you may have about
1619 the development or the scenic easement or anything else.

1620

1621 Ms. Dwyer - Exactly, what will the recordation say? How will it limit activity on Lot 1?

1622

1623 Mr. Lewis - A note will be put on the subdivision plat. It will be boldly outlined on the plat
1624 itself with a note stating that there will be no degradation or clearing of any trees in the scenic
1625 easement. Just the same note we would that we would have, or the same restrictions that would be on
1626 any natural buffer or anything else that would be on the rear of the lots. For instance: A lot in the
1627 adjacent subdivision has a 40-foot scenic easement. And, we would treat it the same way as they
1628 treated theirs.

1629

1630 Ms. Dwyer - Is that common area, though?

1631

1632 Mr. Lewis- No ma'am. It is not common area.

1633

1634 Ms. Dwyer- Who owns that?

1635

1636 Mr. Lewis - The lot owner. The lot owner owns the 40-foot scenic easement in the
1637 subdivision adjacent to us. Do you see the 40 feet running east and west (referring to the screen)?

1638

1639 Ms. Dwyer- Okay.

1640

1641 Mr. Lewis - That scenic easement was 40 feet wide and was mentioned in 1984, the same
1642 time that the 100-foot scenic easement was mentioned. So, it would be treated in the very same
1643 manner as it's being treated in that subdivision.

1644

1645 Ms. Dwyer - Well, it looks to me like these subdivisions have a reasonable buildable area
1646 outside the scenic easement. The scenic easement, I'm concerned about, runs the length of Lot 1
1647 which is an unusual shape lot anyway and I'm wondering if there will be sufficient buildable area in
1648 Lot 1. If somebody wants to put an addition on whatever house they put in Lot 1, will they be of
1649 necessity encroaching the scenic easement? Can you put a tool shed in the scenic easement?

1650

1651 Mr. Lewis - No, ma'am.

1652

1653 Ms. Dwyer - A garage in there?

1654

1655 Mr. Lewis - No, ma'am.

1656

1657 Ms. Dwyer- What will restrict that?

1658

1659 Mr. Lewis - The restriction would be the....

1660

1661 Ms. Dwyer - If you don't cut down the trees....

1662

1663 Mr. Lewis - The subdivision plat will restrict it as far as... plus we submitted a plan to the
1664 Planning Department, on every subdivision, on every lot, showing a buildable area. When a building
1665 permit comes in on that particular lot, when it comes before the Planning Department, they will look
1666 at that buildable area and if it is in those guidelines then they can issue the building permit. If it is
1667 outside of that, they can not. So that's protection.

1668

1669 Ms. Dwyer - I understand that, but we also get tons of variances every year when people have
1670 unusual restrictions on building lots. So, I'm wondering if we are building in that issue in the future.

1671 And, also, you said that the scenic easement would state on the plat that there would be no clearing of
1672 trees in the scenic easement. Will it also state that there will be no building in the scenic easement?
1673

1674 Mr. Lewis - Yes, ma'am.
1675

1676 Ms. Dwyer - I guess that's what I want to know, what exactly will it say? It just seems very
1677 undefined to me.
1678

1679 Mr. Lewis - I'll just have to work that out with staff, but let me put it as plain as I can.
1680 There will be noting built in there, there will be no clearing in there, it would be protected as a green
1681 area of trees not to be disturbed by either building, by any type of recreation that the homeowner
1682 might have, or whatever. We do have enough area in that particular lot, as it's shown on the tentative
1683 plan. Now, when we get into our final subdivision plan, we certainly will make every effort to save
1684 that lot, but, if we can't, we will just lose that lot.
1685

1686 Ms. Dwyer - That's a good point. Was there some discussion about not having Lot 1, just
1687 giving that lot up. Is that what Mr. Vanarsdall was alluding to earlier?
1688

1689 Mr. Lewis- What Mr. Vanarsdall was alluding to, in the meeting that we had, after the
1690 meeting we talked about eliminating Shrader Road. And just looking at it without going to the
1691 drawing board and doing a plan, we said we may lose one, we may lose two lots. Even a letter we
1692 got from a citizen mentioned that. But, in drawing the plan, I believe we can get 21 lots. If I had
1693 shown 20 lots, and the Commission approved 20 lots, then with the computations and with more exact
1694 location, we found we could get 21, I couldn't do it. I would have to come back to the Commission.
1695 So, I believe we can get 21 lots. But, in talking with Mr. Vanarsdall, I told him that during the final
1696 computations we may lose a lot and we are willing to do that to satisfy the citizens to eliminate
1697 Shrader Road. But, certainly, I don't want to waste a lot unless I have to.
1698

1699 Mrs. Wade - I would be very surprise if you could get a variance from a scenic easement.
1700 It's not like a setback that's....
1701

1702 Mr. Silber- Yes, ma'am. I would think that the BZA doesn't have the authority to grant a
1703 variance to go into the scenic easement.
1704

1705 Mr. Lewis - I agree. I don't think the BZA would have the right to invade into a scenic
1706 easement or any other easement that we would record on the plat.
1707

1708 Mr. Silber - Mr. Lewis, do you know much buildable area would be outside the easement on
1709 Lot 1?
1710

1711 Mr. Lewis - Mr. Silber, basically, what we do is we come off of the sideline 15 feet. We
1712 show a 35 x 50 box to take house.
1713

1714 Mr. Silber - Let me ask you this. What is the total area of that lot outside of the scenic
1715 easement?
1716

1717 Mr. Lewis- I haven't calculated that.
1718

1719 Mr. Silber - Would it meet the R-2A standards of 13,500?
1720

1721 Mr. Lewis - Just looking at it, it would be very close. I can't make the statement that it will
1722 be 13,500 square feet because I have not calculated. It's more than 13,000 square feet with it, I can
1723 tell you that, way more. But, just looking at it on the map, it's very close to 13,500 outside of the
1724 scenic easement.
1725

1726 Mr. Silber - If there is adequate land outside the scenic easement, I wouldn't have too much
1727 difficulty from the standpoint of building on that lot. My concern would be what the homeowner may
1728 want to do in the future in the form of some minor clearing back there for a sandbox, for a tree
1729 house, or for a dog pen or anything. That's when it becomes difficult.
1730

1731 Mr. Lewis - I understand. When I drew that box on there and looked at that I had at least 25
1732 feet from the house back to the scenic easement. I can say that. I didn't push it to the limit because I
1733 know how you can get into trouble by doing that.
1734

1735 Mr. Archer - Mr. Lewis, may I ask a question?
1736

1737 Mr. Lewis - Yes, sir.
1738

1739 Mr. Archer - In terms of building on that lot, are the dimensions and the setback requirements
1740 based on the edge of the scenic easement or is it based on the edge of the property line?
1741

1742 Mr. Lewis - It's always based on the edge of the property line. It's never based on the edge
1743 of an easement. So, this particular lot, however, could not invade into that. So, your buildable area
1744 would go back. It would start by having 45 feet from the street line, and I think it is 12 feet from the
1745 side line. Instead of going back to the 45 feet to the rear line, it would go back to the scenic easement
1746 and cut across there because that would be the buildable area. And, this is just as it is in any other
1747 easement that you would create on a lot. Very often you will see, in some of those lots we have a
1748 sanitary sewer easement running north and south. We can't invade into that easement either. The
1749 house would have to be set back behind there, although it's more than 45 feet from the street line.
1750

1751 Ms. Dwyer - Mr. Lewis, would you be able to include the limitations you are placing on Lot
1752 1 in the deed for Lot 1 so that without doubt the homeowner's attorney who does the research for sale
1753 would, without question, be aware of those limitations.
1754

1755 Mr. Lewis - I would be happy to accept that as a condition, but in the deed what that
1756 particular lot what that would be set forth.
1757

1758 Ms. Dwyer - For Lots 1 and 2.
1759

1760 Mr. Lewis - Yes. But, although, Lot 2, if you get back to the 45-foot building setback, you
1761 are beyond the....
1762

1763 Ms. Dwyer - But if Lot 2 wanted to put a fence, presumably a fence can't go in the scenic
1764 easement.
1765

1766 Mr. Lewis - I have no problem with that.

1767

1768 Ms. Dwyer- These are the kinds of practical problems that I see us heading for in the future
1769 with this kind of a thing. The person who owns Lot 1 might want to put up a fence or dog pen or a
1770 playhouse or play equipment in the scenic easement and you are telling me that they are not going to
1771 be able to do that. They need to be aware that when the purchase that lot, that they can't do that in
1772 their own backyard. I mean no one buys a house and expects that they can't do those things in their
1773 on property. That's the practical problem we would run into. So, if you are willing to specify the
1774 limits of the scenic easement and specify precisely what cannot be done in that easement and put that
1775 in the deed then I guess that's all that we can ask for.

1776

1777 Mr. Lewis - I'd be more than happy to.

1778

1779 Mrs. Wade - And hope that it gets caught. I'm dealing with somebody now that has a BMP
1780 next door and says, that nobody told us about the BMP. We had somebody else that helped with
1781 closing and it wasn't brought out.

1782

1783

1784 Mr. Lewis - Well, we will certainly do everything in our effort to make sure that it isn't
1785 disturbed, and I will be more than happy to entertain that as a condition.

1786

1787 Ms. Dwyer- Well, I don't have a problem with you doing that. You and the builder and the
1788 first developer will have....

1789

1790 Mr. Lewis - I understand. It's the second or third homeowner.

1791

1792 Ms. Dwyer- Yes, it's the homeowner down the line. And that's been our past experience.

1793

1794 Mr. Lewis - I understand.

1795

1796 Ms. Dwyer - How wide is the road?

1797

1798 Mr. Lewis- The right-of-way is 44 feet. The curb to curb will be 36.

1799

1800 Ms. Dwyer - Will there be parking restrictions on the road?

1801

1802 Mr. Lewis - No, ma'am. The parking restrictions, according to County Code, is when you
1803 have a 40-foot right-of-way and 30-foot curb to curb.

1804

1805 Ms. Dwyer- Will a school bus be able to turn around in the cul-de-sac?

1806

1807 Mr. Lewis - That cul-de-sac will be the standard size cul-de-sac, yes, ma'am.

1808

1809 Ms. Dwyer- Well, a lot of buses can't turn around in the standard size cul-de-sacs.

1810

1811 Mr. Silber - Typically, a bus would not go down a cul-de-sac street.

1812

1813 Mr. Vanarsdall - They would have to use a smaller bus.

1814

1815 Mr. Lewis - I don't know that a bus would go down there and if they have to I've seen buses
1816 go in those cul-de-sacs. Now they can't make a continuous turn.
1817
1818 Mr. Vanarsdall - Well, they have different size buses.
1819
1820 Mr. Lewis - That's true.
1821
1822 Ms. Dwyer- I'm just wondering, since we are making an exception, or we are being asked to
1823 make an exception, in having an unusually long cul-de-sac street here, maybe we should make sure
1824 the cul-de-sac is large enough for a school bus to turn around in.
1825
1826 Mr. Lewis - Well, that just takes away from our lot area. And, quite frankly, as Mr. Silber
1827 said, a school bus typically will not go down there. I think we are just making more pavement for the
1828 maintenance of Public Works. They have a real concern when we put too much pavement, which I'm
1829 sure some of the staff back here will tell you, because it becomes a playground. If you want me to
1830 shorten it up to make it comply, I'll have flag lots and I don't like those and I don't want those. But,
1831 there have been other cul-de-sacs that were this long. I did one 25 year's ago for Bill Parkinson in
1832 the west end that was longer than this, maybe Mrs. Wade remember that.
1833
1834 Ms. Dwyer- I raise it as an issue because in a cul-de-sac that new, near me, the bus can't go
1835 down and turn around. It pulls into the cul-de-sac street to get off the street so that it doesn't have to
1836 stop on a more heavily traveled roadway, it pulls into the cul-de-sac, stops, and backs up.
1837
1838 Mrs. Wade - Well, they may just have to walk a little way.
1839
1840 Mr. Lewis - In a cul-de-sac like this, a bus can turn around. It just means he can't do a
1841 continuous circle. He can pull in there, back up, and then with one turning movement, still get out.
1842
1843 Ms. Dwyer- They don't like to back out. They will probably just have to stop on Old West
1844 Drive.
1845
1846 Mrs. Wade - Well, how much longer is this than the standard? Well, we have this problem
1847 every where we have a cul-de-sac about how the buses are going to get in.
1848
1849 Mr. Lewis- It's 20 feet longer than the Code calls for.
1850
1851 Mr. Vanarsdall - It looks long because of the way it is laid out.
1852
1853 Mr. Lewis - It's long because of the way it's laid out, and our first layout we didn't have
1854 that problem. But, of course, the reason for this... if it's worth the 20 feet, in my opinion, and I
1855 think it's well worth the 20 feet.
1856
1857 Ms. Dwyer - Does Shannon Green owns the C-1 property to the rear?
1858
1859 Mr. Lewis- No, we own that. That's a part of this development.
1860
1861 Ms. Dwyer- The part designated common area for Shannon Green is not owned by Shannon
1862 Green?

1863
1864 Mr. Lewis - That's owned by Shannon Green, that's a common area for the subdivision that
1865 was a controlled density subdivision.
1866
1867 Ms. Dwyer- The only part that you own is the cross hatch part, common area?
1868
1869 Mr. Lewis - That's correct. That's adjacent to the common area which we'd agreed to
1870 convey to them if they would accept the conveyance.
1871
1872 Ms. Dwyer- The cross hatch areas?
1873
1874 Mr. Lewis - Yes, ma'am.
1875
1876 Ms. Dwyer - But the large C-1 area is already owned by Shannon Green?
1877
1878 Mr. Lewis - That is correct.
1879
1880 Ms. Dwyer - Are there any other questions by Commission members? Thank you, Mr.
1881 Lewis. We will now hear from the opposition. Would the opposition come forward please?
1882
1883 Ms. Wright - For the record, my name is Silvia Wright. I do own the property adjacent to
1884 this development. I want to go back to 1980 to make some clarification of some of the discussion
1885 that's been going on. In 1980, my land was A-1, this property itself was also A-1. When it went into
1886 the stages of development, it was first overlay with R-2A, and then overlay with the multiple types of
1887 zoning that is there today. Now, in 1981, when the actual overall plan for the entire almost 200 acres
1888 of land, was recorded here at the County, there were 12 original proffers. There was proffer No. 12
1889 that denoted the 40-foot and 100-foot buffer. The 40-foot buffer, as you have discussed, was deeded
1890 into the land of the people who brought the different houses along that area. The fence is directly
1891 against my property. The only problem we really had was with the builders. The County itself had
1892 to cite a few of the builders for cutting the trees down when it wasn't suppose to happen. After they
1893 were cited a few times it stopped. We have not had another problem with the property owner since
1894 then doing anything with that area, and it's a very nice wooded area through there.
1895
1896 Now as far as the actual location of the fence itself, the 100-foot buffer that abuts directly on my
1897 western side, this property's eastern side, here, is basically a 100-foot area that contains a 100-year
1898 forest. It's land that has been undisturbed for a very long time. The fence goes from my property
1899 corner over to 89 feet first. The actual easement is enclosed on my side, not the Shannon Green side.
1900 I have access to the land, they don't. It starts off at 89, it's not a clear 100 as far as the fence goes,
1901 since the object was to save the trees, it meanders, sometimes it's close to 100, sometimes it's back to
1902 90, sometimes it's as much as maybe 110. The closer it gets to the actual wetland that there. But,
1903 that was proffer 7 and it was recorded in 1981. I have been that this fence is not going to be
1904 disturbed. What I'm hearing here today is a discussion of people having access to that area, building
1905 dog boxes, dog pens or doing whatever. Right now there is a six-foot chain link fence with two
1906 strings of bob wire, running right down through that property, and more or less almost running 1/3
1907 into this plot right here for that homeowner. So, there backyard is going to have a six-foot chain link
1908 fence with these two strings of bob wire. That's one thing that concerns me. I've never heard proffer
1909 7 truly discussed or carried forward, even though it was recorded in 1981 and then revised in 1984.
1910 The reason it's 89 feet off that corner is because the County sewer line goes through there and they

1911 needed to come out and do something with it. So, they actually took the fence down, moved it over
1912 and put the line though there. And, that was what the proffer amendment was for in 1984.

