

1 Minutes of the regular monthly meeting of the Planning Commission of the County of
2 Henrico, Virginia, held in the Board Room of the County Administration Building,
3 Parham and Hungary Spring Roads at 9:00 a.m. on May 25, 2005

4
5 Members Present: Mr. Ernest B. Vanarsdall, C.P.C., Chairperson,
6 Brookland
7 Mr. C. W. Archer, C.P.C., Vice Chairman, Fairfield
8 Mr. Tommy Branin, Three Chopt
9 Ms. Bonnie-Leigh Jones, Tuckahoe
10 Mr. E. Ray Jernigan, C.P.C., Varina
11 Mr. David A. Kaechele. Board of Supervisors,
12 Three Chopt
13 Mr. Randall R. Silber, Director of Planning, Secretary
14

15 Others Present: Mr. David D. O'Kelly, Jr., Assistant Director of Planning
16 Ms. Leslie A. News, CLA, Principal planner
17 Mr. James P. Strauss, CLA, County Planner
18 Mr. E. J. (Ted) McGarry, III, County Planner
19 Mr. Kevin D. Wilhite, C.P.C., AICP, County Planner
20 Mr. Michel F. Kennedy, County Planner
21 Ms. Christina L. Goggin, AICP, County Planner
22 Mr. Michael P. Cooper, County Planner
23 Mr. Tony Greulich, County Planner
24 Mr. Tim Foster, Traffic Engineer
25 Ms. Diana B. Carver, Recording Secretary
26

27 **Unless otherwise indicated, Mr. Kaechele abstained from voting on all zoning**
28 **cases.**

29
30 Mr. Vanarsdall - Good morning, everyone. Welcome to the Planning Commission
31 meeting. Welcome to staff and Ms. News and the Assistant Director, and Mr.
32 Kaechele, our Board member. I guess we will start with Ms. News and I will turn it
33 over to our Secretary, Mr. Silber.
34

35 Mr. Silber - Yes, sir. Thank you. I appreciate that, Mr. Chairman. We do
36 have all members of the Planning Commission present this morning. The first item on
37 the agenda is consideration of the deferrals and withdrawals. I am not aware that we
38 have any withdrawals, but there are several deferrals. Ms. News can inform us of
39 those.
40

41 Ms. News - Good morning, Mr. Chairman, members of the Commission.
42 Staff is aware of two requests for deferrals. The first is found on page 6 of your
43 agenda and it is located in the Tuckahoe District.

44 **LIGHTING PLAN**

45

LP/POD-5-05 **Roy Allen for Gaskins Centre, LC:** Request for approval of
POD-24-05 and a lighting plan, as required by Chapter 24, Section 24-106 of
POD-31-05 the Henrico County Code. The 54.59-acre site is located at the
Grayson Hill- southeast corner of Patterson Avenue (State Route 6) and N.
Patterson Avenue and Gaskins Road on parcel 745-740-9892. The zoning is RTHC,
N. Gaskins Road Residential Townhouse District (Conditional). **(Tuckahoe)**

46

47 Mr. Vanarsdall - Is anyone in the audience in opposition to this deferment? It is a
48 deferment in the Tuckahoe District. No opposition. Ms. Jones.

49

50 Mrs. Jones - I move that we defer LP/POD-5-05, POD-24-05 and POD-31-05,
51 the lighting plan for Grayson Hill, until the June 22 meeting at the request of the
52 applicant.

53

54 Mr. Jernigan - Second.

55

56 Mr. Vanarsdall - Motion made by Mrs. Jones and seconded by Mr. Jernigan. All
57 in favor say aye. All opposed say no. The motion passes.

58

59 At the request of the applicant, the Planning Commission deferred Lighting Plan
60 LP/POD-5-05, POD-24-05 and POD-31-05, Grayson Hill-Patterson Avenue and N.
61 Gaskins Road, to its meeting on June 22, 2005.

62

63 Ms. News - The next case is found on page 16 of your agenda and is located
64 in the Brookland District. This is POD-29-05.

65

66 **PLAN OF DEVELOPMENT** (Deferred from the April 27, 2005 Meeting)

67

POD-29-05 **Draper Aden Associates for HCA Health Services of**
Childrens' Choice Daycare @ **Virginia, Inc. and Centex Concord:** Request for
Henrico Doctor's Hospital - approval of a plan of development, as required by
E. Parham Road Chapter 24, Section 24-106 of the Henrico County
(POD-14-00 Revised) Code, to construct a 9,807 square foot day care facility
to be located on the site of an existing hospital. The
2.12-acre site is located at Henrico Doctor's Hospital,
7700 E. Parham Road on the north line of E. Parham
Road approximately 600 feet east of its intersection
with Shrader Road on part of parcel 764-754-6996.
The zoning is O-3, Office District. County water and
sewer. **(Brookland)**

68

69 Ms. News - The applicant is requesting a deferral to the June 22, 2005
70 meeting.

71
72 Mr. Vanarsdall - In the Brookland District, anyone in opposition to the deferment
73 of this case, POD-29-05? No opposition. I move that POD-29-05 be deferred at the
74 applicant's request to June 22, 2005.

75
76 Mr. Archer - Second.

77
78 Mr. Vanarsdall - Motion made by Vanarsdall and seconded by Mr. Jernigan. All
79 in favor say aye. All opposed say no. The ayes have it. The motion passes.

80
81 At the request of the applicant, the Planning Commission deferred POD-29-05 (POD-
82 14-00 Revised) Choice Daycare @ Henrico Doctor's Hospital, to its meeting on June
83 22, 2005.

84
85 Mr. Silber - Any other deferrals?

86
87 Ms. News - No, sir.

88
89 Mr. Silber - Next on the agenda would be the expedited agenda. These are
90 items before the Planning Commission that have no outstanding issues. These plans
91 have been reviewed by the County staff. There are no outstanding issues that the
92 County is aware of. The Planning Commissioner from that district is comfortable with
93 the plan and all of the conditions have been recommended by the staff and are
94 acceptable to the applicant. They are placed on an agenda that can be handled without
95 public hearing. If there are concerns or if there is opposition from the public, these
96 items would be pulled off the expedited agenda and heard on the agenda in its normal
97 order. So, we do have a number of items to consider on the expedited agenda.

98
99 Ms. News - Yes, sir. There are six items on the expedited agenda. The first
100 item is on page 2 of your agenda and is located in the Tuckahoe District.

101
102 **TRANSFER OF APPROVAL**

103
POD-118-87
Gerber @ Quioccasin – **Williams Mullen for Janet and Eugene Patrick
Gallaher:** Request for transfer of approval as required
3907 Quioccasin Road by Chapter 24, Section 24-106 of the Henrico County
Code from Charles and Jacqueline Leopold to
Unlimited Blessings, LLC. The 0.94-acre site is
located on the west line of Shane Road approximately
200 feet south of Quioccasin Road on parcel 749-745-
5274. The zoning is O-2, Office District. County water
and sewer. **(Tuckahoe)**

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Mr. Vanarsdall - Is anyone in the audience in opposition to this case on the expedited agenda, POD-118-87? No opposition.

Ms. Jones - I move for the approval of the Transfer of Approval for POD-118-87, Gerber @ Quioccasin – 9307 Quioccasin Road.

Mr. Jernigan - Second.

Mr. Vanarsdall - Motion made by Ms. Jones and seconded by Mr. Jernigan. All in favor say aye. All opposed say no. The ayes have it. The motion is passed.

The Planning Commission approved the transfer of approval request for POD-118-87, Gerber @ Quioccasin – 9307 Quioccasin Road, subject to the new owner accepting and agreeing to be responsible for continued compliance with the conditions of the original approval and the following condition:

1. The site deficiencies, as identified in the inspection report, dated **May 6, 2005**, shall be corrected by **June 30, 2005**.

TRANSFER OF APPROVAL

POD-87-04 Hunton Station – Mill Road	Foster & Miller, P.C. for Eagle Construction of Virginia, Inc.: Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Attack Properties, Inc. to Eagle Construction of Virginia, Inc. The 8.97-acre site is located approximately 660 feet west of the intersection of Mill Road and Old Washington Highway on parcels 771-774-2195 and 3745. The zoning is R-5AC, General Residence District (Conditional). County water and sewer. (Brookland)
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Ms. News - Next on page 3 of your agenda and located in the Brookland District is a transfer of approval, POD-87-04, Hunton Station on Mill Road.

Mr. Vanarsdall - Is anyone in opposition to this case, POD-87-04? No opposition. I move that POD-87-04, Hunton Station – Mill Road, be approved on the expedited agenda, as recommended by staff.

Mr. Archer - Second.

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

163 **PLAN OF DEVELOPMENT (Deferred from the April 27, 2005 Meeting)**

164

165 POD-19-05 **Balzer & Associates, Inc. for Citizens & Farmers**
166 Cesare's Restaurant @ New **Bank and Richard K. Perkins:** Request for approval
167 Market Square Shopping of a revised plan of development for a shopping center
168 Center – New Market Road as required by Chapter 24, Section 24-106 of the
(POD-84-96 Revised) Henrico County Code, to construct a one-story, 4,461
square foot restaurant. The 1.20-acre site is located at
the southwest intersection of New Market Road and
Strath Road in the New Market Square Shopping
Center on parcels 815-686-1020 and 8284. The zoning
is B-1C, Business District (Conditional). County water
and sewer. **(Varina)**

165

166 Ms. News - Next on page 8 of your agenda and located in the Varina District
167 is POD-19-05, Cesare's Restaurant @ New Market Square Shopping Center on New
168 Market Road.

169

170 Mr. Vanarsdall - Is anyone in the audience in opposition to this case, POD-19-05,
171 in the Varina District? No opposition. Mr. Jernigan.

172

173 Mr. Jernigan - Mr. Chairman, I move for approval of POD-19-05, Cesare's
174 Restaurant @ New Market Square Shopping Center, subject to the standard conditions
175 for developments of this type and the following conditional conditions, No. 9
176 Amended, No. 11 Amended, and 23 through 33.

177

178 Mr. Archer - Second.

179

180 Mr. Vanarsdall - Motion made by Mr. Jernigan and seconded by Mr. Archer. All
181 in favor say aye. All opposed say no. The ayes have it. The motion passes.

182

183 The Planning Commission approved POD-19-05, Cesare's Restaurant @ New Market
184 Square Shopping Center – New Market Road (POD-84-96 Revised), subject to the
185 standard conditions for developments of this type, the annotations on the plan, and the
186 following additional conditions:

187

188 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Department
189 of Planning for review and Planning Commission approval prior to the issuance
190 of any occupancy permits.

191 11. **AMENDED** - Prior to the installation of the site lighting equipment, a plan
192 including depictions of light spread and intensity diagrams, and fixture and
193 specifications and mounting height details shall be submitted for Department of
194 Planning review and Planning Commission approval.

- 195 23. The site, including paving, pavement markings, signage, curb and gutter,
 196 dumpster screens, walls, fences, lighting and other site improvements shall be
 197 properly maintained in good condition at all times. Any necessary repairs shall be
 198 made in a timely manner.
- 199 24. The developer shall provide fire hydrants as required by the Department of
 200 Public Utilities and Division of Fire.
- 201 25. The proffers approved as a part of zoning case C-52C-99 shall be incorporated
 202 in this approval.
- 203 26. Any necessary off-site drainage and/or water and sewer easements must be
 204 obtained in a form acceptable to the County Attorney prior to final approval of
 205 the construction plans.
- 206 27. Deviations from County standards for pavement, curb or curb and gutter design
 207 shall be approved by the County Engineer prior to final approval of the
 208 construction plans by the Department of Public Works.
- 209 28. Insurance Services Office (ISO) calculations must be included with the plans and
 210 contracts and must be approved by the Department of Public Utilities prior to
 211 the issuance of a building permit.
- 212 29. Approval of the construction plans by the Department of Public Works does not
 213 establish the curb and gutter elevations along the Henrico County maintained
 214 right-of-way. The elevations will be set by Henrico County.
- 215 30. Evidence of a joint ingress/egress and maintenance agreement must be submitted
 216 to the Department of Planning and approved prior to issuance of a certificate of
 217 occupancy for this development.
- 218 31. The location of all existing and proposed utility and mechanical equipment
 219 (including HVAC units, electric meters, junction and accessory boxes,
 220 transformers, and generators) shall be identified on the landscape plans. All
 221 equipment shall be screened by such measures as determined appropriate by the
 222 Director of Planning or the Planning Commission at the time of plan approval.
- 223 32. The ground area covered by all the buildings shall not exceed in the aggregate 25
 224 percent of the total site area.
- 225 33. No merchandise shall be displayed or stored outside of the building(s) or on
 226 sidewalk(s).

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PLAN OF DEVELOPMENT

POD-37-05
 Dominion Townes, Section 3
 Creighton Road and
 Laburnum Avenue

Koontz-Bryant, P.C. for EJD Associates, Inc.:
 Request for approval of a plan of development as
 required by Chapter 24, Section 24-106 of the Henrico
 County Code, to construct 21, two-story townhouse
 units. The 7.75-acre site is located on the south side of
 Creighton Road, 850 feet east of N. Laburnum Avenue
 and south of the Dominion Virginia Power easement on
 parcels 809-729-7165 and 810-728-3075. The zoning is
 RTHC, Residential Townhouse District (Conditional).

County water and sewer. (Fairfield)

230

231 Ms. News - The next item is on page 13 of your agenda and is located in the
232 Fairfield District.

233

234 Mr. Vanarsdall - In the Fairfield District, Dominion Townes, Section 3, POD-37-
235 05, any opposition to this case? No opposition. Mr. Archer.

236

237 Mr. Archer - Mr. Chairman, I move approval of POD-37-05, Dominion
238 Townes, Section 3, Creighton Road and Laburnum Avenue, subject to the annotations
239 on the plan, the standard conditions for developments of this type, and the additional
240 conditions Nos. 23 through 37.

241

242 Mr. Jernigan - Second.

243

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

246

247 The Planning Commission approved POD-37-05, Dominion Townes, Section 3,
248 Creighton Road and Laburnum Avenue, subject to the annotations on the plan, the
249 standard conditions for developments of this type and the following additional
250 conditions:

251

252 23. The site, including paving, pavement markings, signage, curb and gutter,
253 dumpster screens, walls, fences, lighting and other site improvements shall be
254 properly maintained in good condition at all times. Any necessary repairs shall be
255 made in a timely manner.

256 24. The unit house numbers shall be visible from the parking areas and drives.

257 25. The names of streets, drives, courts and parking areas shall be approved by the
258 Richmond Regional Planning District Commission and such names shall be
259 included on the construction plans prior to their approval. The standard street
260 name signs shall be ordered from the County and installed prior to any occupancy
261 permit approval.

262 26. The subdivision plat for Dominion Townes, Section 3 shall be recorded before
263 any building permits are issued.

264 27. The easements for drainage and utilities as shown on approved plans shall be
265 granted to the County in a form acceptable to the County Attorney prior to any
266 occupancy permits being issued. The easement plats and any other required
267 information shall be submitted to the County Real Property Agent at least sixty
268 (60) days prior to requesting occupancy permits.

269 28. The limits and elevations of the 100-year frequency flood shall be conspicuously
270 noted on the plan "Limits of 100 Year Floodplain." In addition, the delineated
271 100-year floodplain must be labeled "Variable Width Drainage and Utility

- 272 Easement.” The easement shall be granted to the County prior to the issuance of
273 any occupancy permits.
- 274 29. The developer shall provide fire hydrants as required by the Department of
275 Public Utilities and Division of Fire.
- 276 30. The proffers approved as a part of zoning case C-41C-04 shall be incorporated
277 in this approval.
- 278 31. Prior to issuance of a building permit, the developer must furnish a letter from
279 **Dominion Virginia Power** stating that this proposed development does not
280 conflict with their facilities.
- 281 32. Any necessary off-site drainage and/or water and sewer easements must be
282 obtained in a form acceptable to the County Attorney prior to final approval of
283 the construction plans.
- 284 33. Deviations from County standards for pavement, curb or curb and gutter design
285 shall be approved by the County Engineer prior to final approval of the
286 construction plans by the Department of Public Works.
- 287 34. The pavement shall be of an SM-2A type and shall be constructed in accordance
288 with County standard and specifications. The developer shall post a defect bond
289 for all pavement with the Department of Planning - the exact type, amount and
290 implementation shall be determined by the Director of Planning, to protect the
291 interest of the members of the Homeowners Association. The bond shall become
292 effective as of the date that the Homeowners Association assumes responsibility
293 for the common areas. Prior to the issuance of the last Certificate of
294 Occupancy, a professional engineer must certify that the roads have been
295 designed and constructed in accordance with County standards.
- 296 35. Storm water retention, based on the 50-10 concept, shall be incorporated into
297 the drainage plans.
- 298 36. Insurance Services Office (ISO) calculations must be included with the plans and
299 contracts and must be approved by the Department of Public Utilities prior to
300 the issuance of a building permit.
- 301 37. Approval of the construction plans by the Department of Public Works does not
302 establish the curb and gutter elevations along the Henrico County maintained
303 right-of-way. The elevations will be set by Henrico County.

304
305 Ms. News - The final item is on page 17 of your agenda. It is located in the
306 Brookland District. This is POD-36-05, Glenside Woods, Section 2 – Glenside Drive,
307 and there is an addendum item on page 2 of your addendum, which includes a revised
308 staff recommendation for approval and indicates that outstanding issues, which
309 including providing floor plans and showing the parking spaces, have been resolved to
310 staff’s satisfaction.

311 **PLAN OF DEVELOPMENT**

312

POD-36-05

Glenside Woods, Section 2 -
Glenside Drive

Bay Design Group, P.C. for Wilton Development Corporation: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct 45, two-story, townhouse units for sale. The 7.30-acre site is located approximately 375 feet north of the terminus of Crockett Street and approximately 630 feet west of the west line of Staples Mill Road (U.S. Route 33) on parcel 771-748-5588. The zoning is RTHC, Residential Townhouse District (Conditional) and R-5C, General Residence District (Conditional). County water and sewer. **(Brookland)**

313

314 Mr. Vanarsdall - Glenside Woods, any opposition to Glenside Woods in the
315 Brookland District? I move that POD-36-05, Glenside Woods, Section 2 - Glenside
316 Woods, be approved on the expedited agenda, subject to the annotations on the plans,
317 standard conditions for developments of this type and added conditions Nos. 23 through
318 37.

319

320 Mr. Branin - Second.

321

322 Mr. Vanarsdall - Motion made by Mr. Vanarsdall, seconded by Mr. Branin. All
323 in favor say aye. All opposed say no. The motion passes.

324

325 The Planning Commission approved POD-36-05, Glenside Woods, Section 2 -
326 Glenside Drive, subject to the annotations on the plans, the standard conditions for
327 developments of this type and the following additional conditions:

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329 23. The site, including paving, pavement markings, signage, curb and gutter,
330 dumpster screens, walls, fences, lighting and other site improvements shall be
331 properly maintained in good condition at all times. Any necessary repairs shall be
332 made in a timely manner.

333 24. The subdivision plat for Glenside Woods, Section 2, shall be recorded before
334 any building permits are issued.

335 25. The right-of-way for widening of Tatum Boulevard and Bellaire Street as shown
336 on approved plans shall be dedicated to the County prior to any occupancy
337 permits being issued. The right-of-way dedication plat and any other required
338 information shall be submitted to the County Real Property Agent at least sixty
339 (60) days prior to requesting occupancy permits.

340 26. The easements for drainage and utilities as shown on approved plans shall be
341 granted to the County in a form acceptable to the County Attorney prior to any
342 occupancy permits being issued. The easement plats and any other required

- 343 information shall be submitted to the County Real Property Agent at least sixty
 344 (60) days prior to requesting occupancy permits.
- 345 27. The required building setback shall be measured from the proposed right-of-way
 346 line and the parking shall be located behind the proposed right-of-way line.
- 347 28. The developer shall provide fire hydrants as required by the Department of
 348 Public Utilities and Division of Fire.
- 349 29. The proffers approved as a part of zoning case C-53C-00 shall be incorporated
 350 in this approval.
- 351 30. Any necessary off-site drainage and/or water and sewer easements must be
 352 obtained in a form acceptable to the County Attorney prior to final approval of
 353 the construction plans.
- 354 31. Deviations from County standards for pavement, curb or curb and gutter design
 355 shall be approved by the County Engineer prior to final approval of the
 356 construction plans by the Department of Public Works.
- 357 32. The pavement shall be of an SM-2A type and shall be constructed in accordance
 358 with County standard and specifications. The developer shall post a defect bond
 359 for all pavement with the Department of Planning - the exact type, amount and
 360 implementation shall be determined by the Director of Planning, to protect the
 361 interest of the members of the Homeowners Association. The bond shall
 362 become effective as of the date that the Homeowners Association assumes
 363 responsibility for the common areas. Prior to the issuance of the last Certificate
 364 of Occupancy, a professional engineer must certify that the roads have been
 365 designed and constructed in accordance with County standards.
- 366 33. Insurance Services Office (ISO) calculations must be included with the plans and
 367 contracts and must be approved by the Department of Public Utilities prior to
 368 the issuance of a building permit.
- 369 34. Approval of the construction plans by the Department of Public Works does not
 370 establish the curb and gutter elevations along the Henrico County maintained
 371 right-of-way. The elevations will be set by Henrico County.
- 372 35. The unit house numbers shall be visible from the parking areas and drives.
- 373 36. The names of streets, drives, courts and parking areas shall be approved by the
 374 Richmond Regional Planning District Commission and such names shall be
 375 included on the construction plans prior to their approval. The standard street
 376 name signs shall be ordered from the County and installed prior to any occupancy
 377 permit approval.
- 378 37. A maximum of 82 lots shall be permitted on a single point of access, including
 379 Glenside Woods, Section 1.

380
 381 **FOR INFORMATIONAL PURPOSES ONLY**
 382

Subdivision	Magisterial District	Original No. of Lots	Remaining Lots	Previous Extensions	Year(s) Extended Recommended
Camp Hill (May 2004 Plan)	Varina	19	19	0	1 Year 5/24/06

Settler's Ridge (May 2004 Plan)	Varina	166	166	0	1 Year 5/24/06
The Ponds @ Dandridge Farm (May 2003 Plan) (Formerly Old Mill Pond)	Brookland	49	7	1	3 Years 5/28/08

383

384 Mr. Silber - Next on the agenda would be considerations of the extension of
385 conditional approval. All of these extensions of conditional approval can be handled
386 administratively. It does not require Planning Commission approval. We are listing
387 them for informational purposes. There are three that will be extended administratively.
388 Ms. Goggin, is there anything we need to inform the Commission of regarding these
389 three?