1913

1914 Now, overall, other than the fact that we seem to have a little bit of disagreement as to where the 100-
1915 foot buffer is and where the fence is with this, in my own mind this is a very good plan for a piece of
1916 land. But, there is also that very much concerns me and that is I don't think they should have ever
1917 come up for development in the first place. In 1984, a condition was placed on the property, it was
1918 placed by the owner, it was done in good faith, and it was done in exchange for taking part of that
1919 land and rezoning it for R-5 for the project that was going on at that time. So, there was an exchange
1920 of services, so to speak, between the community and the remaining land. And, so my real concern
1921 here today is not a buffer or whether a fence stays up or whether the road is over here directly
1922 extended straight forward or on the side, it's the policy that we are setting here as a County to not go
1923 to bat for supporting this green space. It's one of the few remaining true green areas that we have in
1924 this area. It does support a number of wildlife. It does abuts a 100-year floodplain, and nobody can
1925 tell me this is not going to have a significant effect on that floodplain. Any time you go in and
1926 disturb an area, and add concrete, you are going to increase the runoff. Once we do this, it will never
1927 be the same. We will never be able to recover that area again. And, that was the thought I wanted to
1928 give you today. Thank you.

1929

1930 Ms. Dwyer - Thank you. Are there any questions by Commission members? Are there any
1931 other people to speak in opposition?

1932

1933 Mr. Cannon - For the record, I'm Malcolm Cannon. I'm in Forest Green II homeowners
1934 area, which is at the far end. Our common area, for our homeowners association, is at the far end of
1935 this green space, labeled C-1C. I'm also concerned about the green space and the trees being cut
1936 down around our 93 homes represented. We have a stream behind three or four cul-de-sacs that runs
1937 along the power lines and ties into this stream that comes from another lake down to this lake shown
1938 on the plan. So, that's my basic concern. Also, one other thing that that I would like to mention, is
1939 the possible screening of that property that is not in this plan, which is shown as cemetery, it's right
1940 along the side of the road off Old West Drive and there's a small strip of common area being shown
1941 there beside the cemetery and that cemetery is apparently not maintained now and probably never will
1942 be. I think it will always be an eye sore in the neighborhood that I've lived in for the past 14 years,
1943 approximately. Thank you very much.

1944

1945 Mrs. Wade - Excuse me. Who owns the cemetery, do you know?

1946

1947 Mr. Cannon - According to the Court's record it's own by Benjamin Hooper. I don't it there
1948 are any people in the area now that are related to the people who might be buried there. I have no
1949 idea or know anything about it.

1950

1951 Mrs. Wade - It seems to me that all property needs to be maintained to a certain extent, even
1952 though it is a cemetery. You know, keep the grass cut and that sort of thing. And you are saying it's
1953 not?

1954

1955 Mr. Cannon - From what I can, it's not. I walk by it almost everyday. There are black berry
1956 bushes, weeds, and high grass and dead trees all along that area. My concern is possibly some type
1957 of screening beside that cemetery because homes will be facing it. Thank you.

1958

1959 Mrs. Wade - Okay. Thank you. Perhaps we should get someone to look into that.
1960

1961 Ms. Dwyer - Is there anyone else to speak in opposition to the case? Would you please come
1962 forward?
1963

1964 Ms. Koontz - My name is Jane Koontz. I live in the Varina District, 9184 Hoke Brady Road.
1965 Mrs. Quesinberry is my Commissioner. I'm here to neither for nor against this case. I do not know
1966 the particulars of it. I'm here to plead with the County to preserve and protect open space, farm
1967 lands, forest whenever possible, when ever your zoning ordinance allows. I know you have to pay
1968 attention to your ordinances and abide by them but whenever you have a chance to save some green
1969 space, I urge you to do that. I wish also to speak to the economy of preserving these spaces. Open
1970 space, farms, and forest land, corn, soy beans, and trees do not go to school. Fifty-six percent of
1971 your County budget goes for education. If we do not have to send school buses to an acre of green
1972 space, if we do not have to build school buildings on it, if we do not have to hire teachers for it,
1973 taxpayers and citizens reap economic benefits. We also reap anti-sprawl benefits, aesthetic and
1974 environmental benefits. Please remember these things when you are deciding these cases. Please
1975 protect and preserved farms, forest lands, and open spaces whenever possible. Thank you so much.
1976

1977 Ms. Dwyer- Are there any questions for Ms. Koontz?
1978

1979 Mr. Vanarsdall - Did you say you are on the Varina Beatification Committee?
1980

1981 Ms. Koontz - That's one of the committee's I'm on, but I'm not here to speak for the
1982 committee, I'm here to speak for green space.
1983

1984 Mr. Vanarsdall - All right. Thank you.
1985

1986 Ms. Dwyer - Is there anyone to speak in opposition to this case? Mr. Vanarsdall, is there
1987 anyone else that you would like to hear from this morning?
1988

1989 Mr. Vanarsdall - Mr. Lewis, would you like any rebuttal time on this?
1990

1991 Mr. Lewis - No. Not unless someone has some other questions.
1992

1993 Mr. Archer - Mr. Lewis, Ms. Wright mentioned a fence topped by bob wire.
1994

1995 Mr. Lewis - Yes, sir.
1996

1997 Mr. Archer - Can you show us on the map where that runs?
1998

1999 Mr. Lewis - The fence runs generally along her north/south line that adjoins me, and then it
2000 turns to the west and runs to the west of probably 600 feet along basically where the line is between
2001 the common area of the adjacent subdivision and my line.
2002

2003 Ms. Dwyer - Could you show us on the map using this pen where the fence runs?
2004

2005 Mr. Lewis - The fence runs basically along here (referring to map on screen) and stops
2006 somewhere in this location. And, then, it's really irregular the way it comes down through here.

2007 But, it's generally in that shape.
2008
2009 Ms. Dwyer - Will that fence be maintained?
2010
2011 Mr. Lewis- We are not going to disturb the fence. It appears to be, the one running east to
2012 west, it appears to be over on the common area.
2013
2014 Ms. Dwyer - Is the fence on Lot 1 or Lot 2?
2015
2016 Mr. Lewis - I know it's not on Lot 2 and I do not believe it's on Lot 1. I've walked the
2017 grounds several times and it doesn't appear to be. As far as the cemetery is concerned, there was
2018 some question about that. I looked at the cemetery. I don't think anyone is buried there. It has
2019 several large trees there. It has underbrush there and it's not being kept up at this time. But, I'll
2020 submit to you that once we put the road in and form a community back there, I think that those people
2021 will probably maintain it, simply to make their interests to look better, although it's not their
2022 property.
2023
2024 Mrs. Wade- Will this fence, then, serve the purpose of limiting the clearing here, when you
2025 start developing your lots?
2026
2027 Mr. Lewis - The limitation will be the 100 feet, not necessarily the fence because the fence is
2028 not necessarily 100 feet from her eastern line, off from our eastern line.
2029
2030 Mrs. Wade- But, I mean, when you go out there and start clearing....
2031
2032 Mr. Lewis - We are not going to clear the fence.
2033
2034 Mrs. Wade - No. So as a practical matter, will limit the clearing edge.
2035
2036 Mr. Lewis - I'm sorry, I'm not sure....
2037
2038 Mrs. Wade- The fence is there, you are not going to clear past the fence.
2039
2040 Mr. Lewis - No, ma'am.
2041
2042 Ms. Dwyer- It appears that the scenic easement will be on the homeowner's side of the
2043 fence.
2044
2045 Mr. Lewis - That's correct.
2046
2047 Mrs. Wade - Well, that's by Lots 1 and 2, isn't it? The rest of it looks like it's outside.
2048
2049 Ms. Dwyer- Most of Lot 1.
2050
2051 Mrs. Wade - Well, I'm just concerned, as you know, Ms. Wright is concerned about clearing
2052 and additional runoff and that sort of thing. But the fence will help protect the woods that are there.
2053
2054 Mr. Lewis- Yes, ma'am.

2055

2056 Mrs. Wade - And the siltation and whatnot that come sometimes with clearing sometimes.

2057

2058 Mr. Lewis - Well, the siltation, of course, would be according to the guidelines that are set
2059 off by the County, by Public Works.

2060

2061 Ms. Dwyer - Are there any other questions of Mr. Lewis? Thank you.

2062

2063 Mr. Lewis - Thank you.

2064

2065 Ms. Dwyer - I have a general question for Mr. Tokarz. You heard the question about the
2066 scenic easement and you know some of the difficulties we've had in the past are kind of being caught
2067 in the crossfire sometimes when we have these easement. What are your thoughts or
2068 recommendations to the Commission? If you can give us some idea, on such short notice, of how this
2069 scenic easement should be handled on Lot 1?

2070

2071 Mr. Tokarz - I think Mr. Lewis is correct in saying that if the plan is appropriately marked to
2072 show that there is a scenic easement and it is crosshatched to indicate that there may not be any
2073 disturbance of the area. A combination of that with a deed restriction, which he's indicated he's
2074 willing to put as a condition of the case, would provided sufficient protection against any unfair
2075 surprise to a purchaser. We have a number of lots in the County where there are jurisdictional
2076 wetlands where The Corps of Engineers has a permit, prohibiting any disturbance. And, the way
2077 those are handled is they are marked on the plans and there are restrictions put in restrictive
2078 covenants. And, we feel that's sufficient to prevent any homeowners from buying without notice of
2079 the possible restriction on their use.

2080

2081 I don't think this is really any difference in this situation than any other case where there is an
2082 easement, which prevents any disturbance. I believe there is appropriate language that can be written
2083 on the subdivision plat, which would put the homeowner on notice that they may not disturb and put
2084 any structure in there. You mentioned the Royal Oaks situation, of course, you and I were involved in
2085 that one. A part of the difficulty in that case was that it wasn't clear that you could not put bird baths
2086 and tool sheds and fences in that area. In this particular case, I think, the note that I've seen,
2087 indicates that there will no ability to disturb the scenic easement whatsoever. And, I think a
2088 combination of that language with the prohibition of any structures would be sufficient to prevent that
2089 from occurring.

2090

2091 Ms. Dwyer - So, no clearing of trees and no structures in the scenic easement, that language
2092 would be sufficient?

2093

2094 Mr. Tokarz - I think it would be, and I think your point is well taking with respect to
2095 birdbaths and sand boxes and things like that. I think examples could be put into the language of the
2096 condition on the plat that would make that clear.

2097

2098 Ms. Dwyer- Would it be appropriate for the County Attorney's Office to review the language
2099 that's proposed to make sure that it is correct?

2100

2101 Mr. Tokarz - We would be glad to do that. I would hope that Mr. Lewis would not object to
2102 that.

2103

2104 Ms. Dwyer - Thank you.

2105

2106 Mr. Tokarz - Yes. We would like to prevent a Royal Oaks situation too. Are there any other
2107 questions?

2108

2109 Ms. Dwyer - Thank you, Mr. Tokarz. Mr. Lewis, would you be willing to run the language
2110 that would be recorded on the plat as well as the deed restriction, by the County Attorney's Office just
2111 to make sure it's okay?

2112

2113 Mr. Lewis - Yes, ma'am. We will be more than happy to do that. Our restrictive covenants
2114 go to the County Attorney anyway but we will be glad to send the plat to them also.

2115

2116 Ms. Dwyer- And the deed restrictions?

2117

2118 Mr. Lewis - Yes.

2119

2120 Mrs. Wade- And it will be up to the neighbors to see that that's enforced, basically.

2121

2122 Mr. Lewis - Yes.

2123

2124 Ms. Dwyer - All right. Are there any other questions by anyone for anyone? We are ready
2125 for a motion.

2126

2127 Mr. Vanarsdall - Before we make a motion, I want to make a couple of comments and to bring
2128 the Commission up-to-date. First of all, as Mr. Lewis said, this has been a difficult case because of
2129 what happened several years ago. I want to thank Mr. Lewis for changing the road. He's gone
2130 around over there so much and stumped around in the woods it's full of ticks. And Jim Strauss for all
2131 his work on it. I want to thank Silvia Wright and the other folks who are interested. This came
2132 before us and was deferred by Mr. Lewis, the first time. It came before us two weeks ago and it was
2133 deferred by me, simply to explain to the community what was taking place and what was legal rights,
2134 which wasn't any. We had a very good turn out. Mrs. Wright was one of them there and
2135 (unintelligible) was there. And, Mr. Tokarz did an excellent job of explaining to the community all
2136 the legal ramification of this subdivision and what was taking place. Mr. Lewis did the same with the
2137 technical aspects of the subdivision.

2138

2139 From that meeting, most people understood it. They didn't like it but they understood it. One lady
2140 asked Mr. Lewis to take a look at one around, and not going through Shrader Road and this is why
2141 we are looking at a plan today that does this and it is much better than the other. And, while I'm
2142 speaking of this, I've already made note for Mr. Silber about this. Last year, or when we had the
2143 Major Thoroughfare Plan, Mr. Glover had the Shrader Road removed from the Major Thoroughfare
2144 plan. It simply meant that Shrader Road would not go all the way through to where Hungary or
2145 somewhere. Some of the citizen thought that meant that that road could never be used for anything.
2146 And when this subdivision request surfaced, the people were shocked, and I don't blame them, whose
2147 townhouses back up to Shrader Road extension there. So, now you notice on the plan, the
2148 owner/developer is going to take care of that by going around it and then he's going to convey it to
2149 the association. And, having said that, I'd like to ask Mr. Tokarz to come to the microphone, I want
2150 to ask him a question.

2151

2152 Mrs. Wade - And, Mr. Lewis, of course works for Mr. Thompson.

2153

2154 Mr. Vanarsdall - Mr. Tokarz, my question is, do we have, and when I say we, this Commission,
2155 the Planning Commission of Henrico County, have any legal authority to deny this case?

2156

2157 Mr. Tokarz - Mr. Vanarsdall, members of the Commission...

2158

2159 Mr. Vanarsdall - Tanfield subdivision.

2160

2161 Mr. Tokarz - Yes, sir. As Ms. Wright indicated in her remarks earlier, there was a condition
2162 No. 14 that was placed on the case in 1984, which basically provided that the property would be used
2163 for recreational purposes and there will be not residential units there. For a period, the last 15 years,
2164 there has not been any development plans submitted for this area. That proffer had been submitted
2165 three days prior to the Board of Supervisors action, in 1984 approving the case, for Shannon Green.
2166 What occurred when the subdivision plan was submitted for Tanfield is that the Planning staff
2167 discovered the proffer in the Shannon Green zoning case. The reason that is significant is because if
2168 you take a look at the map that's up there, the Shannon Green zoning case involved the area that was
2169 marked as R-5C. It did not include the area that is in brown on the map. And, so in affect, proffer
2170 No. 14 was an off-site proffer. That was extremely significant because in 1984 the enabling
2171 legislation that governs the acceptance of proffers by the Board of Supervisors is different from the
2172 enabling legislation that we operate under today.

2173

2174 And it contained a number of restrictions, which limited the authority of the Board to accept the
2175 proffer on development of the property. And, one of the requirements of the 1984 enabling
2176 legislation, was that the proffer must relate to the physical development or operation of the property
2177 being rezoned. And, I believe the meaning of that language is that the proffer would have to relate to
2178 off site facilities necessary to provide services to the development as it was being built or for the
2179 development and the operation of the property once it has been built. For example, streets, roads or
2180 utilities, things like that. In our view, the proffer that was accepted in 1984 did not meet that
2181 requirement of the 1984 enabling legislation, and therefore was void. Apparently, it was not
2182 recognized as being void in 1984.

2183

2184 When it surfaced, when this plan was submitted in 1999, we were contacted by the developer's
2185 attorney who argued that the proffer was void as being outside the enabling authority. We responded
2186 by indicating that there was a presumption of validity to the proffer, because it had been accepted by
2187 the Board of Supervisors, to which we received a response citing case law to the authority. We
2188 concluded that the proffer is not enforceable, that it was outside of the authority of the Board of
2189 Supervisors to accept in 1984. Therefore, it is our view that the Planning Commission has no
2190 authority to use Proffer No. 14 as a bases for denial of the subdivision plan before the Commission
2191 today. We believe it was outside the authority of the Board of Supervisors to accept and therefore it
2192 cannot form the basis for a denial.

2193

2194 Mr. Vanarsdall - So, my question is, do we have legal authority to deny this case?

2195

2196 Mr. Tokarz - No, sir, you do not. As long as the subdivision plan meets all the technical
2197 requirements of the subdivision ordinance, you do not have the authority.

2198

2199 Mr. Vanarsdall - Thank you, Mr. Tokarz. Ready for a motion?
2200
2201 Ms. Dwyer - Ready for a motion.
2202
2203 Mr. Vanarsdall - According to our or at the advice of Mr. Tom Tokarz, County Attorney, and
2204 what has taken place, I recommend Tanfield subdivision, this would be the July plan and it would be
2205 dated July 28, 1999, to be approved with the conditions Nos. 12, 13, 14 and the annotations on the
2206 plan and the standard conditions for subdivisions.
2207
2208 Mrs. Wade - Do we have the waive the time of some kind?
2209
2210 Mr. Vanarsdall - Oh, okay. Thank you for telling me that. I move that we waive the time limit
2211 on this subdivision.
2212
2213 Mrs. Wade - Second.
2214
2215 Mr. Silber - Mr. Vanarsdall, if I could clarify something. There was also discussion about
2216 placing a deed restriction on Lot 1 that addresses the scenic easement limitations.
2217
2218 Mr. Vanarsdall - Okay. Good. And to incorporate the Lot 1 restriction. And, I believe, Mr.
2219 Lewis, you said you would take care of the wording for that.
2220
2221 Mr. Lewis - Lots 1 and 2.
2222
2223 Mr. Silber - What we may want to do is add to condition No. 13 that seems to most relate to
2224 that, we may want to add some language that says something like the limitation for the scenic
2225 easement shall be described in the deed restrictions for Lot 1.
2226
2227 Mr. Vanarsdall - That's good.
2228
2229 Ms. Dwyer- As a final sentence in condition No. 13?
2230
2231 Mr. Silber - Yes, as the final sentence in condition No. 13.
2232
2233 Ms. Dwyer- I believe we need to vote on the time limit wavier. There was a motion to
2234 waive the time limit on the submission of the plan. The motion was made by Mr. Vanarsdall and
2235 seconded by Mrs. Wade. All in favor of that motion say aye...all opposed say nay. The motion to
2236 waive the time limit carries. Now, let's restate the motion, then, for the subdivision case.
2237
2238 Mr. Vanarsdall - I already made the motion.
2239
2240 Ms. Dwyer- Mr. Vanarsdall, if you would restate the motion including Mr. Silber's
2241 language.
2242
2243 Mr. Vanarsdall - I want the motion I just stated to include Mr. Silber's remarks on condition No.
2244 13 and the wording for Lot 1.
2245
2246 Mr. Archer - Second.

2247

2248 Ms. Dwyer - The motion was made by Mr. Vanarsdall and seconded by Mr. Archer. All in
2249 favor to approve the subdivision plan say aye...all opposed say nay. The motion carries.

2250

2251 The Planning Commission granted conditional approval to Tanfield (June 1999 Plan), subject to the
2252 standard conditions attached to these minutes for subdivisions served by public utilities, the
2253 annotations on the plan and the following additional conditions.

2254

2255 12. The owner/developer shall make the best effort to convey land not used in lots and as
2256 designated on the revised staff plan (July 28, 1999) to the appropriate Homeowners
2257 Association of Shannon Green.

2258 13. The owner/developer shall provide a 100-foot-wide scenic easement as shown on the
2259 revised staff plan (July 28, 1999). This scenic easement shall be an undisturbed buffer, and
2260 shall be recorded with the final subdivision plan, and the existing trees shall remain
2261 undisturbed, with the exception of activity associated with the maintenance and installation
2262 of planting or the existing fence. The limitations for the scenic easements shall be
2263 described in the deed restrictions for lots 1 and 2 and to be submitted to the County
2264 Attorney for review and approval.

2265 14. The developer and builder of this subdivision shall not perform any construction activity on
2266 Sunday.

2267

2268 **PLAN OF DEVELOPMENT (Deferred from the June 23, 1999, Meeting)**

2269

POD-51-99

**Gaskins Retirement
Center - Gaskins Road
(Revised POD-8-91)**

Balzer and Associates for South Gaskins Retirement, L.L.C.:

Request for approval of a plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a one-story, 29,871 sq. ft. assisted living facility. The 9.955-acre site is located along the west line of Gaskins Road and approximately 500 ft. south of Three Chopt Road on part of Parcel 58-A-35B. The zoning is R-6C, General Residence District (Conditional). County water and sewer. **(Tuckahoe)**

2270

2271 Ms. Dwyer- Is there anyone in the audience in opposition to POD-51-99, Gaskins Retirement
2272 Center? We do have opposition. Mr. Whitney?

2273

2274 Mr. Whitney - Thank you Madam Chairman. As you recall, this plan of development was
2275 deferred from your June 23 meeting. Staff wanted to have more time to look at, specifically, some
2276 environmental questions that were raised by the civic associations in this area. To begin, some of the
2277 questions arising deal with the environmental element of your Land Use Plan and just to start I would
2278 like to read the first paragraph in that element. The goals objectives and policies of the environmental
2279 element of the Comprehensive Plan were designed to "balance resource conservation with strong and
2280 sustained economic growth." Toward this end, the environmental element focuses on and it lists the
2281 first 10 items. Staff has been receiving quite a bit of information within the last 30 days. The first
2282 thing would be the overall plan of the entire parcel. The parcel itself, if you would remember from
2283 your rezoning case, falls along the creek, Deep Run, in this area (referring to map). There's a
2284 portion that comes up to Three Chopt Road, which is along here, out to Gaskins Road, along Gaskins
2285 Road down to this point here at the end of the parcel. The project takes up this portion of the 9.955
2286 acres. If I can get another sheet up here (placing another sheet on document table). Handed out to

2287 you was the completion of the staff's review with all the comments from staff. That would be on the
2288 second page that was just handed to you. One of the annotations did point to receiving an overall
2289 parcel, which I showed you on the screen.
2290

2291 The first page of the handout presents you where we are presently. We haven't agreed on all this but
2292 we are trying to keep some of the options open with this particular project to specifically try to reduce
2293 some of the clearing and grading and its impact on the site, being in Chesapeake Bay Areas. I'll run
2294 down the list of options here. Option A, which is an idea we presented to the applicant at
2295 staff/developer, was an attempt to have a shared entrance off of Gaskins Road between this project
2296 and the parcel to the north. There had been some questions about this parcel, it's currently zoned A-
2297 1, but there have been some questions about rezoning this to some higher use. That certainly would
2298 be an option that the owner of Gaskins Retirement Center would be open to. It would be a cost
2299 savings for him. And, also, it would be a cost that could be shared with the adjoining property
2300 owner. With that option, staff does not want to delay the applicant in going forward with his project.
2301 So, in your addendum on page 4, we worded the condition No. 34, which would allow for this option
2302 to remain through the review process, even after final signature of the POD plans, up until a full
2303 building permit being issued. This would accomplish the site being cleared, dug, preliminary
2304 grading, erosion control can be implemented. They could start their underground work for water and
2305 sewer and storm drain. And, the language is specifically for a full building permit. This would also
2306 allow for them to get a footing and foundation permit because with these three options here, the
2307 footprint is not likely to move, so they could still progress up to that point with Option A still being
2308 open.
2309

2310 During that time, with the grading work going on, I talked to the engineer, Jeff Staub with Balzer,
2311 and also with Keith White the environmental engineer with the Department of Public Works. I think
2312 everyone is in agreement here to use "A" as a construction entrance during this time period where we
2313 have the option open.
2314

2315 Ms. Dwyer- That's not part of your condition No. 34, is it Mr. Whitney. The construction
2316 entrance?
2317

2318 Mr. Whitney - No. The construction entrance part of it is not. I could make an annotation or
2319 add it as an additional condition, if you direct me so. Moving along, there is a requirement here from
2320 traffic engineering for a right-turn lane, which originally would have required a 150-foot taper with a
2321 150-foot stacking area to enter into the property. With Option A, that presents a problem because the
2322 owner does not have control of the land to the north, the parcel to the north, therefore, would not be
2323 in a position to dedicate right-of-way to allow for that. So, the question came up, what about
2324 easements? Apparently, this property is owned by a bank and that would also be a difficulty. That
2325 leads to Option B. This is more like what you saw for the concept plan with the rezoning case on this
2326 site, the entrance coming within 150 feet of the northern boundary. It was represented that this would
2327 be a 35-foot buffer along Gaskins Road for 150 feet and it would contain this entrance. This is, I
2328 believe, the point we were at, presently, as the best option. In regards to Option B and a right-turn
2329 lane, the engineer has spoken with Todd Eure, traffic engineer, and Mr. Eure has agreed that the
2330 requirements of the right-turn-lane would be reduced to a 50-foot taper and a 100-foot stacking area.
2331 That would keep all the improvements on this parcel in question.
2332

2333 Option C, I think is probably the least preferred. It was near to the design that came in with the POD
2334 application, and it had to do with the 50/10 detention, and the detention would remain behind that

2335 entrance road and would serve as a dam in a sense. However, Ms. Dwyer and myself sat down with
2336 other staff and looked at the proffer on this. The Planning Commission could approve the entrance
2337 being outside of the 150 feet length, that I mentioned before, however, it would have to be with this
2338 plan of development, if you were to approve that. With Option C, the grading obviously goes down
2339 further south along Gaskins Road. It gets closer to the RPA line, which is indicated by the symbol,
2340 right through here (referring to map). The engineer provided a detailed plan of the Option B.

2341

2342 Ms. Dwyer - Do you have copies of that for the Commission, Mr. Whitney?

2343

2344 Mr. Whitney - Yes, Ms. Dwyer.

2345

2346 Mrs. Wade - What is the status of the RTH, now? Somehow I had the impression that this
2347 was all included in this project and now I see that it isn't.

2348

2349 Mr. Whitney - There is still some RTH on the parcel to the north. But, this parcel in rezoning
2350 was R-6C.

2351

2352 Mrs. Wade - Yes, I see that this is but then there's still RTH on the left there.

2353

2354 Mr. Whitney - Yes, that's correct. Yes, you can see on the zoning map that 1/3 of the area,
2355 north of this parcel, up to Three Chopt Road would be remaining RTH-C. The boundary for this
2356 project would be along here. The RTH-C is up here. I'm not sure if that is the entire Kennedy parcel
2357 or a portion of it. That's parcel 58-A-48C, as mentioned in condition No. 34. Are there any
2358 questions up to this point by Commission members? I guess I need a break.

2359

2360 Ms. Dwyer- I don't think I have any questions at this point. Except for the sidewalk.

2361

2362 Mr. Whitney - Do you want me to describe Option B first and then we can talk about the
2363 sidewalk?

2364

2365 Ms. Dwyer - Option B?

2366

2367 Mr. Whitney - Yes.

2368

2369 Ms. Dwyer - Just briefly describe how that affects the detention and how that... Actually, I
2370 think I want to ask the applicant those details. You have already explained Option B on the other
2371 sheet, and this just shows the detention, how the detention facility would change. I have some
2372 questions for the applicant about that. Unless anyone else has any questions, we will call the
2373 applicant forward. Are there any other questions by Commission members at this time? Would the
2374 applicant come forward, please?

2375

2376 Mr. Staub - Good afternoon.

2377

2378 Ms. Dwyer- It's still morning.

2379

2380 Mr. Staub - I'm Jeff Staub with Balzer & Associates.

2381

2382 Ms. Dwyer - Mr. Staub, in my reading of this Option C, which was the original plan

2383 presented, does not comply with the letter and spirit of the proffers that were discussed and agreed to
2384 and accepted by the Board with the zoning case. So, that's why we have embarked on the other two
2385 options. And, if I may briefly summarize and then ask my question, then my question would make
2386 more sense.

2387

2388 Mr. Staub - Absolutely.

2389

2390 Ms. Dwyer- Option A is an option that would disturb the least number of trees within the
2391 buffer area. It would have generally the least disturbance of all the options. And, as I understand it,
2392 the applicant is in agreement with Option A and would like to pursue it. It's in his best interest. The
2393 problem is that he can't, at this point, obtain an easement on the adjoining property, which is owned
2394 by someone else, to acquire the land needed for the right-turn lane. But, we are going to preserve
2395 Option A in condition No. 34, as Mr. Whitney just reviewed. We are going to preserve Option A
2396 there so that before the full, final building permit is obtained, the owner of the property will diligently
2397 pursue Option A. So, is that an accurate reflection on this?

2398

2399 Mr. Staub - Correct.

2400

2401 Ms. Dwyer- But, we need to have something approvable today regarding the entrance. So,
2402 you have designed Option B, which has the advantage, in my mind, of, again, preserving more of the
2403 vegetation to the south of the property. Is that correct? Could you briefly describe how much
2404 vegetation will be preserved with Option A over Option C?

2405

2406 Mr. Staub - Sure. In essence, the tree line and the grading will be shifted over. I will have
2407 to make an estimate, and I would say approximately 100 feet to the north, which would be an
2408 additional 100 feet of tree save that you could save, in this instance. Again, the reason, just to make
2409 my own summation, if I may. Option A is certainly our best option, but because of what traffic was
2410 requiring us to do, pushed us to use Option C with a full 300 feet; 150 feet for taper and a 150 feet
2411 for turn lane. And, Option B, basically, falls between it. It's a compromise between what Planning
2412 has, and Planning Commission has requested the entrance to fall in and what the Traffic Department
2413 can live with for their turn lane. So, it works out best for both parties. It is an additional tree-save
2414 area and we would like to go to Option A, if possible, ourselves to save even more trees and reduce
2415 the impervious and reduce the amount of grading that would need to be done as well. But, again,
2416 that's not an option that we have just yet, until we can hopefully work something out with the adjacent
2417 owners.

2418

2419 Ms. Dwyer- So, along Gaskins Road, we have an additional 100 foot of tree save area.

2420

2421 Mr. Staub - Well, I would approximate it at 100 feet. This is the tree line basically on
2422 Option C (referring to map).

2423

2424 Ms. Dwyer- Option B.

2425

2426 Mr. Staub - Oh, I'm sorry, Option B. So, you can see, it's more of a triangle than just a
2427 straight additional 100 feet that you would be getting. I would say, at that bottom area, you are
2428 probably looking at approximately 150 feet and then obviously tapering off to zero. So, I would say,
2429 on an average, you are probably picking up an additional foot of tree save.

2430

2431 Ms. Dwyer - How will this tree save area be designated and how will it be preserved in the
2432 field?
2433

2434 Mr. Staub - Well, we would use silt fence there at the toe of the slope for erosion control
2435 purposes and then the trees would be marked with the standard TP-2 flagging.
2436

2437 Ms. Dwyer - And will you submit, as a part of the process to the County, a tree saved area
2438 that you are committing to?
2439

2440 Mr. Staub - Yes, absolutely.
2441

2442 Ms. Dwyer- And the detention area, with this Option B, all of the trees will have to be taken
2443 down between Gaskins and the parking lot, in order to build this detention facility.
2444

2445 Mr. Staub - That is correct. And, again, as I mentioned before, it's an accumulation of the
2446 parking, grading, the entrance, and the turn lane that has pinched that down because we have shifted
2447 it to save trees to the south.
2448

2449 Ms. Dwyer- But, there is room for landscaping along Gaskins?
2450

2451 Mr. Staub - That is correct. And, the entire detention facility would be out of the buffer
2452 area.
2453

2454 Ms. Dwyer - Is this going to be a wet pond or dry pond?
2455

2456 Mr. Staub- During a 50-year storm for approximately 30 minutes. It's not a BMP. It's
2457 detention which have big storms that fills up, it holds water and let it go approximately 30 minutes at
2458 a slower rate.
2459

2460 Ms. Dwyer- So, how will the slopes be landscaped?
2461

2462 Mr. Staub - They are at a three to one slope so it could be grassed and mowed.
2463

2464 Ms. Dwyer- Grassed and mowed?
2465

2466 Mr. Staub - Yes.
2467

2468 Ms. Dwyer - Do you have authority to discuss the sidewalk or should I have the owner come
2469 forward for that?
2470

2471 Mr. Staub - He can talk about it. We have discussed it already, but if you would like to
2472 speak to the owner you can.
2473

2474 Ms. Dwyer - Does anyone else have any questions about what we have discussed thus far?
2475 Thank you, Mr. Staub. Good afternoon. If you could state your name for the record, please.
2476

2477 Dr. Chaudary - Nazir Chaudary.
2478

2479 Ms. Dwyer - Dr. Chaudary, I want to discuss with you the sidewalk issue because that was a
2480 point of contention. Condition No. 28 requires a sidewalk along Gaskins Road, and you had
2481 requested that that sidewalk be bonded. That you would be able to bond the sidewalk and not build it
2482 at this point.

2483

2484 Mr. Chaudary - Yes.

2485

2486 Ms. Dwyer- The purpose, for the record, of requiring a sidewalk is because this property is
2487 fairly close to Deep Run Park. The master plan for the park does include a pedestrian boardwalk to
2488 Gaskins Road at the point very near the edge of this property. So, we do see in the future an
2489 important pedestrian, perhaps, bicycle access along Gaskins Road to this pedestrian trail within the
2490 park system. But, that trail is not in existence at this point and it is planned for some point in the
2491 future. So, I think that we can accommodate, unless staff has some objection, your request to bond
2492 the sidewalk. Mr. Whitney, do you have any comments to make?