390

391 Ms. Goggin - No, sir. They are all in just various stages of completion, and I'd
392 be happy to answer any questions the Commission may have.

393

394 Mr. Vanarsdall - Thank you.

395

396 Mr. Silber - Seeing no questions, we can move on to the first plan, which is on
397 page 5 of your agenda. This is in the Tuckahoe District. This is also addressed on your
398 addendum on page 1 of your addendum with four additional conditions.

399

400 **LANDSCAPE & LIGHTING PLAN**

401

LP/POD-21-02
Trellis Crossing

Balzer & Associates, Inc. for Tascon Group, Inc.:
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 11.20-acre
site is located on the southwest quadrant of the
intersection of Pump Road and Ridgefield Parkway on
parcel 741-750-3069. The zoning is RTHC, Residential
Townhouse District (Conditional). (**Tuckahoe**)

402

403 Mr. Vanarsdall - Is anyone in the audience in opposition to this case? No opposition.
404 It is in the Tuckahoe District, landscape and lighting.

405

406 Mr. Strauss - Thank you, Mr. Chairman. This project has had an interesting
407 history. It was the subject of a contentious rezoning in November of 2001.
408 Consequently, there are a number of proffers associated with the project, several of which
409 involve landscape and lighting. The application before us today is for approval of the final
410 phase of this landscaping and lighting. Earlier phases of landscaping were approved
411 administratively, to allow an early start, to provide buffers for the adjacent neighbors, and
412 to install peripheral buffer and streetscaping while we were waiting for the building to

413 proceed far enough along to allow the landscape plan to be heard at this Commission.
414 Now that the last building, No. 8, which is closest to the neighbors, has been built, staff is
415 prepared to make our recommendation. We have discussed the landscape plan with the
416 developer and the interested neighbors, most recently this morning. With the additional
417 planting as depicted in the sketch, which we are calling "sketch plan A," which we have
418 just handed out, and the additional conditions in this morning's addendum, staff is
419 recommending approval. There is, however, one change to condition No. 7 that was
420 discussed this morning, and I will read that into the record. Actually, No. 6 first should be
421 corrected to say "11 to 15 Leyland Cyprus" and No. 7 should read as is with the
422 additional statement: "The trees shall be sited to provide complete screening of the entire
423 end to end length of building No. 8 at full maturity of the evergreen screening. With that,
424 we are recommending approval of the landscape and lighting plan with these additional
425 changes to the conditions. I will be happy to answer any questions you may have.

426

427 Mr. Vanarsdall - Any questions for Mr. Strauss?

428

429 Mrs. Jones - Mr. Strauss, should we also note on the sketch, which says 11
430 Leyland, shall we note it from 11 to 15?

431

432 Mr. Strauss - Yes. We would do that as a matter of record.

433

434 Mr. Silber - Mr. Strauss, could you read on the additional sentence that is being
435 added to No. 7?

436

437 Mr. Strauss - Read it again?

438

439 Mr. Silber - Please.

440

441 Mr. Strauss - The trees shall be sited to provide complete screening of the entire
442 end to end length of building No. 8 at full maturity of the evergreen screening.

443

444 Mr. Silber - OK, and the applicant is agreeable to that?

445

446 Mr. Strauss - Yes, sir.

447

448 Mr. Vanarsdall - Any other questions for Mr. Strauss? No more questions. Mrs.
449 Jones.

450

451 Mrs. Jones - All right. With that and with many thanks to Mr. Strauss for all of
452 his work on this as well as the homeowners and the applicant, I'd like to move for
453 approval of LP/POD-21-02 for Trellis Crossing, the landscape and lighting plan, with the
454 annotations on the plans, standard conditions for landscape and lighting plans, the added
455 addendum conditions, Nos. 6 through 9, with No. 7 amended as read into the record.

456

457 Mr. Jernigan - Second.
458 Mr. Vanarsdall - Motion made by Mrs. Jones and seconded by Mr. Jernigan. All in
459 favor say aye. All opposed say no. The motion passes.

460
461 The Planning Commission approved the landscape and lighting plan for LP/POD-21-02,
462 Trellis Crossing, subject to the annotations on the plans, the standard conditions for
463 landscape and lighting plans and the following additional conditions:

- 464
- 465 6. The developer of Trellis Crossing shall install additional evergreen trees 15
466 Leyland Cypresses, 7-8 foot tall at time of planting) in accordance with the
467 attached plan titled "Sketch Plan A." This planting is to be installed within two
468 weeks of the Planning Commission's approval of the landscape plan.
 - 469 7. The trees shall be sited to provide complete screening of the entire end to end
470 length of building No. 8 at full maturity of the evergreen screening.
 - 471 8. The developer shall replace all dead plant material in the fall of 2005, but no
472 later than **October 15, 2005**.
 - 473 9. The plantings as shown on the approved final landscape plan and "Sketch Plan
474 A" are in addition to the previously approved Phase 1A and 1B buffer landscape
475 plans.

476

477 **SUBDIVISION ALTERNATIVE FENCE HEIGHT PLAN**

478

Skipwith Farms 7603-05 Alvarado Road	Samuel P. Wray: Request for approval of an alternative fence height plan to permit a six-foot wood fence in the front yard, as required by Chapter 24, Sections 24-106 and 24-95(L)7 of the Henrico County Code. The approximate .85-acre site is located on the east line of Alvarado Road at its intersection with Anoka Road on parcels 761-747-2250 and 2339. The zoning is R-2, One-Family Residence District. (Three Chopt)
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479

480 Mr. Silber - This is in the Three Chopt District.

481

482 Mr. Vanarsdall - Is anyone in the audience in opposition to this case? It is Skipwith
483 Farms Fence Height Plan. No opposition.

484

485 Ms. Goggin - Good morning. A revised alternate fence plan with landscaping is
486 being handed out to you right now. The applicant, Mr. Wray, is requesting Planning
487 Commission approval of a 6-foot high dog-eared style wooden fence (referring to
488 rendering). There is a picture of the fence for you. The fence is as shown in these
489 photographs, and is located what is considered the front yard for these lots. County Code
490 defines the front yard as the area between the front of a house or a structure and the right-
491 of-way, and in that area fence height is limited to 3-1/2 feet unless otherwise approved by

492 Planning Commission approval. Public Works Design Division has reviewed this request
493 and determined that the fence is located in the County's right-of-way and must be
494 removed. Mr. Wray has agreed to relocate the fence approximately 12 feet back from its
495 current location behind six existing dogwood trees that are on his property. After the
496 fence is relocated, the applicant will supplement the existing landscaping with low
497 evergreen shrubs in between the trees. Mr. Wray submitted a petition with signatures
498 from three of his adjacent neighbors supporting his request. Because the applicant is
499 doing all of the work himself, staff recommends the two additional conditions concerning
500 when the fence will be removed from the right-of-way and when the landscaping will be
501 planted as in the addendum. Staff has been in contact with the applicant and he is aware
502 of staff's comments and conditions and is in agreement. The applicant is present this
503 morning, as well as representatives from Public Works, and we would be happy to answer
504 any questions the Commission may have of this request. With that, staff can recommend
505 approval of the staff plan handed out to you this morning with the standard conditions for
506 landscape plans, conditions 5 through 8 in the agenda and conditions 9 and 10 in the
507 handout addendum.

508

509 Mr. Vanarsdall - Any questions for Ms. Goggin by Commission members? OK.
510 Mr. Branin.

511

512 Mr. Branin - Is Mr. Wray here?

513

514 Ms. Goggin - Yes, sir. He is. Mr. Wray.

515

516 Mr. Wray - Good morning. My name is Sam Wray and I live at 7605 Alvarado
517 Road.

518

519 Mr. Branin - Mr. Wray, you have asked for some extended time in getting this
520 done because you are a full-time student and you have a job full time as well. Correct?

521

522 Mr. Wray - That is correct. I am a (unintelligible) specialist for the Department
523 of Defense.

524

525 Mr. Branin - OK. Is August 1 going to be sufficient? You should be able to get
526 it done in that amount of time?

527

528 Mr. Wray - I think I should be able to.

529

530 Mr. Branin - And you have looked at the recommended planting.

531

532 Mr. Wray - Yes, I have, and I agree with those as stated in the document there.

533

534 Mr. Branin - I just wanted to make sure you were abreast of what we are asking
535 you to do and the time we are asking you to do it in.

536
537 Mr. Wray - That is fine.
538
539 Mr. Silber - One point of clarification, I guess, on Condition No. 10 it says
540 "Landscaping will be installed by the end of the planting season." I assume we are talking
541 about the Fall planting season and do we have any...
542
543 Ms. Goggin - Well, that goes back to Mr. Wray's time crunch problem of being a
544 full-time worker as well as a full-time student. He literally only has spare time to work on
545 this, and he is not sure when he is going to have the fence completed. It will be removed
546 from the right-of-way, but he is not sure when it will be rebuilt.
547
548 Mr. Silber - Well, the fence has to be built by August 1, 2005.
549
550 Ms. Goggin - Removed from the right-of-way by August 1, 2005.
551
552 Mr. Branin - Just removed. If he wants to put in the fence, which he is asking
553 for, the height, he can. We are going to approve that, but he has to have the fence out of
554 our right-of-way by August 1, 2005.
555
556 Mr. Silber - OK, and if the fence is relocated, then landscaping will be
557 provided. When would that landscaping take place?
558
559 Mr. Wray - As soon as the fence is complete, I will go ahead and proceed with
560 the landscaping, as soon as I have it done. Hopefully it will be removed from the right-of-
561 way by the first, but the new fence should be built by the end of the summer, and
562 subsequently I will have the landscape plan completed immediately thereafter.
563
564 Mr. Silber - So, if the fence - there is no obligation for the fence to be erected.
565 If the fence is not erected until two years from now, then they have to plant landscaping
566 that following planting season?
567
568 Ms. Goggin - Yes, sir.
569
570 Mr. Vanarsdall - Do we need to have that in a condition or an annotation or
571 something, don't we?
572
573 Mr. Silber - I guess through interpretation that is how we would interpret No.
574 10.
575
576 Ms. Goggin - Yes, sir. We are available to rewording the condition. He is just
577 not able to say I will definitely have it done by November 1 or...
578

579 Mr. Silber - I understand. I am clear now. I have one other question on No.
580 8. It speaks to the applicant entering into a maintenance agreement with the County for
581 improvements within the right-of-way by the Director of Public Works.

582
583 Ms. Goggin - That condition could probably be struck. At the time we were
584 trying to figure out the ultimate location of the fence. Public Works indicated that they
585 would work with him if the landscaping had to be installed in their right-of-way. So,
586 on one hand, it would be good to keep that condition, so if he gets a little extravagant in
587 his plantings...

588
589 Mr. Silber - OK.

590
591 Mr. Branin - Mr. Wray, don't you think it is wonderful that you live in a
592 County that is more than happy to help you with your design and all that we have done?

593
594 Mr. Wray - Yes, I am. Thank you.

595
596 Mr. Branin - I just wanted to check, because I think it is pretty fantastic.

597
598 Mr. Vanarsdall - You got an education you couldn't get in college. Thank you.

599
600 Mr. Branin - Mr. Chairman, I'd like to recommend approval of the alternate
601 fence height plan at 7603-05 Alvarado Road in Skipwith Farms Subdivision, subject to
602 the annotations on the plan, the standard conditions for landscape plans and conditions
603 Nos. 5 through 8 in the agenda and conditions 9 and 10 in the handout addendum that
604 was given today.

605
606 Mr. Jernigan - Second.