2493

2494 Mr. Whitney - I did talk with some of the staff about this issue, Ms. Dwyer, and I think the
2495 word we should use is escrow, and it would be funds that Public Works would hold for future
2496 construction of the sidewalk.

2497

2498 Ms. Dwyer - Is that acceptable, Dr. Chaudary?

2499

2500 Dr. Chaudary - I don't have a problem with that.

2501

2502 Ms. Dwyer - Okay. Thank you, sir. Did you have any other statements you want to make
2503 about the case, to the Commission? Okay. Thank you very much. Are there any other questions by
2504 Commission members of anyone? Okay. We will hear from the opposition now.

2505

2506 Mr. Kovacs - Hello, I'm David Kovacs and I live on Foxmoore Avenue. I'm beginning to
2507 follow a lot of your cases now, that are coming before you, as I have gotten much more interested in
2508 the program. First of all, I want to thank you for continuing it last time around, last month, and
2509 being able to go and look at these issues and have your staff respond or address the list of questions
2510 that I had and quote points that I had cited last time. I was able to meet with your staff last Monday,
2511 three members of Planning, two of Public Works, and Chairman of the Planning Commission. And,
2512 while they provided the answers to many of the questions that I have raised, other questions I brought
2513 up, and also there is a letter of July 26, written from Public Works, in response to some questions I
2514 raised about when are things looked at and the process. And all that came together and I have a very
2515 good understanding of how the process works in Henrico County.

2516

2517 And one of the things, it comes down to is that phrase at zoning, that we can address that at public
2518 works, is not a phrase to use.

2519

2520 Ms. Dwyer- You, mean at POD.

2521

2522 Mr. Kovacs - Excuse me, at POD. And, it's very clear that intensity is set at zoning level and
2523 the direction that staff follows is to accommodate that intensity of development. And, that's
2524 inconsistent, I would say, with your policies that are in your planning. So, I would hope that, since
2525 I've raised this for quite a few times, that you could set a work shop to talk about your environmental
2526 element. What it means to you, what it means in your review process, and as a Planning

2527 Commission, be able to deal with what is adopted policy and have the staff explain to you how they
2528 do or do not address those. Those are my general comments. I don't want to go more into that today
2529 since you are at the POD hearing, but I certainly would, as I said, enjoy having a work shop on that
2530 subject at some date. Your Chairman of the Board of Supervisors, at the Cedarfield hearing, did raise
2531 concerns of the points that were made, in general, and also directed that the Board and the Planning,
2532 whether that was you or staff, I don't know, but, again, to address those issues.

2533

2534 On the positive side of this plan, since a month ago, there have been changes. In fact, what's been
2535 shown as site C here is even a deviation from the one that was before you a month ago. So, the tree
2536 save area is even much greater than 100 feet, so it's substantial. And, as you pointed out, eliminates
2537 retaining walls, probably some cost savings. Also, I want to thank Mikel Whitney and the folks in
2538 Public Works for continuing on this and during the past week spending a lot of time trying to work
2539 out an even better solution. My point here is that it looks like we might have cost savings in the plan.
2540 Your staff has had to spend a lot of time trying to work this thing out, which all comes back to that
2541 very first point of saving money by having information at the rezoning stage. It saves money and
2542 time and energy for everybody, both the public and private folks. At looked at Option C on Monday,
2543 so I didn't see Options A and B, today. But, when I looked at C, I said, well it looks like an
2544 improvement. It does appear that the retention facilities BMP are within the setback buffer, not only
2545 your proffered buffer, but the setback which is 35 feet from the right-of-way line. And that's
2546 inconsistent with the proffer, which specifically said, "That the storm retention BMP/facility shall not
2547 be permitted within said buffer which is 35 feet from the ultimate right-of-way line," which is your
2548 building setback line. So, it is inconsistent with the proffer. And, I don't know if that presents a
2549 problem or not, require hearings, or whatever the process may be.

2550

2551 The other item, which they finished Monday, after looking at the plan, was the preservation of
2552 existing trees in the buffer. Your code calls for the identification of those trees at plan of
2553 development review process, hopefully, so that you can then engineer around the trees. I think in
2554 reality what happens is that your staff doesn't require that information at plan of development review.
2555 The site gets rough graded and then they go out to figure how to correct things. And that's part of the
2556 work shop discussion items. You grade the site, and then mask it by planting trees, or do you
2557 identify the trees like your code says and like your policy says and then try to work this out around it.
2558 I did have a suggested condition of stricter adherence, but I think with alternative B, it probably ends
2559 up not being very practical and also by reducing the envelope on the building. I think substantial
2560 progress has been made. My closing comment would be, the code says tag the trees, it says work
2561 around the trees unless the site design does not allow you to do it. When you've got 9.9 acres of
2562 land, and you are only having 30% land coverage, it seems like you would be able to work around it.
2563 So, it's sort of like, I think, the process is backward and that's an item to be in the work shop. I
2564 think staff has done a great job on trying to work this one out. I thank you for continuing it last time.
2565 I thank the Chairperson for her involvement. And, while this is better than what was initially
2566 submitted, I don't think it's still consistent with what I, as a citizen, read in your policies and your
2567 codes in what it says on how things would be done. Are there any questions?

2568

2569 Ms. Dwyer- Thank you, Mr. Kovacs. Are there any questions for Mr. Kovacs? Thank you
2570 for your involvement. Mr. Staub, I have a question for you. It was raised in Mr. Kovacs'
2571 presentation. He's correct. The proffers do prohibit stormwater detention (or BMP facilities) within
2572 the buffer. Can you explain how your....

2573

2574 Mr. Staub - He's correct. In the plan that he looked at, which is "C", it did go into the

2575 buffer slightly. But, "C" was kind of ruled out already. So, we are going with "B" and it's not in
2576 "B."
2577
2578 Ms. Dwyer- It's not in "B"?

2579
2580 Mr. Staub- Correct, it is not.
2581
2582 Ms. Dwyer - Can you show us where the 35-foot buffer line is on the map?
2583
2584 Mr. Staub - Mikel, could you put the map back up there that shows all three? Thank you.
2585 In this plan here, to keep some tree save in this area and in this area here (referring to map), we did
2586 not grade into the buffer area. It was kind of an exchange. We would leave some trees and
2587 subsequently we would have them also be inundated in the detention for a short amount of time,
2588 which I don't think would adversely affect them considering they are in the creek now. So, in this
2589 scheme here, they were slightly because this is the buffer line here, there's the 50 feet and then it
2590 drops to 35 and comes across here. In this plan here, in "B," the highest elevation of the pond would
2591 do something like that (referring to map). So, it would be completely out of the buffer, the highest
2592 elevation, the highest water level it could possibly achieve would be outside of that buffer area. And,
2593 it would be the same if it were in "A", if we went with plan "A" or "B."
2594
2595 Ms. Dwyer- So, what you just delineated, that is the detention, the inundation area for the
2596 detention pond?
2597
2598 Mr. Staub - Correct.
2599
2600 Ms. Dwyer - For plan "B"?

2601
2602 Mr. Staub - For plan "B."
2603
2604 Ms. Dwyer- Or, plan "A."
2605
2606 Mr. Staub - Or, plan "A." For plan "A," it may be less. I haven't actually graded out plan
2607 "A," but we would certainly have a whole lot more room if we didn't have that road right there.
2608
2609 Ms. Dwyer- All right. Could we put the other plan up that shows just plan "B"? So, what
2610 you are saying is that you are grading into the buffer but the actual water will not rise?
2611
2612 Mr. Staub- In the extent of the detention it will not rise. Correct. The buffer comes
2613 through here (referring to map) and the last elevation is right there, the last BMP elevation is right
2614 there. So, it's approximately, I think, it's about seven feet out of the buffer was the last elevation that
2615 the water could get to.
2616
2617 Ms. Dwyer- Because it slopes, you have to grade.
2618
2619 Mr. Staub - Correct. It's sloping down so it's a continual grade down to the BMP. But, the
2620 last elevation, actually, will be the last continual grade, as it is stated in the Public Work's manual.
2621 In other words, it limits the last continuous grade that goes entirely around the BM, it would be well
2622 outside of that buffer.

2623

2624 Ms. Dwyer - And the proffer does allow landscaping for natural vegetation within the buffer
2625 area. So, we will be landscaping this area and it won't be too steep to landscape?

2626

2627 Mr. Staub - The slopes there I actually, intentionally, flatten them out to about a five to six
2628 to one slope so it would be a little bit flatter and a little bit more receptive to landscaping.

2629

2630 Mrs. Wade - This won't conflict with Public Work's policy now about planting on the
2631 slopes?

2632

2633 Mr. Staub- Pardon me.

2634

2635 Mrs. Wade- Public Works now says no planting on the....

2636

2637 Ms. Dwyer - Technically, this is not within the detention pond.

2638

2639 Mr. Staub - Yes. Although, it does has a continual slope into the BMP, there will be no
2640 planting... I'm sorry, not BMP, detention pond. The slopes go continually down. But, like I said,
2641 the limits of their detention basin is the last continuous contour that goes all the way around. There
2642 would be no landscaping inside of that.

2643

2644 Ms. Dwyer- Where would access to this detention pond be, or the detention facility be for
2645 maintenance purposes?

2646

2647 Mr. Staub - You can get completely around it. The slopes are such that you could access
2648 from any of those three sides.

2649

2650 Ms. Dwyer - Are there any other questions of Mr. Staub?

2651

2652 Mr. Kovacs - Yes, I would like to make a comment on this. I would hope that the
2653 Commission looks at the explanation here. You don't establish a policy that staff adheres by that says
2654 it's the top of the overflow that creates the definition of the BMP. If you didn't have grading to the
2655 Gaskins side that would mean you would have water, you know, the top of the BMP would be five
2656 feet, six feet, four feet higher than the ground. So, it's not possible to have it just be standing by
2657 itself. If have to have the backfill. That backfill becomes a part of the whole work to put the BMP in
2658 place. Now, in this circumstance, I think we have got grading coming off the road, grading coming
2659 off the side, you know I think you can make that decision. But, I certainly wouldn't want folks to say
2660 that the line of the BMP is the top of the water when you have to go 10 or 15 or 20 feet in order to
2661 put that BMP in place.

2662

2663 Ms. Dwyer - And that's certainly something maybe to take into account in the wording of
2664 proffers. If we say that the detention or BMP facility shall be outside the buffer, if we know that may
2665 mean that grading to make that detention or BMP facility possibly may encroach within the buffer.

2666

2667 Mr. Kovacs - To raise the grades.

2668

2669 Ms. Dwyer - So, that's something to be mindful of.

2670

2671 Mr. Kovacs - The other point too, as what I read, the requirement is that the BMP not be in
2672 the setback and the setback is from 35 feet from the ultimate right-of-way, not the buffer. The buffer
2673 is from the existing right-of-way, setbacks are from the ultimate right-of-way. So, that would just
2674 create a little bit more problems for the engineer.

2675

2676 Ms. Dwyer- Are there any more questions by Commission members? All right. I'm ready
2677 for a motion. We have had a number of meetings and memoranda and research and discussion going
2678 back and forth about the environmental issues raised by this particular parcel, as well as, in general
2679 how the County of Henrico enforces this environmental element, the environmental element of the
2680 Comprehensive Plan. And, I think that those discussions have been valuable and enlightening and as
2681 Mr. Kovacs said, he's not going away and we will probably be following up on some of his ideas, in
2682 some way, in the future. My motion today, regarding this case, however, is not going to address
2683 those general policy questions but it's simply going to be related to the parcel at hand. In my
2684 discussions with people in Public Works, this proposal does comply with all of the requirements that
2685 the County is responsible for enforcing related to its environmental element. So, it is, in fact, in
2686 compliance although certainly many developments could be improved or more sensitive to the
2687 environment as Mr. Kovacs has pointed out. However, this one is in compliance. So, we will accept
2688 that determination by the Department of Public Works, as indicated in the staff report. So, first of
2689 all, I will make a motion to accept the recent submittal of the plan. Mr. Whitney, you may have to
2690 help me out on this. We have two plans. We have the plan indicating entrances A, B, and C, and
2691 then we have the plan showing the grading for entrance B. Is that correct?

2692

2693 Mr. Whitney - Yes.

2694

2695 Ms. Dwyer - And, both of which are dated today and both are being submitted today.

2696

2697 Mr. Whitney - No, that's incorrect. The only one being submitted today is the one labeled
2698 revised staff plan July 28, 1999. The other one was received prior to Friday before 4:00 p.m.

2699

2700 Ms. Dwyer- Okay. And, that one is dated June 23, 1999. The earlier one that shows the
2701 three options is dated June 23, 1999?

2702

2703 Mr. Whitney - The A, B, C plan is dated July 28, 1999. It was received July 20, 1999.

2704

2705 Ms. Dwyer- It was received the 20th but it's dated the 28th?

2706

2707 Mr. Whitney - Well, the other one with the grading shown on Option B is the one that I
2708 received this morning, July 28. The received stamps are in the corner of each of these plans.

2709

2710 Ms. Dwyer - The A, B, C, option was received on the 20th so we don't need to waive the
2711 time limit?

2712

2713 Mr. Whitney - That's correct.

2714

2715 Ms. Dwyer - So, I move to waive the time limits for revised staff plan date July 28, 1999,
2716 showing Option B with the grading plan.

2717

2718 Mr. Vanarsdall - Second.

2719

2720 Ms. Dwyer - The motion was made by Ms. Dwyer and seconded by Mr. Vanarsdall. All in
2721 favor say aye...all opposed say nay. The motion passes.

2722

2723 The Planning Commission voted to waive the time limit for the revised plan submitted July 28, 1999,
2724 for POD-51-99 Gaskins Retirement Center.

2725

2726 Ms. Dwyer- Now, for my motion on the case. I move that we approve POD-51-99, Gaskins
2727 Retirement Center, which is a revision of POD-8-91, including conditions Nos. 23 through 33 on the
2728 original agenda and adding condition No. 34 on the addendum. I also want to make sure we include
2729 as an addendum on the plan that entrance "A" is what would be used as a construction entrance during
2730 construction of this development. So, it's fine to go ahead and include, as an annotation, or do you
2731 think that should be a condition?

2732

2733 Mr. Silber- We can do as a condition No. 35.

2734

2735 Ms. Dwyer - Add it as condition No. 35? Okay. Do you think that would be better, Mr.
2736 Silber?

2737

2738 Mr. Silber - I have some language to say maybe "All construction traffic shall use entrance
2739 location "A" during the construction of this facility."

2740

2741 Ms. Dwyer - So, we will add condition No. 35, as indicated by Mr. Silber. I also want to
2742 add No. 9 amended to bring back the landscape plan for review by the Commission. And, I want to
2743 amend condition No. 28 to permit escrow of funds for the sidewalk along Gaskins Road.

2744

2745 Mr. Vanarsdall - You want to delete No. 28?

2746

2747 Ms. Dwyer- No, we do not want to delete it. We want to amend No. 28 to allow the funds
2748 for the sidewalk to be escrowed, until what time? Do we need an end time for the building of the
2749 sidewalk, Mr. Silber, or will that be a decision by Public Works?

2750

2751 Mr. Silber - I don't think we need a time.

2752

2753 Mr. Vanarsdall - If that's it, I'll second it.

2754

2755 Ms. Dwyer - The motion was made by Ms. Dwyer and seconded by Mr. Vanarsdall. All in
2756 favor of the motion say aye... all opposed say nay. The motion carries.

2757

2758 Mrs. Wade - I share the concern for the environmental wetlands and whatnot and I am also
2759 concerned that we are getting more and more access to Gaskins, which originally was intended to
2760 carry traffic through there so we need to be mindful of that.

2761

2762 Ms. Dwyer - I agree, Mrs. Wade, and that's one of the reasons for Option A, because Option
2763 A would be a shared entrance with the adjacent property and that's our motivation for pursuing that.

2764

2765 The Planning Commission approved POD-51-99, Gaskins Retirement Center - Gaskins Road (Revised
2766 POD-8-91), subject to the standard conditions attached to these minutes, the annotations on the plans

2767 and the following additional conditions.

2768

2769 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for review
2770 and Planning Commission approval prior to the issuance of any occupancy permits.

2771 23. The right-of-way for widening of Gaskins Road as shown on approved plans shall be
2772 dedicated to the County prior to any occupancy permits being issued. The right-of-way
2773 dedication plat and any other required information shall be submitted to the County Real
2774 Property Agent at least 60 days prior to requesting occupancy permits.

2775 24. The easements for drainage and utilities as shown on approved plans shall be granted to the
2776 County in a form acceptable to the County Attorney prior to any occupancy permits being
2777 issued.

2778 25. The limits and elevations of the 100 year frequency flood shall be conspicuously noted on
2779 the plat and construction plans and labeled "Limits of 100 Year Floodplain." Dedicate
2780 floodplain as a "Variable Width Drainage & Utility Easement."

2781 26. The required building setback shall be measured from the proposed right-of-way line and
2782 the parking shall be located behind the proposed right-of-way line.

2783 27. The developer shall provide fire hydrants as required by the Department of Public Utilities
2784 in its approval of the utility plans and contracts.

2785 28. A standard concrete sidewalk shall be provided along the west side of Gaskins Road. The
2786 funds for sidewalk construction may be escrowed.

2787 29. Any necessary off-site drainage easements must be obtained in a form acceptable to the
2788 County Attorney prior to final approval of the construction plans by the Department of
2789 Public Works.

2790 30. Deviations from County standards for pavement, curb or curb and gutter design shall be
2791 approved by the County Engineer prior to final approval of the construction plans by the
2792 Department of Public Works.

2793 31. The loading areas shall be subject to the requirements of Chapter 24, Section 24-97(b) of
2794 the Henrico County Code.

2795 32. Insurance Services Office (ISO) calculations must be included with the utilities plans and
2796 contracts and must be approved by the Department of Public Utilities prior to the issuance
2797 of a building permit.

2798 33. Approval of the construction plans by the Department of Public Works does not establish
2799 the curb and gutter elevations along the Henrico County maintained right-of-way. The
2800 elevations will be set by Henrico County.

2801 34. Prior to the issuance of a full building permit, the owner shall pursue the implementation
2802 and design of a shared entrance between this project and the adjoining parcel (58-A-48C),
2803 as annotated on the staff plan dated July 28, 1999. All subsequent detailed plans of
2804 development and construction plans needed to implement this entrance may be
2805 administratively reviewed and approved and shall be subject to all regulations in effect at
2806 the time such subsequent plans are submitted for review/approval.

2807 35. All construction traffic shall use entrance location "A" during construction of this facility.
2808 (See staff plan dated July 28, 1999)

2809

2810 **PLAN OF DEVELOPMENT**

2811

POD-58-99

KBS, Inc. Office/Warehouse

**Bengtson, DeBell, Elkin, Ltd. For Virginia Center Inc. and
Pall, L.L.C.:** Request for approval of a plan of development
as required by Chapter 24, Section 24-106 of the Henrico

County Code to construct a one-story, 54,540 square foot office/warehouse and 44,270 square foot future warehouse addition. The 8.86-acre site is located along the north line of Technology Park Drive, approximately 600 feet west of JEB Stuart Parkway on Parcels 33-A-62 and part of 33-A-64C and 24-A-9B. The zoning is M-1C, Light Industrial District (Conditional). County water and sewer. **(Fairfield)**

2812

2813 Ms. Dwyer - Is there anyone in the audience in opposition to POD-58-99, KBS, Inc.
2814 Office/Warehouse? No opposition. Ms. News.

2815

2816 Ms. News - The revised plans being distributed to you address staff's concerns, which
2817 include the revisions to the loading area to coordinate with the architectural plans, and provision of a
2818 site line diagram from the adjacent residential neighborhood of Holly Glen, across the proffered berm
2819 to this property. A meeting was held between the neighborhood and the developer to discuss this
2820 development. Afterward, staff received phone calls from two adjacent residential property owners,
2821 including the closest neighbors, in support of this project. Specifically, the neighbors were very
2822 happy that the truck loading areas were not adjacent to their homes and that a brick façade will be
2823 facing their properties. It is necessary to waive the time limits for this project as the revised plan was
2824 received Monday morning. The applicant chose to incorporate all staff's annotations above and
2825 beyond the minimum requirements on the plan, and provided additional information at staff's request.
2826 Staff supports the request to waive the time limit. With that said, staff recommends approval of the
2827 revised plan.

2828

2829 Ms. Dwyer - Are there any questions of Ms. News by Commission members? No questions.
2830 Mr. Archer, would you like to hear from the applicant?

2831

2832 Mr. Archer - I don't believe it's necessary, Madam Chairman. I attended the meeting that
2833 Ms. News mentioned with the Holly Glen Subdivision. It was well attended and they were all for
2834 approval. There was a concern that Ms. News had, and I think that has been addressed. So, my first
2835 motion is to accept the amended plan dated July 28, 1999, waive the time limit for accepting that
2836 plan.

2837

2838 Mr. Vanarsdall - Second.

2839

2840 Ms. Dwyer- The motion was made by Mr. Archer and seconded by Mr. Vanarsdall to waive
2841 the time limit for this case. All in favor say aye...all opposed say nay. The motion passes.

2842

2843 The Planning Commission approved to waive the time limit for POD-58-99, KBS, Inc.
2844 Office/Warehouse.

2845

2846 Mr. Archer - And the motion on the case, I move to accept POD-58-99 KBS, Inc.
2847 Office/Warehouse, subject to the standard conditions for developments of this type, the following
2848 additional conditions, and I would like to add No. 11 amended, since we've got 9 amended, so we
2849 can look at the lighting plan and conditions Nos. 23 through 28.

2850

2851 Mrs. Wade - Let me just ask one thing. What are the changes on the revised plan?

2852

2853 Ms. News - The main thing we were looking to have them change was the loading areas. It
2854 wasn't coordinated with the doors. They just added some more pavement in the right locations there.
2855 They also made some changes to satisfy the Fire Department, adding a fire lane and adding a fire
2856 hydrant and those types of things. But, what we were interested in is mostly was the traffic
2857 circulation for your approval.

2858

2859 Mr. Vanarsdall - Second.

2860

2861 Ms. Dwyer - The motion was made by Mr. Archer and seconded by Mr. Vanarsdall. All in
2862 favor say aye...all opposed say nay. The motion passes.

2863

2864 The Planning Commission approved POD-58-99, KBS, Inc. Office/Warehouse, subject to the
2865 standard conditions attached to these minutes, the annotations on the plans, and the following
2866 additional conditions.

2867

2868 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for
2869 review and Planning Commission approval prior to the issuance of any occupancy
2870 permits.

2871 11. **AMENDED** - Prior to the installation of the site lighting equipment, a plan including
2872 depictions of light spread and intensity diagrams and fixture mounting height details
2873 shall be submitted for Planning Office review and Planning Commission approval.

2874 23. The easements for drainage and utilities as shown on approved plans shall be granted to
2875 the County in a form acceptable to the County Attorney prior to any occupancy permits
2876 being issued.

2877 24. The developer shall provide fire hydrants as required by the Department of Public
2878 Utilities in its approval of the utility plans and contracts.

2879 25. Any necessary off-site drainage easements must be obtained in a form acceptable to the
2880 County Attorney prior to final approval of the construction plans by the Department of
2881 Public Works.

2882 26. Deviations from County standards for pavement, curb or curb and gutter design shall
2883 be approved by the County Engineer prior to final approval of the construction plans by
2884 the Department of Public Works.

2885 27. Insurance Services Office (ISO) calculations must be included with the utilities plans
2886 and contracts and must be approved by the Department of Public Utilities prior to the
2887 issuance of a building permit.

2888 28. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the
2889 Planning Office and approved prior to issuance of a certificate of occupancy for this
2890 development.

2891

2892 **LIGHTING PLAN**

2893

LP/POD-64-97
Overlook Phase II

Trolley Electric: Request for approval of a lighting plan for phase II of this project, as required by Chapter 24, Section 24-106 of the Henrico County Code. The 12.4-acre site is located on Sadler Road (realigned) and Nuckols Road on part of Parcels 28-A-25 and 28-A-24A and Parcels 28-A-23, 35A and 35B. The zoning is 0-2C, Office District (Conditional).
(Three Chopt)

2894

2895 Ms. Dwyer - Is there anyone in opposition to LP/POD-64-97, Overlook Phase II? No
2896 opposition. Mr. Strauss.

2897

2898 Mr. Strauss - Thank you, Madam Chairman. This application is for approval of Phase
2899 II of the lighting plan for the Overlook Project. Phase I was approved by the Commission on
2900 June 30, 1998. Staff has now completed its review of the plan and the lighting proposed does
2901 meet the County's lighting policy for commercial sites and there was a proffer associated with
2902 the zoning case, C-88C-96; proffer 13 which limits the height of the light poles to 20 feet, so
2903 staff can recommend approval. These are shoe box fixtures. They are a concealed source in
2904 compliance with the proffer. They are 400 watt high pressure sodium with a flat lens and there
2905 are some bollards on the site and I would like to note that the police reviewer, Kim Vann,
2906 noted the level looked low in the front of the building. I talked to the applicant. They are
2907 submitting a supplemental lighting plan in due course, which will add some lights to the front
2908 of the building to increase the foot candle level in front of the building for an added measure
2909 of security.

2910

2911 Ms. Dwyer - What kinds of lights would they be?

2912

2913 Mr. Strauss - They would be some additional parking lot lights similar to what you see
2914 before you today in the island. Brenda Hartless of Brandywine Realty Trust is here. She does
2915 have a small plan. I have seen it but I did not have it in time to pass out additional copies
2916 because it has not been officially submitted, but it her intention to review this administratively
2917 to add the four or five light poles to increase the light level. What we would be doing today is
2918 approving a plan so they can proceed with the construction of the lighting and the conduit
2919 which they are anxious to do, but I'd like to advise you that there are going to be additional
2920 lights to remedy that situation in front of the building.

2921

2922 Ms. Dwyer - These would not be bollard types?

2923

2924 Mr. Strauss - No, they would be additional similar light poles with shoe box fixtures
2925 on them.

2926

2927 Ms. Dwyer - Where would they be located then, in the island, by the front door...

2928

2929 Mr. Strauss - If the Commission would give me a moment, I can get that plan.

2930

2931 Mrs. Wade - You would still have to have foot candle, I assume.

2932

2933 Mr. Strauss - Based on this initial study, the foot candle would increase in front of the
2934 building from the low of point 1 up to 4 and in some places up to 8, if I show the Chairman
2935 this plan, I could answer your question.

2936

2937 Ms. Dwyer - It looks like the foot candles are down to 0, so I can see why security
2938 is...and you made a note that the landscaping for Phase II would require Planning Commission
2939 approval and must be coordinated with the lighting. Are they working on the landscape plan?

2940 Mr. Strauss - Yes, I will have to defer that question to Brenda. I have not seen the
2941 plan yet. I have advised them that it would be a good idea to have those two consultants
2942 coordinate their work. They will have to work around the lighting, obviously, once it the
2943 lighting is approved.
2944

2945 Ms. Dwyer - And the lighting and the conduits...
2946

2947 Mr. Strauss - Well, we won't be moving the lighting at this point if we approve the
2948 lighting. The trees will have to be adjusted. I think there is enough room in the landscape
2949 islands to accommodate trees and put trees in without having to have a problem with the lights.
2950

2951 Ms. Dwyer - Will the lighting conduits be in the landscape islands, though, limiting...
2952

2953 Mr. Strauss - No, I don't think so. I would refer that question to her as well.
2954

2955 Ms. Dwyer - OK.
2956

2957 Mr. Strauss - I did get the answer. The conduit is not going in, so there would be
2958 time to or an opportunity to adjust the lighting conduit with the landscaping. They are not
2959 putting in conduit now, so I think we've got some latitude here to make some adjustments for
2960 the landscaping that is pending.
2961

2962 Ms. Dwyer - Well, we so often get to the point where landscaping is the last thing and
2963 we can't put it in because of the light poles and we can't put it there because of conduits, so
2964 we will ask that you make sure that you coordinate those at the same time so that we get a
2965 sufficient amount of trees in and that we do have space to plant the trees. All right. Any
2966 questions by Commission members? Mrs. Wade, do you have anything?
2967

2968 Mrs. Wade - No.
2969

2970 Ms. Dwyer - Do we need to waive time limits on this?
2971

2972 Mr. Strauss - No, Madam Chairman, this plan was submitted some time ago and the
2973 reason we are handing out a plan today is because staff really did not have time, with the other
2974 cases we are working on, to give you an annotated plan in time for agenda preparation.
2975

2976 Mrs. Wade - Did notice go out on this?
2977

2978 Mr. Strauss - Yes, ma'am. I understand that it did.
2979

2980 Ms. Dwyer - All right, I move approval of LP/POD-64-97, Overlook Phase II,
2981 including standard conditions for lighting plans and any annotations on the plan.
2982

2983 Mr. Vanarsdall - Second.
2984

2985 Ms. Dwyer - We have a motion by Ms. Dwyer, seconded by Mr. Vanarsdall. All in
2986 favor of the motion say aye. All opposed say no. The motion carries.
2987

2988 The Planning Commission voted to approve Lighting Plan LP/POD-64-97, Overlook Phase II,
2989 subject to the standard conditions for lighting plans and any annotations on the plans.

2990

2991 **SUBDIVISION RECONSIDERATION**

2992

Regal Oaks at Twin Hickory (May 1999 Plan) **Youngblood, Tyler and Associates, P.C. for HHHunt Corporation:** The 22.73-acre site is located along proposed Twin Hickory Lake Drive at proposed Regal Oaks Lane on parcels 27-A-5A, 27-A-3A. The zoning is R-3C, One-Family Residence District (Conditional). County water and sewer. **(Three Chopt)**
38 Lots

2993

2994 Ms. Dwyer - Is anyone in the audience in opposition to Regal Oaks
2995 Subdivision Plan, Regal Oaks at Twin Hickory (May 1999 Plan)? No opposition.

2996

2997 Mr. Whitney - This reconsideration, as you recall in July at your
2998 rezoning hearing, I believe it was July 15, we went over the revised overall master pedestrian
2999 plan and we discovered with working all of that out and the interconnection with the
3000 sidewalks, we needed to go back and clean up conditions for Regal Oaks at Twin Hickory, as
3001 well as Harvest Glen at Twin Hickory, which is the case following this one. Your agenda
3002 shows the language in bold and the changes are specifically No. 13 and No. 14. The
3003 numbering in the conditions is the same as Harvest Glen, as well. Condition No. 13, we are
3004 just adding the language "proposed Old School Road" and striking Concept Road BB, since we
3005 do have a road name. That will clarify that, and No. 14, for Regal Oaks anyway, it just
3006 clarifies where the sidewalk will be going here. We worked it out on the south side of Old
3007 School Road and it interconnects through Harvest Glen and up and around through
3008 Autumnwood, the controlled density. With that on each of these cases, I will take any
3009 questions that you have at this time. A map that you considered on July 15 is on your screen.

3010

3011 Ms. Dwyer - I had trouble figuring out what you were talking about. Is that because
3012 the north-south orientation is not exact on this map?

3013

3014 Mr. Whitney - Yes.

3015

3016 Ms. Dwyer - I know it is difficult to describe.

3017

3018 Mr. Whitney - I should have used bearings and distances on it.

3019

3020 Ms. Dwyer - At Old School, do we start at the cul-de-sac, where the cul-de-sac's
3021 common area is?

3022

3023 Mr. Whitney - Old School Road, no let's start up here. This is Twin Hickory Road
3024 here connecting to Shady Grove.

3025

3026 Ms. Dwyer - I am looking at Condition No. 14. Sidewalk should be constructed
3027 along the north side of Old School from Regal Oaks Court..does that mean that you start at the
3028 common area?

3029

3030 Mr. Whitney - Yes, you start at the cul-de-sac there in this direction to the subdivision
3031 boundary.
3032

3033 Ms. Dwyer - Why don't you go all of the way to the next road?
3034

3035 Mr. Whitney - Because the sidewalk then for Park Meadows would start from Twin
3036 Hickory Lake Drive and continue all the way along one side, then past the point of that cul-de-
3037 sac.
3038

3039 Ms. Dwyer - So it is going to be on both sides of the road from the cul-de-sac down...
3040

3041 Mr. Whitney - to Twin Hickory Lake Drive. That is correct.
3042

3043 Ms. Dwyer - And then at the cul-de-sac, as you go toward the left, there will be no
3044 sidewalk.
3045

3046 Mr. Whitney - Ms. Dwyer, it seemed a natural place; we wanted the sidewalk on both
3047 sides of Twin Hickory Lake Drive and it just seemed like a natural place to stop it at that cul-
3048 de-sac, giving other options to get up to the trail or out to Twin Hickory Lake Drive, and
3049 therefore to the school and the recreation area.
3050

3051 Ms. Dwyer - OK, it is on the east side of Regal Oaks. Can you just show me?
3052

3053 Mr. Whitney - Regal Oaks Road would be right here (pointing on map) up to this point.
3054

3055 Ms. Dwyer - That is the east side?
3056

3057 Mr. Archer - I think on that map, north is to the right. That is the way it looks on my
3058 screen.
3059

3060 Ms. Dwyer - I couldn't figure out which was east. It looked like Regal Oaks had a
3061 north and a south side, but that didn't tell me.
3062

3063 Mr. Archer - East on this map is coming down toward the bottom of the screen, I
3064 believe.
3065

3066 Ms. Dwyer - Could you just put the subdivision map up? Just for this one.
3067

3068 Mr. Whitney - So, the easterly side of the sidewalk of the road in question would be
3069 along right here (pointing on map)...it is hard because of the orientation of the map.
3070

3071 Mrs. Wade - There is not a sidewalk on both sides of every street?
3072

3073 Mr. Whitney - No, there is not.
3074

3075 Ms. Dwyer - I wasn't as concerned about that as I was concerned about having it be
3076 clear that the word made sense in relation to the map, and this map helps me get oriented a
3077 little better than the other one did.