607
608 Mr. Vanarsdall - Motion made by Mr. Branin and seconded by Mr. Jernigan. All
609 in favor say aye. All opposed say no. The motion passes.

610
611 The Planning Commission approved the subdivision alternative fence height plan for
612 Skipwith Farms, 7603-05 Alvarado Road, subject to the standard conditions attached to
613 these minutes for landscape and lighting plans and the following additional conditions:

- 614
615 5. All fences on site shall be continuously and properly maintained in good repair
616 by the property owner.
617 6. Trash and debris will not be allowed to accumulate along the fence.
618 7. The final fence and landscaping location will be reviewed and approved by the
619 Director of Public Works or his designated agent.
620 8. The applicant will enter into maintenance agreements with the County of
621 Henrico for improvements within the right-of-way as deemed necessary by the
622 Director of Public Works.

- 623 9. The owner shall remove the parts of the fence that are currently in the County
624 right-of-way by **August 1, 2005**.
- 625 10. The owner shall provide additional landscaping, per the staff plan, after the
626 fence is relocated out of the right-of-way. Landscaping will be installed by the
627 end of the planting season once the fence is complete.

628 **SUBDIVISION**

629

Hill Valley
(May 2005 Plan)

Balzer & Associates, Inc. for Carter Hill and SBF, Development, LLC: The 10.168-acre site proposed for a subdivision of 10 single-family homes is located at 5414 Nine Mile Road on parcels 815-726-5761 and 4110. The zoning is R-3, One-Family Residence District. County water and sewer. **(Varina) 10 Lots**

630

631 Mr. Vanarsdall - Is there anyone in the audience in opposition to Hill Valley (May
632 2005 Plan) in the Varina District? No opposition. Mr. McGarry.

633

634 Mr. McGarry - Good morning, Mr. Chairman and members of the
635 Commission. The revised plan has been received and is currently being handed out.
636 The revised plan realigns Carmen Lane to provide the proper separation from Elliott
637 Street, so the Department of Public Works is satisfied. There is an acreage parcel that
638 exists between this site and the proposed Orams Estate subdivision, which fronts on
639 Orams Lane. It's a long and narrow parcel of land. It is not going to be incorporated
640 in either of these developments. So, from a broader planning perspective, the staff has
641 asked the developer to address his efforts to include the subject parcel owned by Anise
642 Williams in his development in order to create a more efficient use of the land. The
643 developer's engineer will address this.

644

645 Should the Commission act on this request, staff can recommend approval subject to the
646 standard conditions for subdivisions served by public utilities and the following
647 additional condition No. 12. I'll be happy to answer any questions.

648

649 Mr. Vanarsdall - All right. Are there any questions for Mr. McGarry?

650

651 Mr. Jernigan - I don't have any, Mr. Chairman, but I do need to hear from the
652 applicant.

653

654 Mr. Vanarsdall - All right. Good morning.

655

656 Mr. Palmore - Good morning, Mr. Chairman, Commissioners. My name is
657 Cameron Palmore from Balzer & Associates, Inc., representing the applicant on this
658 application. Our client has been in contact with the adjacent owner. They approached
659 her about the value of her land and the amount of money she is asking for this parcel
660 does not make it really feasible to incorporate into this development. This parcel has

661 similar concerns to the parcel that we are developing in some drainage and possible
662 wetlands scattered throughout the property. So, with those concerns, unfortunately it is
663 not feasible to incorporate it into this development. So, with that, I hope that you will
664 be able to recommend approval of this tentative subdivision. Thank you. If you have
665 any other questions, I'm free to answer.

666

667 Mr. Vanarsdall - Are there any questions?

668

669 Mr. Jernigan - Do you want to release the figure that you offered and that she
670 wanted?

671

672 Mr. Palmore - The figure that we had discussed was \$200,000.00, and I believe
673 that she felt that it was worth more than that.

674

675 Mr. Jernigan - Okay. Thank you.

676

677 Mr. Silber - I know Mr. Jernigan is aware of the situation. The challenge that
678 we have is that, if the Commission can see, there is a parcel of land to the west of this
679 site that's long and narrow. The properties on Orams Lane have been subdivided with
680 all the lots fronting on Orams Lane. So, if this subdivision goes through, as proposed,
681 then you have this long slender piece of property between these two subdivisions.
682 From a land Planning standpoint, it is not good to subdivide land leaving a narrow strip
683 of land like this between the two subdivisions. It begs the question as to the future
684 development potential of this long narrow piece of land. I realize that maybe it has an
685 expensive price tag on it but it really is not good division of property leaving this piece
686 of land to the west. Do you have any suggestions as to how this might eventually work
687 its way out if you guys are successful and record this subdivision?

688

689 Mr. Palmore - From the use of that property, I think the best use of that
690 property at this point is to.... She can subdivide it into two parcels and go about it that
691 way. I don't see how it's feasible. We don't gain very much from it by incorporating
692 into this development. I understand the concerns of Planning, and I agree leaving a
693 piece out there is not everybody's end goal but it's not feasible to include it into this
694 piece.

695

696 Mr. Jernigan - Mr. Silber, I called Ms. Williams yesterday, myself, because
697 knowing that she wouldn't get a notification on a subdivision case, to make sure that
698 she was aware and to confirm what I had heard. So, I spoke to her and told her that
699 this case was coming up today and had she spoken to somebody wanting to purchase
700 her land. And, I told her that I had heard that you wanted \$200,000.00 and she said
701 "Well, I wouldn't consider selling it for \$200,000.00.

702

703 Mr. Silber - She wouldn't be consider selling, say the back portion of her
704 property?

705

706 Mr. Jernigan - She wouldn't take \$200,000.00 for the whole tract. I mean, by
707 Code she can only put two houses on it. It's zoned R-3 and she has enough road
708 frontage to put two long lots. She is not landlocked because on Orams Lane, that's the
709 case that came through before and they tried to zone that corner up there, but we left
710 that open so that she wasn't landlocked. But, after thinking about this case, I don't
711 think that a deferral is going to do any good. And after talking to her, I know she
712 won't consider \$200,000.00. She didn't tell me what she wanted, she just said she
713 wouldn't consider selling it for \$200,000.00. Personally, I think the best thing to do is
714 to move this case along and let them work it out. I mean, I don't think deferring it is
715 going to cure anything and it's not going to be any more bargaining power later than it
716 is now because they can do a subdivision by right. And, I understand what you are
717 saying but these folks plus Rodney Williams have the chance of working with her on
718 this property. I'm not sure really what she wants.

719

720 Mr. Silber - Well, I don't disagree with you. I'm not suggesting that a
721 deferral is the best way of handling this. I think the ultimate development of this piece
722 of property should be to the adjacent subdivisions in one form or another. So, if they
723 would continue to work with this woman, I think it would be to everyone's advantage.
724 She probably will have less value in this property when these two subdivisions are
725 recorded. I mean, personally she will have two buildable lots, I don't know how much
726 acreage is there but it's a lot of acreage for those two lots.

727

728 Mr. Jernigan - Yes, it is. They will be long lots. And they have some drainage
729 problems back there too. That whole area has some drainage problems.

730

731 Mr. Silber - You understand where Planning is coming from. We are always
732 looking for parcels to be put together and subdivided in a fashion that will make the
733 most logical sense. So, that's where we are coming from. But, I'm not suggesting that
734 this be deferred. I think I would encourage the applicant to work with her during this
735 process and see if something can be worked out.

736

737 Mr. Jernigan - Well, that's the reason I made the call to make sure that she was
738 aware of what is going on.

739

740 Mr. Kaechele - Just for information, Mr. Secretary, are there two long lots there?
741 Are those two combined?

742

743 Mr. Jernigan - It could be. She has enough road frontage for two lots.

744

745 Mr. Kaechele - Well, no, I mean, the line shows this could be divided between
746 this subdivision. Are those two separate lots, long lots, that we see here?

747

748 Mr. Palmore - That is actually just a text annotation line.

749
750 Mr. Kaechele - Oh, all right.
751
752 Mr. Silber - Mr. Kaechele, to answer your question, it's one long parcel.
753
754 Mr. Kaechele - Access would be difficult.
755
756 Mr. Jernigan - She has access out at the end of Orams, that little area that's
757 colored right on that triangle shape (referring to rendering on the screen).
758 Mr. Silber - But, she will not be able to get a road through her property and
759 be able to have lots off that road is too narrow, so the road to the north really doesn't
760 serve her purpose greatly.
761
762 Mr. Jernigan - You are right, but when that case came through I made sure that
763 we left her accessibility for whatever she may want to do with it.
764
765 Mr. Vanarsdall - All right. Are there any more questions?
766
767 Mr. Jernigan - No more questions for me, Mr. Chairman.
768
769 Mr. Vanarsdall - Thank you.
770
771 Mr. Palmore - Thank you.
772
773 Mr. Jernigan - Mr. Chairman, with that I will move for approval of Hill Valley
774 (May 2005 Plan) subject to the standard conditions for subdivisions served by public
775 utilities and the following additional condition No. 12.
776
777 Mr. Archer - Second.
778
779 Mr. Vanarsdall - The motion was made by Mr. Jernigan and seconded by Mr.
780 Archer. All in favor say aye...all opposed say nay. The ayes have it. The motion
781 passes.
782
783 The Planning Commission granted conditional approval to subdivision Hill Valley (May
784 2005 Plan) subject to the standard conditions attached to these minutes for subdivisions
785 served by public utilities and the following additional condition:
786
787 12. The detailed plant list and specifications for the landscaping to be provided within
788 the 25-foot-wide planting strip easement along Nine Mile Road shall be submitted
789 to the Department of Planning for review and approval prior to recordation of the
790 plat.

791 **PLAN OF DEVELOPMENT (Deferred from the April 27, 2005, Meeting)**

792

POD-27-05 **Hulcher & Associates, Inc. and River Road Church**
River Road Church, Baptist **Baptist, Trustees:** Request for approval of a plan of
Parking Addition – development, as required by Chapter 24, Section 24-
8 N. Ridge Road 106 of the Henrico County Code, to construct a
(POD-114-98 Revised) parking lot addition. The 0.66-acre site is located on
the west line of N. Ridge Road, approximately 600 feet
north of River Road on parcel 757-734-4720 and part
of 757-734-46064. The zoning is R-1, One-Family
Residence District. County water and sewer.
(Tuckahoe)

793

794 Mr. Vanarsdall - Is there anyone in the audience in opposition to POD-27-05,
795 River Road Church, Baptist, Parking Addition, in the Tuckahoe District? No
796 opposition.

797

798 Ms. Goggin - Good morning, again. This request is to expand an existing
799 church parking lot into a lot that was most recently used as a residence. And this case,
800 as you mentioned, was deferred from last month's Planning Commission to give the
801 applicant time to meet with the neighbors again to go over some additional details. At
802 that meeting the neighbors requested and the church agreed to redesign the parking lot
803 to save five Fir trees that are located near the southwest corner of the future lot. In
804 addition to saving the Fir trees, the applicant is still providing a six-foot fence and
805 plantings equivalent to a 10-foot transitional buffer along the north and west properties
806 lines of the new lot to help soften the impact this development will have on the adjacent
807 neighbors.

808

809 One concern in the neighborhood is water runoff from the existing parking lot as well
810 as the new parking lot and the church is installing curb and gutter along both the old
811 and new parking lot to insure that their stormwater does not go into adjacent properties.