3078

3079 Mr. Whitney - So, are you OK with Regal Oaks Court, and the wording on that is "east
3080 to the subdivision boundary."

3081

3082 Ms. Dwyer - All right. Yes. That helped a lot to look at it with that. Any other
3083 questions?

3084

3085 Mrs. Wade - It is kind of a jig saw puzzle. I have the same problem every time we
3086 start talking about these subdivisions.

3087

3088 Ms. Dwyer - And the north on this was in this area (pointing). Any other questions
3089 on Regal Oaks?

3090

3091 Mrs. Wade - You described this accurately. I ran out of time last night to double
3092 check it, but I assume it is correct.

3093

3094 Mr. Whitney - After we talked, you ran out of time. I think the combination of the
3095 written word and the condition and the document you have here, we should be able to keep
3096 track of it. I can see how unclear it is, because not everything runs north-south or east-west.
3097 It was difficult to describe.

3098

3099 Mrs. Wade - It was east on one side and west on the other. All right. We will trust
3100 your judgement here. Does anybody else have anything?

3101

3102 Ms. Dwyer - Ready for a motion.

3103

3104 Mrs. Wade - I move that the Subdivision Reconsideration for Regal Oaks at Twin
3105 Hickory (May 1999 Plan), as it relates to the sidewalk, be approved with the annotations,
3106 standard conditions and conditions Nos. 12 through 16.

3107

3108 Mr. Archer - Second.

3109

3110 Ms. Dwyer - We have a motion by Mrs. Wade and a second by Mr. Archer. All in
3111 favor say aye. All opposed say no. The motion carries.

3112

3113 The Planning Commission granted conditional approval for Subdivision Reconsideration of
3114 Regal Oaks at Twin Hickory (May 1999 Plan), subject to the standard conditions for
3115 subdivisions served by public utilities attached to these minutes, the annotations on the plans,
3116 and the following additional conditions:

3117

- 3118 12. The limits and elevation of the 100 year frequency flood shall be conspicuously noted on the
3119 plat and construction plans and labeled "Limits of 100 Year Floodplain." Dedicate floodplain
3120 as a "Variable Width Drainage & Utility Easement."
- 3121 13. The detailed plant list and specifications for the landscaping to be provided within the 25 foot
3122 wide planting strip easement along **proposed Old School Road** ~~Concept Road BB~~ shall be
3123 submitted to the Planning Office for review and approval prior to recordation of the plat.
- 3124 14. A County standard sidewalk shall be constructed along the north side **of proposed Old School**
3125 **Road from Regal Oaks Court east to the subdivision boundary, along the east side of**

3126

Regal Oaks Road and along the south side of Hearth Stone Lane.

- 3127 15. Any necessary off-site drainage easements must be obtained prior to final approval of the
3128 construction plans by the Department of Public Works.
- 3129 16. Prior to requesting the final approval, a draft of the covenants and deed restrictions for the
3130 maintenance of the common area by a homeowners association shall be submitted to the
3131 Planning Office for review. Such covenants and restrictions shall be in form and substance
3132 satisfactory to the County Attorney and shall be recorded prior to recordation of the
3133 subdivision plat.

3134 **SUBDIVISION RECONSIDERATION**

3135

Harvest Glen at **Youngblood, Tyler & Associates, P.C. for HHHunt Corporation:**
Twin Hickory The 26.54-acre site is located 1,450' northwest of proposed Twin
(May 1999 Plan) Hickory Lake Drive on parts of parcels 27-A-5A, 27-A-3A, 26-A-27A,
and 26-A-31. The zoning is R-2AC, One-Family Residence District
(Conditional) & R-3C, One-Family Residence District (Conditional).
County water and sewer. **(Three Chopt)** 56 Lots

3136

3137 Ms. Dwyer - Is there anyone here in opposition to Harvest Glen at Twin Hickory
3138 (May 1999 Plan)? No opposition. Mrs. Wade.

3139

3140 Mrs. Wade - We do want to be accurate and not have any questions later. Mr.
3141 Cochran asked me about this, about agreeing with Mr. Whitney's description here. I don't
3142 have any questions.

3143

3144 Mr. Whitney - Ms. Dwyer, you saw the language on this one? The interconnects would
3145 be from Park Meadows, the south side of Old School Road, and we continue along the east
3146 side of Harvest Glen Drive, and that is where we get up into what was proffered and we
3147 connect into ultimately Autumnwood and Shady Grove Road.

3148

3149 Mrs. Wade - But you will be able to get pretty much everywhere.

3150

3151 Mr. Whitney - The nine or 10 year old Webb Tyler would be able to ride a bicycle
3152 everywhere in the subdivision.

3153

3154 Mrs. Wade - OK, thank you.

3155

3156 Ms. Dwyer - Are there any other questions? I am ready for a motion.

3157

3158 Mrs. Wade - I move Subdivision Reconsideration for Harvest Glen at Twin Hickory
3159 (May 1999 Plan) be approved with the annotations, standard conditions and conditions Nos. 12
3160 through 16.

3161

3162 Mr. Archer - Second.

3163

3164 Ms. Dwyer - We have a motion by Mrs. Wade and a second by Mr. Archer. All in
3165 favor of the motion say aye. All opposed say no. The motion passes.

3166

3167 The Planning Commission granted conditional approval for Subdivision Reconsideration for
3168 Harvest Glen at Twin Hickory (May 1999 Plan), subject to the standard conditions for
3169 subdivisions served by public utilities attached to these minutes, the annotations on the plans,
3170 and the following additional conditions:

3171

3172 12. The limits and elevation of the 100 year frequency flood shall be conspicuously noted on the
3173 plat and construction plans and labeled "Limits of 100 Year Floodplain." Dedicate floodplain
3174 as a "Variable Width Drainage & Utility Easement."
3175

- 3176 13. The detailed plant list and specifications for the landscaping to be provided within the 25 foot
 3177 wide planting strip easement along **proposed Old School Road** ~~Concept Road BB~~ shall be
 3178 submitted to the Planning Office for review and approval prior to recordation of the plat.
 3179 14. A County standard sidewalk shall be constructed along the south side of ~~the north side of~~
 3180 ~~Concept Road BB~~ **proposed Old School Road and along the east side of proposed Harvest**
 3181 **Glen Drive north of proposed Old School Road to the subdivision boundary.**
 3182 15. Any necessary off-site drainage easements must be obtained prior to final approval of the
 3183 construction plans by the Department of Public Works.
 3184 16. Prior to requesting the final approval, a draft of the covenants and deed restrictions for the
 3185 maintenance of the common area by a homeowners association shall be submitted to the
 3186 Planning Office for review. Such covenants and restrictions shall be in form and substance
 3187 satisfactory to the County Attorney and shall be recorded prior to recordation of the
 3188 subdivision plat.

3189
 3190 **PLAN OF DEVELOPMENT**
 3191

POD-55-99
 Belmont Park @ Twin
 Hickory

Youngblood, Tyler & Associates, P.C. 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 62, 1 and 2 two-story detached condominiums. The 14.76-acre site is located at the intersection of proposed Twin Hickory Road and proposed Twin Hickory Lake Drive on part of Parcel 27-A-4 and part of 18-A-39A. The zoning is RTHC, Residential Townhouse District (Conditional). County water and sewer.
(Three Chopt)

3192
 3193 Ms. Dwyer - Is there anyone here in opposition to POD-55-99, Belmont Park at Twin
 3194 Hickory? No opposition. Mr. Whitney.

3195
 3196 Mr. Whitney - Thank you, Madam Chairman. As explained on your agenda, there was
 3197 one outstanding issue. We have worked out the ISO calculations on this and have determined
 3198 the number of fire hydrants that will be required in this development. However, we are
 3199 postponing location design of a fire lane access from either Twin Hickory Road or Twin
 3200 Hickory Lake Drive. Mr. Cochran agrees with the annotation that it will be provided, but we
 3201 will be meeting with Captain Smith and getting a design of that prior to final signature. I can
 3202 annotate the plan to that effect, if you direct me, or just reading it into the record may suffice
 3203 for you. At this point, we can recommend approval of this plan and I will take any questions
 3204 you may have.

3205
 3206 Ms. Dwyer - Any questions for Mr. Whitney?

3207
 3208 Mrs. Wade - So you are annotating it and he is going to work it out with the Fire
 3209 Marshall?

3210
 3211 Mr. Whitney - Well, there is an annotation on the plan that says "Fire access must be
 3212 provided."
 3213

3214 Mrs. Wade - OK. That will be adequate.
3215
3216 Ms. Dwyer - What with the wetlands between Building 20 through 18 and 1 through
3217 5, what will be that design? Do we know? Is it swampy? Will it be filled in or what?
3218
3219 Mr. Whitney - My guess is – give me those lot numbers again, please.
3220
3221 Ms. Dwyer - Oh, 18, 19 and 20, it is a big area that crosses between 18, 19 and 20 on
3222 the one side and one through five on the other side.
3223
3224 Mr. Whitney - I see. OK. It is my understanding that only about 18 impacted and
3225 everything in the rear of all of those lots you mentioned, 1 through 5, and 18 through 20, will
3226 be left in its natural state. You will have some outfall from the pipe coming from under Twin
3227 Hickory Road. Maybe if you need some more specifics on the wetlands to remain and to be
3228 impacted, John Cochran is representing the applicant from Youngblood, Tyler and Associates.
3229
3230 Ms. Dwyer - One other question, Does 40 and 41 have a shared drive? Is that right?
3231
3232 Mr. Whitney - Yes, the driveways are common area. The unit itself is a condominium
3233 space that would be owned by the property owner. Everything else would be owned in
3234 common by the residents.
3235
3236 Ms. Dwyer - I would like to ask about the wetland area.
3237
3238 Mrs. Wade - Before you sit down, one question. The access is to – did you say from
3239 which road, or just to be worked out?
3240
3241 Mr. Whitney - The access to the property, the fire access? Either Twin Hickory Road
3242 or Twin Hickory Lake Drive. Since the grades are so great along there, the way that the road
3243 has been designed, they want to find the place that will make the least impact and provide the
3244 necessary services.
3245
3246 Mrs. Wade - Thank you.
3247
3248 Mr. John Cochran - Madam Chairman and members of the Commission, my name is John
3249 Cochran. I am with Youngblood, Tyler and Associates representing HHHunt, and let me say
3250 first that we have met with the staff and agreed with all of the conditions. In answer to your
3251 question regarding the wetlands, the wetlands that you discussed will be left in their natural
3252 state. We are diverting a certain amount of drainage around the wetlands so they are not
3253 overwhelmed with post-development flow from water runoff. There will be enough
3254 stormwater runoff left in the wetlands to keep them wetlands and recharged, and we will show
3255 such on the construction plans. We do not have a Corps permit to impact those wetlands, and
3256 we don't intend to. In regards to the fire access, emergency access, Captain Smith is out of
3257 town. I have discussed this with his assistant, Inspector Mellon, and we have agreed on a
3258 preliminary location to access along Twin Hickory Road and looked at the engineering details
3259 and there is no reason why it can't be done, so we agree to that condition, as well. I will be
3260 happy to answer any other questions that you may have.
3261

3262 Ms. Dwyer - What is the natural state of the wetlands right now?
3263

3264 Mr. Cochran - It is wooded, not real high quality woods, but it is wooded and there will
3265 be no grading and no clearing, no disturbance of the wetlands whatsoever. I might add that
3266 this is a condominium project. The individual property owners do not maintain the exterior of
3267 the units or the grounds, so there would be no reason why anyone would want to go down
3268 there and do anything. That is not why they buy in a project like this. It is maintained by the
3269 homeowner's association.
3270

3271 Ms. Dwyer - Any other questions by Commission members?
3272

3273 Mrs. Wade - Did you say it is going to be Twin Hickory or are you still looking?
3274

3275 Mr. Cochran - It will be to Twin Hickory Road from the common driveway, and I
3276 don't have the unit numbers here, of the cul-de-sac that abuts Twin Hickory Road. It will
3277 be...
3278

3279 Mrs. Wade - Well, we will leave the notes just the way that it is.
3280

3281 Mr. Cochran - That will be fine. It will be between units 20 and 21.
3282

3283 Mr. Silber - Mr. Cochran, what is the distance from the back of those units adjacent
3284 to, right at the intersection, units 30 and 31, back up to that intersection, what is the distance
3285 from the back of those units and the right of way line?
3286

3287 Mr. Cochran - I believe, Mr. Silber, the setback is 35 feet, but I can't be sure of that.
3288 Let me just say one thing here. Typically the units that we show on a plan of this nature are
3289 the maximum sized units and very rarely are they constructed to the building envelope that is
3290 shown on the plan, so it is not only probable, but highly likely, that the units that are
3291 constructed will be smaller than those that are shown as the footprint on the plan.
3292

3293 Mr. Silber - The reason I raised that is because I noticed some of the homes that Hunt
3294 is building in a new subdivision are right up on the right of way line, and the Commission is
3295 going to be considering in a few minutes the residential strategy that goes with the distance
3296 between a dwelling and a major road, and I see that we continue to have - sort of pushing the
3297 envelope here - with your dwellings very close to the road. It is going to be a four-lane road
3298 and a four-lane intersection with homes being eventually 35 feet from the right of way.
3299

3300 Mr. Cochran - Well, I think I know where you are talking about, and we share your
3301 concern and we have discussed that fact with H.H. Hunt and it is their intention to highly
3302 landscape this area between the units and the road to try to mitigate that proximity, so we
3303 share your concern in that regard.
3304

3305 Mrs. Wade - So, this is going to be landscaped and not just a greenbelt?
3306

3307 Mr. Cochran - That is correct.
3308

3309 Mrs. Wade - Of course, that takes time.

3310

3311 Ms. Dwyer - Are there any other questions? Ready for a motion.

3312

3313 Mrs. Wade - What is the material here?

3314

3315 Mr. Whitney - Building material? I am sorry, I was talking to Mr. Cochran.

3316

3317 Mrs. Wade - I didn't find it. I had a little confusion with the cover sheet.

3318

3319 Mr. Cochran - If I may, these units will be what we call an Ashton Park replacement.

3320 These are the same units that the builder is building currently in Ashton Park in Wyndham.

3321

3322 Mrs. Wade - They will be brick on the front and siding on the rest of the building.

3323 You don't seem to have quite the situation you did there with some of the long sides being as

3324 exposed as they are. Remember, at the time you were going to add some features along the

3325 long side to break up the expanse, but...

3326

3327 Mr. Cochran - We tried to orient these toward the inside.

3328

3329 Mrs. Wade - Yes, I can see that. Thank you. That is all. OK.

3330

3331 Mr. Whitney - Any more questions?

3332

3333 Mrs. Wade - No. I move that Plan of Development POD-55-99, Belmont Park at

3334 Twin Hickory be approved, subject to the annotations on the plan, including an annotation to

3335 provide the fire access, which will probably be at Twin Hickory, but we won't specify that

3336 necessarily, and conditions on the agenda, Nos. 22 through 32, and maybe we'd better bring

3337 No. 9 back for the landscape plan.

3338

3339 Mr. Vanarsdall - Second.

3340

3341 Ms. Dwyer - We have a motion by Mrs. Wade and a second by Mr. Vanarsdall. All

3342 in favor say aye. All opposed say no. The motion carries.

3343

3344 The Planning Commission voted to approve POD-55-99, Belmont Park @ Twin Hickory,

3345 subject to the annotations on the plan, the standard conditions for developments of this type

3346 attached to these minutes, and the following additional conditions:

3347

3348 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for review

3349 and Planning Commission approval prior to the issuance of any occupancy permits.

3350 23. The right-of-way for widening of Twin Hickory Road as shown on approved plans shall be

3351 dedicated to the County prior to any occupancy permits being issued. The right-of-way

3352 dedication plat and any other required information shall be submitted to the County Real

3353 Property Agent at least 60 days prior to requesting occupancy permits.

3354 24. The easements for drainage and utilities as shown on approved plans shall be granted to the

3355 County in a form acceptable to the County Attorney prior to any occupancy permits being

3356 issued.

3357 25. The limits and elevations of the 100 year frequency flood shall be conspicuously noted on the

- 3358 plat and construction plans and labeled "Limits of 100 Year Floodplain." Dedicate floodplain
3359 as a "Variable Width Drainage & Utility Easement."
3360 26. The developer shall provide fire hydrants as required by the Department of Public Utilities in
3361 its approval of the utility plans and contracts.
3362 27. A standard concrete sidewalk shall be provided along the south side of Twin Hickory Road and
3363 the east side of Twin Hickory Lake Drive.
3364 29. A 25-foot planting strip to preclude ingress or egress along the south side of Twin Hickory
3365 Road and the east side of Twin Hickory Lake Drive shall be shown on the approved plans.
3366 The details shall be included with the required landscape plans for review and approval.
3367 30. Any necessary off-site drainage easements must be obtained in a form acceptable to the County
3368 Attorney prior to final approval of the construction plans by the Department of Public Works.
3369 31. Deviations from County standards for pavement, curb or curb and gutter design shall be
3370 approved by the County Engineer prior to final approval of the construction plans by the
3371 Department of Public Works.
3372 32. Insurance Services Office (ISO) calculations must be included with the utilities plans and
3373 contracts and must be approved by the Department of Public Utilities prior to the issuance of a
3374 building permit.
3375

3376 Mr. Silber - The next item is, we have the minutes to approve and then a discussion item of
3377 Residential Strategies. The Commission asked to bring back to you two items that came out of the
3378 original study, and the two items included a) multifamily design standards and b) increasing the
3379 setback and buffering along homes or dwellings adjacent to major roads. Jo-Ann Morgan Hunter is
3380 here to present this to the Commission as it requested. It is 1:00 p.m. and I think her presentation
3381 may be in the neighborhood of 10 to 15 minutes and depending on the discussion, we may or may not
3382 get through this before 1:30. The cafeteria closes at 1:30 p.m. Is it the pleasure of the Commission
3383 that we break for lunch or try and go ahead with the agenda?
3384

3385 Mrs. Wade - This is just discussion and not a hearing then? OK.
3386

3387 Ms. Dwyer - These were two items that we had flagged as being items of critical interest to
3388 us and we were going to discuss options for implementing them and perhaps taking some sort of
3389 action, whether it be studies or to perhaps get some indication from the Board whether they would
3390 like for us to proceed with the study, to my recollection. Let's go ahead with the Discussion Item.
3391

3392 Mrs. Wade - Well, I would like to have lunch.
3393

3394 Mr. Silber - We could get into it, and if we are running late, we could break for lunch and
3395 come back.
3396

3397 Mrs. Wade - Do we have to do it in here? We couldn't meet up in the Planning Office.
3398

3399 Mr. Silber - If we need to reconvene, we could reconvene in the conference room.
3400

3401 Ms. Hunter - It probably will take more than 20 minutes in order to get some good
3402 discussion.
3403

3404 **APPROVAL OF MINUTES: June 10, 1999 Rezoning Minutes**
3405

3406 Ms. Dwyer - Why don't we approve the minutes, have lunch, and then do this? Do I have a
3407 motion on the June 10th minutes?
3408
3409 Mrs. Wade - I move that the June 10, 1999 minutes be approved as corrected.
3410
3411 Mr. Archer - I second said motion.
3412
3413 Mrs. Dwyer - We have a motion by Mrs. Wade, seconded by Mr. Archer. All in favor of the
3414 motion say aye. All opposed say no. The motion carries.
3415
3416 The Planning Commission voted to approve the June 10, 1999 Rezoning Minutes as corrected.
3417
3418 Mr. Silber - Can I make one other announcement before we break. I just wanted to inform
3419 you that there has been a suit filed in the Circuit Court on the zoning action that was recently taken by
3420 the Board of Supervisors. You may recall the request for 0-2C zoning at relocated Sadler Road and
3421 Nuckols Road for a bank and office complex. It has filed for an appeal by Mr. Atack. I think the
3422 Planning Commission recommended denial and the Board of Supervisors recommended denial, and
3423 now we have an appeal.
3424
3425 Mrs. Wade - So, Mr. Atack is going to court with it?
3426
3427 Ms. Dwyer - Apparently. What is his claim?
3428
3429 Mr. Silber - I don't know. Joe Rapisarda informed me yesterday that this had been filed.
3430
3431 Mr. Vanarsdall - My announcement is that I will not be here for the October 14th rezoning
3432 meeting. Mr. Silber would you ask the staff not to schedule any Brookland District cases at that time,
3433 if possible.
3434
3435 Mr. Silber - If possible, we will try to keep things off of the October 14th date. We will do
3436 our best.
3437
3438 Mr. Vanarsdall - Well, we have plenty of time. This is July.
3439
3440 Mr. Silber - Mr. Vanarsdall, cases are filed in September to be heard in October and we
3441 have to put it on the agenda, and in working with that, we will try to do the best that we can to
3442 discourage them from filing.
3443
3444 Mr. Vanarsdall - And I won't defer anything from here on to October. I will be gone from
3445 October 8th to October 25th.
3446
3447 Mrs. Wade - I will not be here for the September zoning meeting.
3448
3449 Mr. Silber - The September zoning meeting? I think that is the 9th.
3450
3451 **AT THIS TIME THE COMMISSION BROKE FOR LUNCH.**
3452 **THE COMMISSION RECONVENED AFTER LUNCH.**
3453

3454 **DISCUSSION: Residential Strategies Update**

3455

3456 Ms. Dwyer - The Planning Commission will reconvene. There are four of us and we have a
3457 quorum. Mr. Archer, myself, Ms. Quesinberry and Mrs. Wade. All right, Ms. Jo Ann Hunter.

3458

3459 Ms. Hunter - We have information today for the two items that the Planning Commission
3460 asked us to bring back at the last meeting, and that was looking at the concerns that you had with the
3461 multifamily development standards as well as setbacks along major roadways. Let's start off with the
3462 multifamily information. I have handed out the presentation to you if you want to follow along that
3463 way. The background information, I am not going to go over any of that. We have talked about it,
3464 but I do want to point out the last bullet point or check point, just to make you aware where we do fit
3465 in with our region. The County has 30,000 apartment units compared to 10,000 for Chesterfield
3466 County and less than 2,000 for Hanover County, so we do have a quite a bit more multifamily
3467 apartment units than anywhere else. We have pretty basic standards right now in our multifamily
3468 district. All they really need to meet are the density requirements, setback requirements, parking and
3469 landscaping. I have handed out a chart to you that compares our standards with some of the other
3470 localities. They have standards for required recreational amenities, lot coverage, architectural
3471 standards and a lot of additional standards that we don't address with our current ordinance. After
3472 talking with each one of the Commission members and combining those concerns and some things that
3473 we had discussed with the Board, we have come up with several concerns that have been identified,
3474 and I will briefly go over those. The first one that we have heard from everybody is the lack of
3475 usable recreational space within these apartment complexes, townhouses and condominiums, and the
3476 concern is when we are getting the recreational space, it is a tennis court that they are putting down in
3477 the floodplain. It is not very usable. It is not something that is providing year-round use for all
3478 different age groups, which is what we are trying to achieve. There is also a lack of open space.
3479 That would be natural spaces, green areas, that would provide scenic relief or passive recreational
3480 area, such as trails. Inadequate roads and parking standards, and limited sidewalk connections is also
3481 a concern. Insufficient screening requirements for trash receptacles has been a concern. Lately it
3482 seems to be the preferred alternative for complexes to have one large dumpster in the middle, at the
3483 front entrance of the complex, so everybody drives their trash to that one dumpster, so the trucks do
3484 not have to go around the complex, and that has been causing some concerns, that being your initial
3485 entrance to a community: There are also concerns with the HVAC screening as well as the utility box
3486 screening. There have also been concerns with setbacks, with the buildings as well as the BMPs, and
3487 then other quality issues including of overcrowding of sites, lack of architectural features, lack of
3488 design guidelines, and then another big one that would probably be a separate project in itself is the
3489 aging apartment complex in the County.

3490

3491 So, after taking all of these concerns, we tried to come up with some alternatives on how we could
3492 address these concerns. Some of them give you an either/or, some of them you would need to do it
3493 all, or maybe pick and choose, and so I am going to go over each one and then, I don't know if you
3494 want to hold your discussion for the end, or talk about it each time. It is up to the Commission, but
3495 the first concern that we talked about is the need for usable recreational space. There are two
3496 different strategies on how you could address this. You can either require recreational space as
3497 a percentage of the lot area or a per unit basis. Chesterfield County currently does the percentage of
3498 the lot area and they require a 10% of the gross acreage, which does not include floodplain, steep
3499 slopes and the non-usable areas. Hanover County uses the per-unit basis and they actually have a very
3500 high percentage of 500 sq. ft. per unit. We looked at some other localities and usually 250 sq. ft. was
3501 what some of the other localities were using. That is also consistent with some of the formulas that the

3502 Department of Recreation and Parks use for the Open Space Plan of 250 sq. ft. per household.

3503

3504 Also, with the recreational areas, I think if we were going to come up with some sort of new
3505 standard, I think it is also important to consider the location of the recreation access and that they also
3506 try to provide year-round use, not just the tot lot, that should not meet all of the requirements, to have
3507 one large area where you are going to have a slide. I think there needs to be something written in
3508 there somehow that we can get something that would attract all age groups or appropriate for the type
3509 of neighborhood that they are going to be marketing, too.

3510

3511 Ms. Dwyer - Do you have a sense of what would be a better - a percentage or sq. ft. per
3512 unit?

3513

3514 Ms. Hunter - I tested out a couple of them just doing some brief acreage and density and if
3515 you use the 10% rule, you tend to get a slightly higher number for required recreational area than the
3516 250.

3517

3518 Ms. Dwyer - But if you went to something like 300 sq. ft.?

3519

3520 Ms. Hunter - I didn't try any other numbers other than the 250. I guess it is just a decision
3521 whether you want to tie it to density or to the size of the property. It would be the area around it, I
3522 don't know the dimensions of a tennis court, but if there is a fenced area that delineates it, it would be
3523 that area. If it was a sand tot lot, it would be that delineated area.

3524

3525 Ms. Dwyer - Do the other jurisdictions distinguish between active and passive recreational
3526 uses, like required from a beach or...

3527

3528 Ms. Hunter - Most of them, like Chesterfield, they have a lot coverage, which is their
3529 building coverage, and they also have their requirement for active and passive. They don't
3530 distinguish that 5% of it has to be active, but they do encourage a combination.

3531

3532 Ms. Dwyer - But if you had tennis courts, that would be a part of their site coverage.

3533

3534 Ms. Dwyer - No, their site coverage is based only on buildings. It doesn't include it.

3535

3536 Ms. Dwyer - Building footprint, not impervious footprints.

3537

3538 Ms. Quesinberry - But the building footprint would take care of your passive open space
3539 requirements, because what wasn't built on would be left over, would be passive, and then you would
3540 have an active requirement that would take care of anything you wanted in the way of recreational
3541 activities aside and apart from any open space around buildings.

3542

3543 Ms. Hunter - The next area is open space, and that may help clear some of the questions on
3544 it. The passive recreational area is an open space - it kind of goes hand in hand. Some of the ways to
3545 get open space into the project is to do the lot coverage requirement and, like I said just a few minutes
3546 ago, Chesterfield has 40% and that is just for building, and what that does require then is it would
3547 typically require them to go up to the three-stories instead of building a single-story structure. You'd
3548 probably be getting two or three story apartment complexes.

3549

3550 Ms. Dwyer - Has that been Chesterfield's experience?
3551
3552 Ms. Hunter - Yes.
3553
3554 Ms. Quesinberry - We get those anyway. They would just build every square inch.
3555
3556 Mrs. Wade - Technically that it supposed to allow for more open space, but it does not seem
3557 to happen. That was the idea in some cases. But you've got 75% in here for Prince William. Are
3558 they measuring the same thing that we are measuring?
3559
3560 Ms. Hunter - Yes, there is a star next to that, because lot is defined a little bit differently by
3561 each jurisdiction. It is hard to compare. You never really are comparing apples to apples.
3562
3563 As part of the Open Space, there has been concerns identified with the limited landscaping
3564 requirement, and some of the options would be to increase the tree canopy requirement and parking
3565 lot landscaping requirements in the multifamily district, as well as enhance the transitional buffer
3566 requirements.
3567
3568 Another concern was the inadequate road and parking standards and limited sidewalk connections.
3569 One of the strategies would be to require the public road construction standards. This came up at the
3570 Board discussion and they spent a lot of time talking about it. It really was a concern of the town
3571 house and condominium complexes that they are building the roads to private road standards,
3572 substandard, and five and ten years later the roads are starting to have pot holes and they need repair,
3573 and it is up to the homeowner's association to come up with the money to fix that. So, that is where
3574 that came from. That is typically not a problem with the multifamily districts, the apartment
3575 complexes, I mean.
3576
3577 Another concern has been inadequate parking. Right now we require one and a quarter for a
3578 multifamily development and two spaces for our townhouse district. Our proposal is to increase the
3579 parking to 2.25 spaces per unit. That would allow, if two people live in the apartment a space, and
3580 everybody can have a quarter of a guest over.
3581
3582 And, the last one would be to require sidewalks for all multifamily developments, that would be
3583 internal, that would be from buildings to parking areas, to recreational areas, to any trails or anything
3584 that may be in the complex. There have also been some concerns identified for insufficient screening.
3585 We spoke earlier about the trash receptacles, the number, and where they are located and how they
3586 are screened, and also the requirement that should be requiring screening of the HVAC equipment as
3587 well as the utility boxes that are often visible from the roadways.
3588
3589 Concerns with setbacks, we are recommending that we increase the building setbacks to 50 feet for
3590 the front, side and rear setbacks, and also there is a concern with the setback between a building and
3591 the BMP, and that we should be increasing that distance as well. Another issue that has come up is
3592 the increase of the minimal parcel size in order for it to be more feasible to create a number of high
3593 quality amenities in the complex. The parcel size could be reduced if part of a large-scale planned
3594 community. This is taken from Chesterfield County's Ordinance. They have a 20-acre minimum for
3595 apartments and what they feel is that they can then, they are getting property of a size where they can
3596 come in and really create a community and create high-quality amenities. With a five-acre site, they
3597 just wouldn't have the financial capability to come in and put in the amenities that are needed. Also,

3598 establish architectural standards, such as variations in the facades and materials. You have this type
3599 of language in our townhouse regulations but not in our R-5 or R-6 District, and also to develop
3600 design guidelines or standards for a multifamily development.

3601

3602 The next concern would be probably a Phase 2 approach, but the need for rehabilitation for our
3603 existing apartment complexes. Some of the strategies would be to review our requirements that would
3604 discourage the redevelopment of existing complexes, develop incentives for redevelopment of the
3605 existing multifamily development, and market the County's tax deferral program.

3606

3607 That's it for the multifamily. The roadway setbacks are very short, so I will just go ahead and get
3608 into that before we start having any discussion, but the concern with the setbacks there has been that
3609 we are fencing in our roadways. It is not attractive for the homeowners who back up to the
3610 roadways; bigger setbacks would provide better protection to them for noise and privacy, as well as
3611 have a better visual appearance as you drive down the road. The original recommendation we had
3612 was to double the setbacks for principal and accessory structures on lots adjacent to major roadways.
3613 After giving it some more thought, we thought that it may be more appropriate to require a roadway
3614 buffer of 35 feet for collector roads and a 50-foot buffer for arterial roads when the homes have rear
3615 and sides facing the road. The intention would be that that buffer would be outside of the setback
3616 area, so we would in intent not only double the setbacks, but it would also provide some landscaping
3617 and screening extra for the road, and that would also enhance those landscaping requirements.

3618

3619 I will go back and put the concerns back up (on screen).

3620

3621 Ms. Dwyer - I guess this is a free for all question now. Thank you for reviewing the
3622 presentation so simply. I am wondering in providing the background information we have the really
3623 astounding comparison of 3,000 units in Hanover versus 30,000 here and 10,000 in Chesterfield, and
3624 Chesterfield is the county most like us; then we add to that the fact that there are 569 acres of zoned
3625 but vacant land. I wonder if we could have the figure of how many units, assuming full build out of
3626 the vacant land.

3627

3628 Ms. Hunter - We did do some figures based on some February information when we went to
3629 the Board of Supervisors in February. Right now our mix is 65% single-family; 35% multifamily,
3630 and if we continue to grow with our single-family development, the trend continuing as it has been for
3631 the last three years, and all the multifamily was developed right away, it would take it to, I believe it
3632 was 60-40; maybe 58-42. I would have to pull those numbers, but we have done that.