812

813 One adjacent property owner requested that the church utilize brick in the proposed
814 fence to match the existing architecture materials on site. Staff has asked the church to
815 consider that request but the six-foot wooden fence and plantings exceed County Code
816 requirement. Staff recommends Nos. 9 and 11 amended, that's in the agenda, which
817 would require the landscaping, lighting and fence plan to return to the Planning
818 Commission for review and approval prior to installing. This will allow the church and
819 staff to meet with the neighbors to discuss the details for the lighting type and height,
820 planting materials, species and fence materials and sign. The staff can recommend
821 approval subject to the annotations on the plans, the standard conditions for
822 developments of this type, conditions Nos. 9 and 11 amended and Nos. 23 through 29
823 in the agenda. I'll be happy to answer any questions the Commission may have.

824

825 Mr. Vanarsdall - Are there any questions for Ms. Goggin? Is there anyone here
826 that may not be in opposition but would like to comment on behalf of the parking lot?

827

828 Ms. Goggin - The applicant and engineer are here as well as some adjacent
829 property owners.

830

831 Mr. Vanarsdall - All right. Anyone want to say anything about it? Thank you.
832 All right, there are no more questions. Mrs. Jones. By the way, Mrs. Jones, you did a
833 good job on your community meeting.

834

835 Mrs. Jones - Well, I have very nice folks to work with. Thanks to the
836 applicant, Ms. Goggin, as well as to the property owners adjacent to this, I would like
837 to recommend approval of POD-27-05, River Road Church, Baptist, Parking Addition.
838 I would like to recommend it subject to the annotations on the plan, the standard
839 conditions for developments of this type, and the following additional conditions Nos. 9
840 and 11 amended and Nos. 23 through 29.

841

842 Mr. Jernigan - Second.

843

844 Mr. Vanarsdall - The motion was made by Mrs. Jones and seconded by Mr.
845 Jernigan. All in favor say aye...all opposed say nay. The ayes have it. The motion
846 passes.

847

848 The Planning Commission approved POD-27-05, River Road Church, Baptist, Parking
849 Addition, subject to the standard conditions attached to these minutes for developments
850 of this type, the annotations on the plan and the following additional conditions:

851

852 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Department
853 of Planning for review and Planning Commission approval prior to the issuance
854 of any occupancy permits.

855 11. **AMENDED** - Prior to the installation of the site lighting equipment, a plan
856 including depictions of light spread and intensity diagrams, and fixture and
857 specifications and mounting height details shall be submitted for Department of
858 Planning review and Planning Commission approval.

859 23. The site, including paving, pavement markings, signage, curb and gutter,
860 dumpster screens, walls, fences, lighting and other site improvements shall be
861 properly maintained in good condition at all times. Any necessary repairs shall be
862 made in a timely manner.

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

868 25. Outside storage shall not be permitted.

- 869 26. All exterior lighting fixtures shall be designed and arranged so the source of
870 light is not visible from the roadways or adjacent residential properties. The
871 lighting shall be low intensity, residential in character, and the height or
872 standards shall not exceed 15 feet.
- 873 27. Any necessary off-site drainage and/or water and sewer easements must be
874 obtained in a form acceptable to the County Attorney prior to final approval of
875 the construction plans.
- 876 28. Deviations from County standards for pavement, curb or curb and gutter design
877 shall be approved by the County Engineer prior to final approval of the
878 construction plans by the Department of Public Works.
- 879 29. Approval of the construction plans by the Department of Public Works does not
880 establish the curb and gutter elevations along the Henrico County maintained
881 right-of-way. The elevations will be set by Henrico County.

882

883 **SUBDIVISION**

884

Glen Cove
(May 2005 Plan)

Koontz-Bryant, P.C. for Neighborhood Security Network and Carson Construction: The 2.63-acre site proposed for a subdivision of 6 single-family homes is located along the west line of Purcell Road, approximately 800 feet north of its intersection with Indale Road on parcel 771-765-0690. The zoning is R-3, One-Family Residence District. County water and sewer. **(Brookland) 6 Lots**

885

886 Mr. Vanarsdall - Good morning, Kevin. Is there anyone in the audience in
887 opposition to Glen Cove (May 2005 Plan) in the Brookland District?

888

889 Mr. Wilhite - One issue that we had dealing with the wetlands located on the
890 back of Lot 5 has been resolved. Those wetlands will be considered impacted and
891 sufficient buildable area will be provided on lot five. The applicant did have some
892 questions about comments related to installation of curb and gutter on the roadways so
893 they discussed this with the Department of Public Works and this was resolved
894 yesterday. That will be eligible for escrow potentially. Staff can recommend approval
895 of this plan.

896

897 Mr. Vanarsdall - All right. Are there any questions by Commission members? I
898 don't need to talk to the applicant, but I would like to.... I had a call from a gentleman
899 name Jimmy Milton who lives across the road on Purcell Road, and he was just
900 inquiring about instead of having six lots could the developer maybe put two or three. I
901 told him that maybe he could talk to the developer, but I didn't think it would do any
902 good because this was zoned many years ago and no conditions and everything that this
903 man want to do is above board and legal. And, he said he understood that. I see that
904 Mr. Milton is not here this morning. He was dissatisfied he said it just looks like

905 sometimes it's kind of crowded. I told him, yes, sometimes it does. That has no
906 barren whatsoever on the case I just thought I'd tell everybody about it while I was
907 thinking about it. I move Glen Cove (May 2005 Plan) be recommended for approval
908 with the annotations on the plans, the standard conditions for subdivisions served by
909 public utilities and the following conditions Nos. 12 through 15.

910

911 Mr. Jernigan - Second.

912

913 Mr. Vanarsdall - The motion was made by Mr. Vanarsdall and seconded by Mr.
914 Jernigan. All in favor say aye...all opposed say nay. The ayes have it. The motion
915 passes.

916

917 The Planning Commission granted conditional approval to subdivision Glen Cove (May
918 2005 Plan) subject to the standard conditions attached to these minutes for subdivisions
919 served by public utilities, the annotations on the plan and the following additional
920 conditions:

921

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

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

928 14. The detailed plant list and specifications for the landscaping to be provided within
929 the 25-foot-wide planting strip easement along Purcell Road shall be submitted to
930 the Department of Planning for review and approval prior to recordation of the
931 plat.

932 15. Any future building lot containing a BMP, sediment basin or trap and located
933 within the buildable area for a principal structure or accessory structure, may be
934 developed with engineered fill. All material shall be deposited and compacted in
935 accordance with the Virginia Uniform Statewide Building Code and geotechnical
936 guidelines established by a professional engineer. A detailed engineering report
937 shall be submitted for the review and approval by the Building Official prior to
938 the issuance of a building permit on the affected lot. A copy of the report and
939 recommendations shall be furnished to the Directors of Planning and Public
940 Works.

972

973 Mr. Kennedy - Right. It was under construction when they came back for the
974 amendment. That is true. It wasn't when they first came in, but it was when they
975 came back the second time.

976

977 Mr. Jernigan - OK. I don't have any more questions, Mr. Chairman.

978

979 Mr. Vanarsdall - Anyone else have any questions? All right. No opposition.

980

981 Mr. Jernigan - I'd like to hear from the applicant.

982

983 Mr. Vanarsdall - Is the applicant here? Come on down and tell us your name,
984 please.

985

986 Mr. Fountain - Good morning. My name is Aubrey Fountain. I am Director of
987 Real Estate Development for Southside Community Development Housing Corporation.

988

989 Mr. Middleton - I am James Middleton. I am the President of Southside
990 Community Development Housing Corporation. Good morning.

991

992 Mr. Fountain - We represent a non-profit community development corporation
993 and we do affordable housing. One of our multifamily needs is that we focus on senior
994 housing in the area. At the time we contemplated this project, it was in 2000, and we
995 really did sort of want to cater to a senior market and provide assisted housing for
996 seniors in that market. We later found that there was a larger market for independent
997 living seniors. At the time we applied for the project, the 62 year age restriction was
998 something that our market studies indicated would be viable because at the time we had
999 our market study it didn't show that there were other projects in the market, and when
1000 we looked at it we understood the Carter Woods project to also have the 62 year old
1001 age restriction as well as Parham Park Place, and a couple of other projects. We later
1002 understood that with those projects coming on board, that it substantially depleted our
1003 supply and our market. In this situation, where we are, we are not allowed to reduce
1004 our age restriction to 55. It would probably leave us with, it will leave us with
1005 substantial vacancies in our market as our market studies have indicated. One of the
1006 things that we are obviously concerned with is having a project where there are high
1007 vacancy rates, or it is empty and we end up with a structure that may be abandoned and
1008 that sort of thing. We previously have torn down a structure that was left vacant on
1009 that site so that we could build this facility, and our biggest concern is that we are left
1010 in a dire situation of not being able to market it. In the sense of fairness with the
1011 Carter Woods project being 55 and direct competition, it really does sort of bind us, if
1012 you will, and similarly with the Parham Park Place project. Our concern is, maybe as
1013 yours is, is to make sure that it is a very well managed and operated property, and that
1014 is one of the things that we would definitely focus on, making sure that with the age
1015 restrictions the property is still very well maintained and marketed, but it is most

1016 important to us to make sure that there is a viable population there. We do have the
1017 support from the community, the adjacent property owners, Seven Pines Baptist
1018 Church, Mr. Marshall Ingram, and some of his congregation are here, and this is a
1019 project that they have been waiting to see develop for many years, I think dating back
1020 to 1997 and maybe even before that, when there was a vacant structure there, and they
1021 are members of his congregation that may be very interested, that are 55 years old, that
1022 have long since waited to have this facility developed so they would have an
1023 opportunity to live there, and with the 62 year old age restriction, they may not have an
1024 opportunity to live there. These are some of the things we are appealing to your
1025 greater sensibilities to allow us to reduce the age restriction to 55 so that we can
1026 compete viably in the market and so that we can make sure that it is leased up. It is a
1027 tax credit project, so we do have lease up deadlines that we have to meet as well in
1028 order to make sure that the property doesn't lose its tax credits and remains viable, so
1029 we beg and plead on your mercy that you accommodate us and at least consider our
1030 plea here.

1031

1032 Mr. Middleton - I just want to add that we spent a great deal of time on the road
1033 looking at best practices across the country, Maryland in particular, North Carolina in
1034 solid areas and one of the things that we focused on is the quality of management and
1035 quality of program in our senior facilities. We are very excited about the prospect of
1036 becoming an entity in the Sandston community and we feel that the community is
1037 obviously growing when you look at the amount of single-family development that is
1038 underway over there, so there is a lot of transitioning in that community. We have 15
1039 applicants already pre-approved. None of them are over 60. We have several that
1040 have called that are over 60, of course, but our challenge and our concern is that the
1041 bulk of the market in that 55 to 65 range is probably going to be most applicants. Our
1042 concern is that if we are not allowed the 62 that it will put us in a very challenging
1043 position to get it leased up and to get it to cash flow, where we can meet our debt cover
1044 ratio and certainly we would not want to see that happen. We are here to answer any
1045 questions that you may have and to let you know we have looked at every angle we
1046 could, as opposed to coming back here, asking for this consideration, but here we are.

1047

1048 Mr. Jernigan - Well, Mr. Middleton, when you all did your market study, you
1049 knew that these other projects were out, too. Correct?