3633

3634 Mr. Silber - The way we came up with that was what would be generated when we came up
3635 with the 569 acres of land and applied a multifamily density to that. You could probably assume
3636 about 10 units per acre. That is about 5,000.

3637

3638 Ms. Dwyer - Then we could say roughly 36,000 existing and zoned versus 10?

3639

3640 Mrs. Wade - How is the school population compared? I have seen the ones for Henrico and
3641 Chesterfield, but I don't recall. Do you know?

3642

3643 Ms. Hunter - How do the school populations compare? I am not sure off hand. We could get
3644 that information done.

3645

3646 Mr. Merrithew - We got some numbers from schools in terms of generation numbers.
3647
3648 Mrs. Wade - How many kids do they have in school?
3649
3650 Mr. Merrithew - I don't have the total numbers here for the schools. They gave us numbers and
3651 generation factors, number of students per single-family detached versus multifamily versus
3652 townhouse, but I don't have a total figure for you.
3653
3654 Mrs. Wade - Because they seem to be having more trouble keeping up with their school
3655 population than we do, so I wondered, because they have more single-family, maybe they have more
3656 school children.
3657
3658 Mr. Merrithew - That would seem to be the trend. That is what Henrico is finding, that the
3659 single-family is generating probably three times as many school children as the multifamily on a per
3660 unit basis.
3661
3662 Ms. Dwyer - I think it looks good. I like all of your suggestions.
3663
3664 Mrs. Wade - It looks like we slipped here. Most of the things we heard from you all before.
3665
3666 Ms. Dwyer - Is there anything that you all can think of that we might want to add? A goal or
3667 a ...
3668
3669 Ms. Hunter - I really think the only thing that was an either/or - we may need some
3670 clarification on - was recreational amenities, and also the open space. I think those two were the
3671 biggest concerns that we were hearing, and I just want to make sure that those are addressed to your
3672 satisfaction.
3673
3674 Ms. Quesinberry - I am really concerned that we have all this acreage that is already zoned, all of
3675 us get faced with multifamily projects in our districts, and everybody sitting here could name a project
3676 that was a pure nightmare and that every square inch of buildable space was covered, and absolutely
3677 no amenities and just no leverage to get any increased quality out of the developer. And, that is not
3678 the place we want to be. It is not that multifamily is such a bad kind of development as is a bad
3679 multifamily development is really bad, and we haven't had the ability to promote some quality within
3680 our multifamily developments. With land already zoned, and we've had some discussions on the
3681 difficulty on the Comprehensive rezoning and those kinds of strategies. This seems to me like the,
3682 probably the most direct and time efficient way of addressing some of the concerns that we all see and
3683 that we have all discussed, and that is how to improve these quality issues with multifamily, and in a
3684 fairly, and certainly a concept that most people would accept as positive changes. It is hard to argue
3685 that, if you are building a huge multifamily complex that you don't want to put in some kind of
3686 amenity, even if it is passive. I haven't really been a proponent that we really had to absolutely
3687 demand that there had to be some kind of active recreational, although that would be nice, as it would
3688 be just to have some open space for people to enjoy around there multifamily development, even if it
3689 was just a side walk to push a baby stroller or some space in a field where a kid could kick a ball
3690 around or something, but we don't even get that, and to me that is like bare minimum and we have to
3691 fight these developers just for that, so, I think it would be a huge improvement to make some
3692 recommendations along the lines of what we just discussed here. And, these don't seem like really
3693 difficult issues to get public support or Board of Supervisors support for, I don't think.

3694

3695 Ms. Hunter - I think that is a good point and also it is good to point out that the recreational
3696 amenities, it does not have to be a huge expense to the developer. We're not recommending pools
3697 and clubhouses. It could just be soccer fields and trails and things that are not very expensive.

3698

3699 Mr. Archer - And the other thing that would add to that, also, we seem to be swamped with
3700 our fair share of multifamily, and I would think if we were to increase the demand for quality, it
3701 would probably decrease some of the new, multifamily residences that are being requested by the
3702 developer. The more expensive we made it for them, the less likely they are to continue to want to
3703 build it. I guess what I am saying is that we can drive them somewhere else. I don't know.

3704

3705 Mrs. Quesinberry - Well, I think you have driven them right here, to our front porch.

3706

3707 Ms. Dwyer - Obviously, we have made it so easy and cheap...

3708

3709 Ms. Hunter - Everybody else is discouraging it and we haven't, so that is why we are getting
3710 it.

3711

3712 Mrs. Wade - Well, theoretically, we have been, but that is not what always happens.

3713

3714 Ms. Dwyer - Knowing all that you know, what would be a good next step or next several
3715 steps to get this, to bring this to reality?

3716

3717 Ms. Hunter - What we can do is we can either prepare a white paper with these
3718 recommendations and send them to the Board of Supervisors to see if we get any comments. We
3719 could prepare the white paper; it could come back to you before it goes to the Board.

3720

3721 Ms. Dwyer - The white paper would basically be a narrative of this.

3722

3723 Ms. Hunter - A narrative of that.

3724

3725 Ms. Dwyer - And would present options, for instance. We need to look at it a little bit
3726 maybe to decide how we want to balance open space versus recreational space; whether we want to
3727 differentiate between the two.

3728

3729 Ms. Hunter - I don't think it needs to be in an ordinance language form when we send it to
3730 the Board. I think the white paper would just be letting the Board know that these are the items that
3731 the Planning Commission wants to address, and should we be going forward with it.

3732

3733 Ms. Dwyer - What do you all think? Should we do that?

3734

3735 Mr. Archer - It is a good start and we've got to start somewhere.

3736

3737 Mrs. Quesinberry - If I could just ask a procedural question on that; if we send a white paper to the
3738 Board, they either make comments or they don't make comments, but we are telling them, in essence,
3739 that we have identified a problem and we would like to proceed in a certain direction.

3740

3741 Ms. Hunter - Correct.

3742

3743 Mrs. Quesinberry - So that is there opportunity for feed back and if they choose not to give any feed
3744 back, we could still move forward.

3745

3746 Ms. Hunter - If that is the Commission's desire, yes.

3747

3748 Ms. Dwyer - I have a question. Would it be presented to them in a Board meeting or in a
3749 work session or as a recommendation asking for a particular response, or, I've never seen this done
3750 before.

3751

3752 Mr. Silber - It is not done often. I think maybe it would be transmitted to the Board with a
3753 cover letter signed by the Chairman of the Planning Commission.

3754

3755 Ms. Dwyer - OK, and I think we should each talk to our Board member and let them know
3756 that we are moving in this direction, so we don't want to be surprising anybody.

3757

3758 Mrs. Quesinberry - I'd be in favor of each of us signing it and sending it to them, to let them know
3759 that, it is not just the Chairman, with her neck out here saying she thinks this is a great idea, but we
3760 have all discussed it, and have all recognized there is an issue.

3761

3762 Mrs. Wade - She technically would be speaking for all of us.

3763

3764 Mrs. Quesinberry - Yes, but to show some support on this Commission that we recognize this is an
3765 issue, and there are certainly some very good suggestions. Not only are there problems that are
3766 identified, but there are some very viable solutions put forward.

3767

3768 Ms. Dwyer - The Board has already discussed this as being a problem.

3769

3770 Mrs. Quesinberry - Yes, and I am thinking they will appreciate the fact that there are some solutions
3771 discussed here and we all are in agreement to moving forward.

3772

3773 Ms. Dwyer - Well, let's move forward with the white paper.

3774

3775 Ms. Hunter - Do you want it to come back to the Commission or send it forward, share it
3776 with you all and send it to the Board?

3777

3778 Ms. Dwyer - I think it would be good for us to read it before it goes to the Board.

3779

3780 Ms. Quesinberry - Yes, can't you just send a copy to each of us individually and if we don't have
3781 any changes or concerns with it, then we can sign off on it and it can go to the Board at the next
3782 opportunity.

3783

3784 Ms. Hunter - OK.

3785

3786 Ms. Dwyer - With our comments, and then based on our comments, they can have a final
3787 copy and we will all sign it and send it.

3788 Mr. Archer - Madam Chairman, I want to make one more observation, if I may. This might
3789 speak to why we have such a proliferation of multifamily. It seems as though as apartment units are
3790 usually done very nicely and all of us have lived in an apartment at one time or another. They stay
3791 around for 50 years. By the time the 50th year is here, they are about to fall down, and I wondered if
3792 there is some kind of way we could include some kind of provision that after a certain period of time,
3793 or after a certain deterioration of quality, the units have to be refurbished. Is there any way of doing
3794 that? It would do two things. One, it would cut down on the need for having all of these little
3795 apartments that are nice to live in, because eventually they just turn into old, broken-down buildings,
3796 just like shopping centers. They die. We leave them there.

3797

3798 Mr. Silber - Chris, I think you have a good point. I am just not sure legally, it begins to
3799 cross into that "no man's land" and that would apply, also, to single-family homes, 50 to 60 years
3800 from now. We can give that some more thought.

3801

3802 Mr. Archer - I know that it is not easy, but I had to mention it because this is one of the
3803 things that is causing so many of these things to come up.

3804

3805 Mr. Dwyer - And that is another reason why we are looking at this. I think with some of
3806 these changes with design standards might help that.

3807

3808 Ms. Hunter - I think the Board has talked about it, also, and identified it as a concern, and
3809 some of the things we had talked about in the Board workshop is developing some kind of project,
3810 like letting somebody increase their density if they would come back in and redevelop the property.
3811 Another one is that the County does have a tax deferral program that if they increase their assessment
3812 by 100%, for the next 7 years their taxes are abated or assessed at the lower level. That is probably
3813 not marketed enough. Most developers probably may not know that and so maybe we can get a list of
3814 complexes and go out and talk to those people and let them know we do have these programs.

3815

3816 Mr. Silber - Those are both legal tools that we have available. We can move more in that
3817 direction.

3818

3819 Ms. Dwyer - We had a page on that, incentive tax deferral review requirements that may
3820 discourage redevelopment and maybe there is something we are doing out there that is discouraging
3821 redevelopment. We will figure that out.

3822

3823 Mrs. Wade - In a way, I think the competition right now has been helping with the
3824 maintenance and refurbishing. In order to keep those full at a decent cost or price, they have to keep
3825 them up.

3826

3827 Ms. Hunter - I think certain areas of the County have the benefit of the competition where
3828 others don't.

3829

3830 Mr. Silber - What about the second part of this, about the setbacks and the roads...talking
3831 about single-family homes.

3832

3833 Ms. Dwyer - I think we clearly need to say that the buffers need to be in addition to the
3834 required setbacks. Otherwise, we are not getting anywhere?

3835

3836 Ms. Hunter - Do you like putting landscaping in there or requiring landscape buffers?
3837

3838 Ms. Dwyer - Well, uniform fencing is one issue, but the location of the fence and its
3839 proximity to the roadway, I think, is another issue, so maybe we could add that to it. It does not help
3840 to have a buffer if you've still got the fence up against the curb, so maybe some more detailed
3841 provisions relating to fences in order to have something to look at.
3842

3843 Mrs. Wade - That is more likely to be true in a townhouse development. We don't have
3844 many apartments with board fences.
3845

3846 Ms. Dwyer - Well, single-family homes, though.
3847

3848 Mr. Silber - The last page relates to single-family homes.
3849

3850 Ms. Dwyer - You could even require landscaping between the fence and the roadway.
3851

3852 Mrs. Wade - That is what I was thinking.
3853

3854 Ms. Dwyer - I noticed Sussex Square, off of Gayton Road, they have a long fence along there
3855 and somebody came out and planted a couple of Hollys, a grouping of Hollys, so I know they
3856 obviously recognize the sightlessness of that fence in the community, so they decided to do the
3857 landscaping, but you certainly can't count on that. There is along Ridgefield Parkway, behind Royal
3858 Oaks, there is a big board fence right along the sidewalk there and there is no space for any
3859 landscaping. So, those are the kinds of things I think we obviously want to learn from.
3860

3861 Mr. Silber - I've debated about how to best approach this, because it gets somewhat
3862 complicated when you start talking about front yards and back yards and side yards, and I think in
3863 situations, we think in all circumstances on a major road needs to have greater setback and in some
3864 cases better treatment. Where houses front on major roads, the setback for a house could be doubled
3865 but there is no need typically for a buffer along the front yard arrangement. When it backs up or
3866 sides to...a greater setback, with some type of berming, so I think that is somewhat the direction...
3867

3868 Ms. Dwyer - Yes, with specific limitations on fencing, in particular.
3869

3870 Ms. Hunter - We will address that.
3871

3872 Ms. Dwyer - I was in Hilton Head a couple of years ago and all I could think of was, "I
3873 would like to see their zoning ordinance." You couldn't even find a shopping center. You really had
3874 to search to find a shopping center sign, which was about this big, and you had no idea of the size
3875 because of the buffers.
3876

3877 Mrs. Wade - Well, today, you hear the same complaints about them that you do about Aspen
3878 and places. Everybody can't afford to live there.
3879

3880 Ms. Dwyer - I thought it was a little too extreme, almost too planned. We'll never have to
3881 worry about that.

3882 Mr. Silber - So, we will prepare the white paper and basically we will include everything
3883 that is in here, just a different package. We will send it to each of you and ask for comments back by
3884 a certain date, take those comments, incorporate them and prepare a transmittal letter to be signed by
3885 the Chairman and/or all of you, and forward that to the Board, and hopefully this will get their
3886 attention.
3887

3888 Ms. Dwyer - And Ernie is not with us, so he has to agree with everything we say, and you
3889 might want to forward him a copy.
3890

3891 Ms. Hunter - I will do that.
3892

3893 Ms. Dwyer - All right. Sounds good. Thanks for all of your work.
3894

3895 Mrs. Quesinberry - Can I ask a question just to keep it clear in my mind? The next step after the
3896 Board receives the white paper would be they would give us comments, or not give us comments;
3897 they can do whatever they would like to do. But, our next step would be because at the point we sign
3898 this white paper, and actually today I think everybody agrees that these are some things that we want
3899 to forward on, would our next step then be to go forward on public hearings on the things that we
3900 wanted to address?
3901

3902 Ms. Hunter - We would probably have some workshops on the ordinance language; that
3903 would probably be the next step.
3904

3905 Ms. Dwyer - OK, I'm asking for comments from one and all.
3906

3907 Ms. Hunter - We would be reviewing language and then going from that point to a public
3908 hearing.
3909

3910 Mrs. Quesinberry - Maybe in October we would start the public hearings then? I know that is a
3911 little ambitious, but I am very ambitious.
3912

3913 Mr. Silber - Maybe November.
3914

3915 Ms. Dwyer - End of November.
3916

3917 Mrs. Quesinberry - All right. I will take the end of November.
3918

3919 Ms. Dwyer - Could we shoot for the end of November to begin our public hearings?
3920

3921 Mr. Silber - I think we could shoot for that; it is kind of depending on what kind of reading
3922 we get from the Board.
3923

3924 Mrs. Wade - It would be nice if we could get some public out on support of these things in
3925 general terms.
3926

3927 Mrs. Quesinberry - I think if we knocked on some doors in some of these multifamily complexes,
3928 they would come out.
3929

3930 Mr. Archer - I think we should get some information out to the public. I don't think they are
3931 as aware as we are now of how inundated we are with multifamily.
3932
3933 Mrs. Quesinberry - Jo Ann and I know a Citizen group in Varina that would probably pack this
3934 house over multifamily issues.
3935
3936 Ms. Hunter - We would have a full house of support for sure.
3937
3938 Ms. Quesinberry - If no one else showed up, Jo Ann and I could fill this room, I promise you.
3939 What, two phone calls, Jo Ann?
3940
3941 Ms. Hunter - One would do it.
3942
3943 Ms. Dwyer - Alright. Well, thank you again. You did a nice job. We look forward to
3944 following this up. Any other business? Old business? New business? Do I have a motion to
3945 adjourn?
3946
3947 Mr. Archer - Madam Chairman, there being no further business for this Commission to
3948 discuss on this particular date, I move to adjourn.
3949
3950 Mrs. Quesinberry - I second that.
3951
3952 Ms. Dwyer - All in favor say aye. Opposed say no. The motion carries.
3953
3954 On a motion by Mr. Archer, seconded by Ms. Dwyer, the Planning Commission voted to adjourn the
3955 meeting at 2:40 p.m.
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Mrs. Elizabeth C. Dwyer, CPC, Chairman
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John R. Marlles, AICP, Director of Planning, Secretary
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