1050

1051 Mr. Middleton - Actually, when we did our original market studies it didn't show
1052 that these other projects were on line. I guess the market analyst and we weren't aware
1053 of these other projects as well. Again, this dates back, I think, to 2000, when we had
1054 our first market studies done. Afterwards, our most recent market studies were
1055 showing that the Dabbs House Project, I think it is now known as the Carter Woods
1056 project, was coming on board, but that was sort of, we got that information after our
1057 market study, and after we had been approved for the tax credits for the project. Our
1058 market studies come as a requirement for the tax credits, so we usually have to have
1059 those almost a year in advance of our submission for our tax credits, I think which was,

1060 I am not sure of the year. I think it was 2002 that we were first awarded the tax
1061 credits, so at the time we were not aware of the Dabbs House project, and then when
1062 we did find out about it, we understood that, also, to be age restricted to 62, and maybe
1063 there was some communication that was missed.

1064 Mr. Jernigan - It is.

1065

1066 Mr. Vanarsdall - The three-story was tied to age 62. Wasn't it?

1067

1068 Mr. Middleton - I am sorry.

1069

1070 Mr. Vanarsdall - The three-story was tied to age 62.

1071

1072 Mr. Middleton - For our project or the Dabbs House?

1073

1074 Mr. Jernigan - No. No. With your project. See what happened, OK, when you
1075 spoke of the place that used to be that, the gentleman that had that ran out of money,
1076 then eventually died, and the reason that had to be torn down was because it didn't meet
1077 Code, today's Code, but the property was zoned R-5 by right. You could have gone in
1078 there and built an apartment right then, and been in Code. You didn't have to have age
1079 restricted. When you came back to me in 2003, you wanted to go three-stories. For
1080 that trade off, I asked for age 62, which everybody agreed on, and there was opposition
1081 in the neighborhoods around there, and I explained to them that you could go in there
1082 and build apartments, but that you all wanted to go three-story and that I had asked for
1083 age 62 restricted. They were OK with that and that is the reason there was no
1084 opposition on that case when it came through. Now, at that time they asked me, "What
1085 if they come back later and want to change the age restriction? Would you do it?" I
1086 said, "No. It is the deal. He got three-story and I got age 62". So, you have got me
1087 in a spot here that I can't go back on my word. But this was applied for in 2003, Carter
1088 Woods was already under construction.

1089

1090 Mr. Middleton - The Carter Woods project, my understanding was it was 55.

1091

1092 Mr. Kennedy - Carter Woods is 55 and older. Dabbs House Road is Darbytown
1093 Road, the Darbyhouse project is 62 and older.

1094

1095 Mr. Jernigan - I thought, are you sure, Mike? Because I believe Carter Woods
1096 is 62.

1097

1098 Mr. Kennedy - I pulled it yesterday and it was checked.

1099

1100 Mr. Jernigan - I think that is an error.

1101

1102 Mr. Silber - Do you have the file with you, Mr. Kennedy?

1103

1104 Mr. Kennedy - I don't have the file.
1105
1106 Mr. Jernigan - I am not saying that you made a mistake, but it is somewhere in
1107 the paper work, because I remember that was the one we had a lot of opposition. They
1108 wanted the 800 ft. buffer. Remember?
1109 Mr. Vanarsdall - Yes, that was a tough one.
1110
1111 Mr. Jernigan - You know, I was thinking that came through at 62, so we will
1112 have to check on that, too, but anyway, where we are on this, you know, I can't go
1113 back on my word. You know, I told these people that even if it came back that I
1114 wouldn't change it, and I have got to stick by that. If I am to change it back to 55, then
1115 there would have been no need for the special exception. You've got 33 or 35 extra
1116 apartments out of that with the special exception.
1117
1118 Mr. Middleton - Yes, sir, Mr. Jernigan, I appreciate that. Our situation with the
1119 going to three-stories is because we were locked into a certain footprint in order to
1120 change from assisted living to independent living, and, again, just as you indicated, we
1121 assume that the Carter Woods project was also 62 age restricted, so that the same
1122 standards or marketing would apply uniformly to the other developments. I think
1123 Parham Park Place as well as Carter Woods, we work with those entities, as well.
1124 They are excellent groups and we try to do very similar projects and work with those
1125 groups as non-profits. Again, with the 62 age restriction, I think our biggest concern is
1126 that, because if we could do that, I mean the fact that we'd like to sort of market it, if
1127 you will, to people who are 62 and older. But we didn't want to be left in a position
1128 where we are not able to lease it up to individuals at 55 or at 62, where we wouldn't be
1129 in sort of a dire situation of having a vacant property and sort of be left with our hands
1130 tied, while these other developments in proximity to us are allowed to lease at 55. If
1131 there is anything we can do to help appeal to your constituents that you may have
1132 committed to in terms of helping to appeal that process, we welcome that opportunity,
1133 whether we can speak to them in a public forum or the civic association again. We
1134 have support from our adjacent property owners, Seven Pines is indicating that they
1135 would be in support of the 55, so if there is anything we can do to help that process for
1136 you and I to make it a viable project, yet to appeal to civic associations or any other
1137 constituents who may have concerns, we plead for that opportunity as well.
1138
1139 Mr. Jernigan - Well, during that process, and there is a lot of difference between
1140 62 age restricted and 55. Sixty-two, both people have to be 62 and 55, only one person
1141 has to be 55. You know the Federal Fair Housing Act. I don't have to tell you.
1142
1143 Mr. Middleton - Yes, sir, absolutely.
1144
1145 Mr. Jernigan - You are well familiar with it and I explained that to them at the
1146 time and that is the reason that they were OK with the 62.
1147

1148 Mr. Middleton - We have actually done several senior projects and we've never
1149 had a situation where, I guess that is possible, but we've never really had a situation
1150 where, and I don't think any of our senior properties that we have developed or
1151 managed where we had a younger spouse move in with a senior resident. If there is
1152 any, to that extent...

1153

1154 Mr. Jernigan - It doesn't bother me, but I am telling you it was a discussion on a
1155 couple of projects that we had, but I am sorry, gentlemen, but I am going to have to
1156 stick to my word. You know, I promised these citizens when this case came through
1157 they would be 62 and I am going to have to hold to that.

1158

1159 Mr. Silber - Mr. Jernigan, I am not trying to change your mind, but would
1160 there be any benefit to having these gentlemen have a community meeting and bring
1161 these people back out, have it explained to them what they are proposing and what this
1162 means, and see if they would feel any differently about that?

1163

1164 Mr. Jernigan - Well, I made a couple of phone calls prior to this meeting, and
1165 the new development that is going up right behind you, you know, some of those
1166 people weren't even familiar that the apartments were coming in, but I told the
1167 developer, Hugh Owens, that when, he's the one that had that property back there, and
1168 I had committed to him, also, that it would be age 62. Just him plus surrounding
1169 neighbors that had already been living there.

1170

1171 Mr. Middleton - If there is any concession to that, we know Mr. Owens as well
1172 and I think you are right. When he was initially going to construct his single-family
1173 housing, I think that was probably a concern of his, maybe. We know Hugh Owens
1174 well. In fact we share an easement with him for the property, and so we sort of tried to
1175 collaborate our projects with his during that time, and at this point I think his
1176 development is built and sold and that sort of thing, so I don't think he would, I don't
1177 know if he still shares those same challenges, but, again, if we are able to talk with Mr.
1178 Owens, we know him and we've sort of co-developed almost. These properties. We
1179 share an easement together and we have sort of been working in collaboration all along.
1180 We even have some opportunities to work with him in the future on some adjacent
1181 properties. So, again, if there is an opportunity for us to appeal to Mr. Owens or any
1182 of your other constituents again, we will...

1183

1184 Mr. Vanarsdall - Well, do you know what the number would be between the 55
1185 and the 62? Did you say that?

1186

1187 Mr. Middleton - Yes. In terms of...

1188

1189 Mr. Vanarsdall - Did you have 100 people want to live for 62 and a thousand for
1190 55 or what would be the difference there?

1191

1192 Mr. Middleton - The market study, I think, is, I don't know if it defines the exact
1193 amount of people that would be limited by the 55. I think it talks about a gross
1194 disparity in the market. In fact, what it would look to do in order to capture that is it
1195 would have to try to expand its market area, if you will, and that is when they ran into
1196 challenges, because in its efforts to expand its market area, if it was going to be limited
1197 to 62, it was starting to touch on other areas of the city that are already saturated with
1198 senior housing, and the West End of Henrico, so we'd be sort of limited and I don't
1199 have the actual market study with me, but it did point to a real concern with being
1200 limited to the 62 age restriction, particularly now with the new senior projects that are
1201 coming on the market, with Carter Woods being in relatively close proximity, but they
1202 are allowed to do 55, and it really, from a fairness standpoint, it really hurts us. If they
1203 are allowed to do 55 and Parham Park Place is allowed to do 55, then some of the other
1204 senior complexes, it really puts a strain on us. Our biggest concern was, we would
1205 technically have no real problems leasing to 62 and older if we knew that we could
1206 capture just that market, but our biggest concern, again, here is not greed or mal-
1207 intended here. It is just survival, if you will, wanting to make sure, and then again our
1208 concerns are to appeal to the community as well. We'd hate to have a project that has
1209 any community opposition to it or any concerns with the community, so, again, our
1210 whole sense here is to try to appeal to the community and I just wanted to beg for their
1211 mercy, but to also work in collaboration with the community, so that they are
1212 comfortable with the project, they are comfortable with the age restrictions. They are
1213 very comfortable with the fact the project, the decorum will be professionally managed,
1214 and operated so that there wouldn't be any issues with that. But, to also sort of allow
1215 them to have input into the project, things they would like for the project to see or do.
1216 I am not talking about other proffers necessarily, but in terms of programs and
1217 operations and things like that, again, we'd look to actually work with the community
1218 to make sure the project is one that they would be very comfortable with and would
1219 enhance their community economically as well.

1220
1221 Mr. Archer - Mr. Fountain and Mr. Middleton, we certainly are in sympathy
1222 with our colleague, Mr. Jernigan, because he has given his word as to something he
1223 would do, and probably to more than one person. By way of suggestion, and this, of
1224 course, would be his call, if the case were deferred, would you be able to contact all of
1225 the people that Mr. Jernigan has made promises to and it would probably take more
1226 than a month to do it, to be honest with you, to make sure that you satisfied everybody.
1227 It is just a suggestion as a way to maybe come to some sort of reconciliation on this,
1228 but it is up to Mr. Jernigan to allow it. But he is in a hard spot, because one case has
1229 been decided based on a set of recommendations that, you know, we are thinking about
1230 maybe overturning, and in fairness to him, I can understand his position very clearly,
1231 and the onus, of course, would be on you all to try and see if you can reach some
1232 resolution with those people that recommended things to him that he went along with.
1233 And, of course, that would be up to Mr. Jernigan to decide, but it would take, I think,
1234 a tremendous amount of leg work, but it might be something that you could pull off.
1235

1236 Mr. Middleton - We would personally welcome that opportunity, and I think we
1237 would then proactively desire to do that, because even if we were allowed the special
1238 exception, we'd probably feel pretty bad if the community were in opposition for it and
1239 it would put Mr. Jernigan in a hard place, as well, as our project not being received
1240 well. So, we'd be very much interested in meeting with the community to talk over
1241 any concerns that they may have to try to collaborate with them again to make it a
1242 better project. And, again, I appreciate Mr. Jernigan even considering hearing us here
1243 today because of the situation he is in. We'd very much like to help appeal.

1244 Mr. Archer - It is tough spot to be in, but that is the only thing that I could
1245 recommend that might at least start you on the road trying to alleviate this position.

1246
1247 Mr. Middleton - Absolutely.

1248
1249 Mr. Archer - It is going to take a while if you do it.

1250
1251 Mr. Middleton - As a non-profit community development corporation, we have
1252 done a lot of projects in pretty tough communities, and when I say tough communities,
1253 I don't mean hard communities, I mean communities where the residents are very
1254 concerned about what happens in their community, and part of our mission, in fact, is
1255 to work with the community and civic organizations to help make sure. We usually
1256 come to the civic organizations before we even look at developing a project. Mr.
1257 Marshall England from Seven Pines Baptist Church is here, and he can attest to the fact
1258 that we have been working with him for the past I guess five or six years, maybe, to
1259 make sure this is a project that they would be comfortable with. Again, we have
1260 worked with Mr. Owens on several occasions to make sure that this was a project that
1261 he felt comfortable with. We have not really spoken with him in a couple of years
1262 here, just because I think he's got his project developed and he is off and running, and
1263 that is great. I think that helps our project and hopefully vice versa. So, again, we
1264 would very much welcome that opportunity. In fact, we would prefer to do that than to
1265 even just get it approved, so we could make sure we are appealing to your constituents
1266 and the adjacent property owners.

1267
1268 Mr. Jernigan - Well, Mr. Owen knew what this situation was, because his
1269 project was underway when this came through, so he told us yes, the developers
1270 are...you know, I think he sold his to Ryan, and I am sure the agents of Ryan are
1271 telling people, you know, that maybe the apartments are coming. Some didn't know
1272 about it. Some did. But they were told what it was at the time. Gentlemen, you know,
1273 this is a tough spot for me. I have never back slid on anything yet and I can't start on
1274 this today. It is what it is. When you came through and wanted to go from 62 to 100,
1275 you know, it was a deal, and I will be truthful with you, I had calls on this before I
1276 even had my packet. I didn't even know about this case. I had phone calls because
1277 some notices had been sent out and when my packet came out, I looked in here and saw
1278 it, and I spoke to some of those people. I am going to recommend to deny it and leave

1279 it like it is, and that is all I can do. It is just, it is the way it came through and it is the
1280 way I've got to leave it.

1281

1282 Mr. Middleton - Again, we appreciate the opportunity to be heard and just in
1283 closing, again, I think what we are asking for is just an opportunity. I think your
1284 concern is obviously to your constituents and I appreciate that and understand it, and
1285 that is why I think why we would like to appeal to them, as well. I think, again, if I
1286 am an adjacent property owner and I get a notice that something is happening different
1287 than the way I understood it to be, I'd probably be objectionable, as well, but it is sort
1288 of a democratic process to be heard, and if we had an opportunity to talk to them, I
1289 think that is what we were seeking sort of to do is maybe make an appeal, and, again, if
1290 we were denied at that point, then I don't know that we'd have any other concession.

1291

1292 Mr. Jernigan - You all haven't even finished this project yet. It is not even
1293 under roof.

1294

1295 Mr. Middleton - Yes, I think one of our...

1296

1297 Mr. Jernigan - I think you need to give it a chance and see what it can do before
1298 you come back and try to change it. I mean, you have still got the studs showing. Get
1299 it built and let's see how it does. Give it a little time, and if it is not working, then let's
1300 try it.

1301

1302 Mr. Middleton - OK.

1303

1304 Mr. Jernigan - Let's do that. I will be willing to entertain that, but until you
1305 give it a chance, I am just not going to change it.

1306

1307 Mr. Middleton - We appreciate an opportunity to at least let that be an open door
1308 for consideration and we will accept that.

1309

1310 Mr. Jernigan - Let's get it rolling, unless you want to defer it for nine months or
1311 a year, or withdraw it, not withdraw it, defer it. That is up to you. If you want a
1312 deferral for nine or 10 months, and see what happens, or whatever time you want, but
1313 as far as it stands today, I can't support it.

1314

1315 Mr. Middleton - OK. Well, we will take the deferral, by all means, and our
1316 objective is to certainly, if we find out that the market, and, again, we are basing that
1317 on the number of applicants we have received so far.

1318

1319 Mr. Fountain - As well as, I think, the Carter Woods project is leasing up a little
1320 slower than it had anticipated, as well, because of the new supply of senior housing in
1321 the market, and even with the 55, I think they are having some challenges getting
1322 leased up, and that was sort of our first forecast, from a marketing standpoint that we

1323 did need to have age 55, so that is what we were basing it on, looking at some of the
1324 other projects. Again, as Mr. Middleton has indicated, I think that is certainly a fair
1325 alternative, if we are not able to get it leased out, we are going to try to market it to age
1326 62 and older, and we will be required to, but in the event that we can't, we do
1327 appreciate...

1328
1329 Mr. Middleton - And we apologize for putting you in a hard place.

1330
1331 Mr. Jernigan - I will tell you. I am not saying I am going to change my mind
1332 then, but let's give it a chance to see what happens before we put the nail in the coffin
1333 on it.

1334 Mr. Middleton - OK. We appreciate that.

1335
1336 Mr. Jernigan - Do you want to defer it for a year?

1337
1338 Mr. Silber - Sure. Nine months is February, 2006. I don't know where they
1339 are in construction, when they might begin to lease.

1340
1341 Mr. Middleton - We are under roof currently and we anticipate our certificate of
1342 occupancy by November, so we are looking to start. That is why we are aggressively
1343 pre-leasing, because the construction is moving. I have some pictures that will show
1344 you from yesterday.

1345
1346 Mr. Jernigan - Well, I ride by it everyday.

1347
1348 Mr. Vanarsdall - How long a deferment do you want?

1349
1350 Mr. Middleton - Well, we will take nine months if we can get it. I would
1351 appreciate it.

1352
1353 Mr. Jernigan - How about a year? If you are not going to be finished until
1354 November?

1355
1356 Mr. Middleton - If that is what we have to do. I think that our issue is that it
1357 would be the tax credits we have to have it leased up within a certain time period so
1358 that we are not losing the investor's equity in the project. Again, their primary concern
1359 is not just having the structure built, but that the units are actually what is called
1360 "placed in service" to be awarded the equity from the project that makes it affordable,
1361 and we have a very strict time line to make sure that the project gets leased up. I can
1362 probably submit some documents identifying the time line that they are requiring for us
1363 to have it leased up, so that we are not losing our credits, and I think nine months
1364 would be, you'd help us get a project built and start marketing it. Because it has to do
1365 with having a certain amount of units leased by the end of 2005, and then the remaining
1366 units have to be sort of on a monthly basis.

1367
 1368 Mr. Silber - Mr. Jernigan, if you did give them nine months, you could hear it
 1369 and you could decide to defer it again if you wanted to. Nine months, that would be
 1370 February. A year out, that would be May.
 1371
 1372 Mr. Vanarsdall - February what?
 1373
 1374 Mr. Silber - February 22, 2006.
 1375
 1376 Mr. Vanarsdall - February 22, 2006, that is the fourth Wednesday. How about
 1377 that?
 1378
 1379 Mr. Middleton - Yes, sir. I appreciate it.
 1380
 1381 Mr. Jernigan - All right, then. With that I will make a motion to defer POD-
 1382 104-00, Sandston Retirement Community, to February 22, 2006, by request of the
 1383 applicant.
 1384
 1385 Mr. Archer - Second.
 1386
 1387 Mr. Vanarsdall - Motion made by Mr. Jernigan and seconded by Mr. Archer. All
 1388 in favor say aye. The motion passes.
 1389
 1390 At the request of the applicant, the Planning Commission deferred POD-104-00,
 1391 Sandston Retirement Community, to February 22, 2006.

1392
 1393 **SUBDIVISION**
 1394

Rocketts Landing (May 2005 Plan) (Main Street Dedication) Old Osborne Turnpike (State Route 5) at Orleans Street	Wiley & Wilson, Inc. for WVS Development Associates, Inc.: The 0.9-acre site for a public road dedication is located at 4880-5030 and 5090 Old Osborne Turnpike on parcels 797-713-5542 and 4210. The zoning is UMUC, Urban Mixed Use District (Conditional). County water and sewer. (Varina) 0 Lot
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1395
 1396 Mr. Silber - It is in the Varina District.
 1397
 1398 Mr. Vanarsdall - Is anyone in the audience in opposition to Rocketts Landing? I
 1399 see a very famous figure sitting in the audience, grinning like a possum, Mr. Abeloff,
 1400 who has been around a long time. I don't mean that detrimentally, but he started out
 1401 with the Tobacco Row and now he is on Rocketts Landing, and someday we are going
 1402 to thank him for it, because one of the things I noticed when I came to Richmond years

1403 ago was that it had nothing on the river but mush and marsh and pollutant. Thank you,
1404 Bill. Mr. Strauss.

1405

1406 Mr. Strauss - Thank you, Mr. Chairman. This is a conditional subdivision
1407 application that is before you today. It is an interesting project, one of three Urban
1408 Mixed Use Projects currently under review in Henrico County. The Commission will
1409 be seeing more of this project in the future. Today we are looking at a conditional
1410 subdivision only, and what you are seeing is for the first phase only. The reason the
1411 conditional subdivision approval is needed is for the dedication for the public street,
1412 which is to be called, appropriately enough, "Main Street" in keeping with the
1413 traditional purpose of this public street, which in the future will be the center of activity
1414 for this mixed use project. This street will have the infrastructure for the project, the
1415 details of which will be worked out over time, with future subdivision construction
1416 plans, plans of development and future landscape and lighting plans and building
1417 permits. But in order to get started, approval of the street is needed. You will see that
1418 the subdivision plat for the street itself is rather rudimentary, but in order to begin the
1419 task of coordinating the many details, such as utility connections, street trees, sidewalk
1420 and paving treatments, all various components of an urban streetscape, we have had the
1421 applicant include a separate drawing that has been attached to your addendum this
1422 morning. That shows some of these details and the context in which the construction
1423 will take place. Take note there is a roundabout, which will be one of the first properly
1424 designed roundabouts in Henrico County. The roundabout has been reviewed at length
1425 by the Department of Public Works and the Traffic Engineer, and will have paving
1426 treatments, mountable curb and a central feature. The rest of Main Street will have
1427 raised curbs, street trees, and paving treatments. I don't think there is much more that
1428 I can add at this point except to say that you will be seeing more of this project in the
1429 future, and I will be happy to answer any questions you may have.

1430

1431 Mr. Vanarsdall - Any questions for Mr. Strauss?

1432

1433 Mr. Silber - Mr. Strauss, what is the pavement width of Main Street from
1434 curb to curb?

1435

1436 Mr. Strauss - I believe it is 42 feet.

1437

1438 Mr. Silber - Forty-two?

1439

1440 Mr. Vanarsdall - Any other questions?

1441

1442 Mr. Jernigan - How wide?

1443

1444 Mr. Strauss - Excuse me, 41 feet.

1445

1446 Mr. Jernigan - That is the right of way. It is going to have 30-foot streets.

1447
1448 Mr. Silber - Excuse me. Mr. Foster, why don't you come on down.
1449
1450 Mr. Jernigan - We have 30-foot streets in there, but I am not sure what this one
1451 is.
1452
1453 Mr. Vanarsdall - Good morning, Mr. Foster.
1454
1455 Mr. Foster - Some of the private drives are 30 feet and 24 feet, this being a
1456 public street will have a 40 foot width and will have parking on both sides.
1457
1458 Mr. Jernigan - So it will be right that you only have a foot left on the right of
1459 way?
1460
1461 Mr. Foster - Yes, sir. Normal right of way widths are 65 feet for this, but due
1462 to the urban nature of this, we were able to work out the small right of way.
1463
1464 Mr. Jernigan - OK.
1465
1466 Mr. Kaechele - Mr. Foster, is there any difference between a roundabout and a
1467 traffic circle?
1468
1469 Mr. Foster - Yes, there are. Traffic circles, if you recall, especially up north
1470 and New Jersey and locations in even D.C. from the 1940s and 1950s, are very large
1471 devices that allow you go through the intersection sometimes at 30 to 35 miles per
1472 hour. The right of way assignment was given to the street that was approaching, and
1473 they involve traffic congestion. Roundabouts are actually smaller in width. They are
1474 made so that speeds are lower, are going through 15 miles per hour. It's also that
1475 once you are in the circle, you have the right of way, and what we have found over the
1476 past 10 years, especially in this country, is that they are a lot more efficient than the
1477 old traffic circles, provided they have the spitter islands and they are designed properly.
1478 So, it is something that now the HWA is promoting. VDOT is even getting ready to
1479 build some and from a traffic engineering standpoint, they have been working very
1480 efficient versus putting a traffic signal in if you need one.
1481
1482 Mr. Kaechele- OK. If it is four-way intersection, it is only three-way, right?
1483
1484 Mr. Foster - Yes, sir.
1485
1486 Mr. Kaechele - Would that make a difference?
1487
1488 Mr. Foster - No, sir. They work exactly the same way whether it is a three or
1489 four. The only requirement we've had with people wanting to propose them is that we
1490 will require them only on two-lane roads. We don't want to get involved in the big,

1491 sprawling road roundabouts. That can be confusing and we want to make sure it is
1492 safe.

1493

1494 Mr. Vanarsdall - Thank you.

1495

1496 Mr. Silber - Do we have any other roundabouts on public roads in the
1497 County?

1498

1499 Mr. Foster - Not in the County, no sir. But if the Commission and anyone is
1500 interested in seeing them, a modern roundabout is at Lombardy Street in the City at
1501 Virginia Union. It is one that is under construction and will be completed very shortly.
1502 We have none in the County on public roads at this time.

1503

1504 Mr. Jernigan - Hanover has some, Bell Creek, that new subdivision they have in
1505 there has a roundabout in there.

1506 Mr. Foster - And I do want to point out there is a difference between a
1507 roundabout and what is called a neighborhood traffic circle to slow people down for
1508 traffic harmony in neighborhoods. There is a difference between the two of those,
1509 mainly the way the spitter islands are made, and they are a little bit smaller in
1510 neighborhoods.

1511

1512 Mr. Jernigan - That is probably what that is. Yes.

1513

1514 Mr. Vanarsdall - Any more questions for Mr. Foster? Thank you, Tim.

1515

1516 Mr. Jernigan - Well, I don't need to hear from Mr. Abeloff unless he wants to
1517 come up and just say something, which I figured he didn't. Mr. Chairman, I am ready
1518 to make a motion. I think it is great that we need to get this project rolling, and this is
1519 the start for it. So, with that I will move for subdivision approval of Rocketts Landing
1520 (May 2005 Plan) Main Street Dedication, subject to the standard conditions for
1521 subdivisions served by Public Utilities and the following additional conditions, Nos. 12
1522 through 17.

1523

1524 Mr. Archer - Second.

1525

1526 Mr. Vanarsdall - Motion made by Mr. Jernigan and seconded by Mr. Archer. All
1527 in favor say aye. All opposed say no. The motion passes.

1528

1529 The Planning Commission approved Subdivision Rocketts Landing, (May 2005 Plan)
1530 (Main Street Dedication) Old Osborne Turnpike (State Route 5) at Orleans Street,
1531 subject to the standard conditions for subdivisions served by Public Utilities and the
1532 following additional conditions:

1533

- 1534 12. The limits and elevation of the 100-year frequency flood shall be conspicuously
1535 noted on the plat and construction plans and labeled "Limits of 100-year
1536 floodplain." Dedicate floodplain as a "Variable Width Drainage & Utilities
1537 Easement."
1538 13. The proffers and conditions approved as part of zoning cases P-4-05 and C-55C-
1539 04 shall be incorporated in this approval.
1540 14. Prior to requesting recordation, the developer shall furnish a letter from CSX
1541 Railroad indicating that this proposed development does not conflict with its
1542 facilities.
1543 15. Prior to recordation of the plat, the developer shall submit a landscape plan for
1544 the eight-foot-wide streetscape easement located along both sides of Main Street
1545 for Planning Department review and approval.
1546 16. Prior to recordation, the developer shall submit a lighting plan for the eight-foot-
1547 wide landscape easements located along both sides of Main Street for Planning
1548 Department review and approval.
1549 17. A plat for the dedication of the remaining portion of Main Street between this
1550 subdivision and Orleans Street, shall be approved by the City of Richmond and
1551 recorded prior to the recordation of this subdivision plat.
1552

1553 **APPROVAL OF MINUTES: April 27, 2005 Minutes**

1554

1555 Mr. Silber - Next on the agenda would be approval of the minutes and these
1556 would be the April 27, 2005 minutes.

1557

1558 Mr. Vanarsdall - Mrs. Jones, have you read the minutes?

1559

1560 Mrs. Jones - I did, and Tuckahoe took up about half of the pages, so I move for
1561 approval of the minutes of...

1562

1563 Mr. Archer - I did have one correction, page 44, line 1767. I think what I said
1564 was, "They are the tallest steeples that I have seen around the area," not "There are
1565 people I have seen around the area, which would be a logical statement.

1566

1567 Mrs. Jones - I move for approval of the minutes as corrected.

1568

1569 Mr. Jernigan - Second.

1570

1571 Mr. Vanarsdall - Motion made by Mrs. Jones and seconded by Mr. Jernigan. All in
1572 favor say aye. All opposed say no. The minutes are approved.

1573

1574 Mr. Archer - Happy Birthday, Diana!

1575

1576 Mr. Vanarsdall - We have something from our Secretary that hasn't come up lately.
1577 Mr. Secretary.

1578
1579 Mr. Silber - Happy Birthday. Five-O?
1580
1581 Mrs. Jones - Congratulations!
1582
1583 Mr. Vanarsdall - Is it your birthday again? We just celebrated it last year.
1584
1585 Mr. Jernigan - Mike, what happened on Carter Woods, is when I put it through it
1586 was 62. Mr. Donati changed it to 55. I remember now. I knew when it came to the
1587 Commission it was 62.
1588
1589 **DISCUSSION ITEM:** Acceptance of more than 12 cases for July 14, 2005,
1590 Planning Commission meeting as per Article VI (2) of the Rules and Regulations.
1591 Thirteen (13) new cases are slated for the agenda.
1592
1593 Mr. Silber - Members of the Commission, I do have two additional items if you
1594 can spare me. One is on the Addendum. We did have the filing deadline for new
1595 rezoning cases last Thursday. We received 13 new zoning cases. The Planning
1596 Commission's rules and regulations say that you would only have 12 new cases per month
1597 unless waived by the Planning Commission. Typically when we have more than...
1598
1599 Mr. Vanarsdall - I don't mean to interrupt you, but would you explain that, that does
1600 not mean deferment.
1601
1602 Mr. Silber - That does not include deferments. These are new cases filed.
1603
1604 Mr. Vanarsdall - We had a supervisor that that confused one time. It does not mean
1605 deferments, just new cases.
1606
1607 Mr. Silber - That is correct. You probably remember on your agendas, you
1608 sometimes have 18 or 20 or 22 rezoning cases. That is allowed, but what we are talking
1609 about processing of new zoning cases each month after a filing deadline. And when we
1610 say cases, we are talking about provisional use permits and rezoning cases. Your policy
1611 actually says, "No more than nine rezoning cases or no more than 12 when you include
1612 provisional use permits." We did take in 13, however, in this case we are recommending
1613 that you waive your policy to accept all 13 because three of those are proffer amendments
1614 simply to delete the reference to cash proffers and two of them are C-1 zoning cases that
1615 are fairly routine. So, because of that, we believe we can handle all 13. If you all think
1616 you can, we would recommend that you waive your policy and allow us to accept all 13.
1617
1618 Mr. Vanarsdall - Does anybody have a problem with that? All right. Do you need a
1619 motion? I need a motion and a second.
1620

1621 Mr. Jernigan - Mr. Chairman, I will make a motion that we waive the policy and
1622 have 13 new cases for the zoning.
1623
1624 Mr. Archer - Second.
1625
1626 Mr. Vanarsdall - Motion made by Mr. Jernigan and seconded by Mr. Archer. All in
1627 favor say aye. All opposed say no. The motion passes.
1628
1629 Mr. Silber - The last item is in reference to a letter that we sent you back on
1630 May 19 just to remind you of the 2026 Comprehensive Plan visioning sessions that are
1631 coming up on June 7, June 8 and June 15. They are all in the afternoons from 12 until
1632 5:00 p.m. We would strongly encourage you to attend each of these three if at all
1633 possible. This is an opportunity for us to brief the Board of Supervisors and the Planning
1634 Commission on the status of our updated Comprehensive Plan and then to seek input and
1635 vision of how the Commission and the Board want to move forward in planning the future
1636 blueprint of Henrico County. So, we believe this is important. We encourage you to
1637 attend. Lunch would be provided before each of these sessions and we would then get
1638 into the visioning sessions.
1639
1640 Mr. Vanarsdall - The 7th, 8th and 15th?
1641
1642 Mr. Archer - Mr. Secretary, 12:00?
1643
1644 Mr. Silber - Twelve to 5:00 p.m.
1645
1646 Mr. Archer - I am sure I won't be here the 15th.
1647
1648 Mr. Vanarsdall - Mr. Secretary, would you have Gladys write a note?
1649
1650 Mr. Jernigan - The 8th is a Friday, right?
1651
1652 Mr. Vanarsdall - No. The 15th is a Wednesday.
1653
1654 Mr. Archer - The 7th and 8th are Tuesday and Wednesday.
1655
1656 Mr. Vanarsdall - I was confusing it with the 3rd, which is the Richmond Regional
1657 District thing at Randolph Macon.
1658
1659 Mr. Silber - The 7th is a Tuesday, the 8th is a Wednesday, and the 15th is a
1660 Wednesday.
1661
1662 Mr. Vanarsdall - Mr. Branin and Mr. Archer are both going to be out of town.
1663
1664 Mr. Silber - Anybody else going to be absent during the visioning sessions?

1665
1666 Mr. Archer - The transportation is coming on the 17th and I won't be here for that
1667 either, the 17th of June.
1668
1669 Mr. Vanarsdall - Oh, that is the transportation thing?
1670
1671 Mr. Archer - Yes. It came from the Richmond Regional Planning District.
1672
1673 Mr. Silber - We have registered for the Planning Commission's forum, and that
1674 is the 3rd, for two Planning Commissioners. Correct? That is Bonnie Leigh and Ernest?
1675 Are they the only two going? OK. Very good. Thank you very much.
1676
1677 Mr. Vanarsdall - Thank you.
1678
1679 Mr. Archer - Mr. Chairman, I move for adjournment.
1680
1681 Mr. Branin - Second.
1682 Mr. Vanarsdall - This meeting is adjourned.
1683
1684 On a motion by Mr. Archer and seconded by Mr. Branin, the Planning Commission
1685 adjourned its May 25, 2005, meeting at 10:29 a.m.
1686
1687
1688
1689
1690

Ernest B. Vanarsdall, C.P.C., Chairman
1691
1692
1693
1694

Randall R. Silber, Secretary
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