

1 Minutes of the regular monthly meeting of the Planning Commission of the County of Henrico,
2 Virginia, held in the Board Room of the County Administration Building in the Government
3 Center at Parham and Hungary Springs Roads, Beginning at 9:00 a.m. Wednesday, May 26,
4 1999.

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

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

23
24 Others Absent: Mr. Kevin Wilhite, County Planner

25
26 Ms. Dwyer - Welcome to our Planning Commission meeting which we
27 normally hold during the day. Is there a representative from the press here this morning? We
28 usually like to recognize members of the press. I have not seen one. Mr. Marlles, are we
29 ready to begin?

30
31 Mr. Marlles - We are, Madam Chairman. We do have a quorum present today
32 and the first item on the agenda is the Request for Deferrals and Withdrawals. Those will be
33 presented by Mr. Ted McGarry.

34
35 Ms. Dwyer - Good morning, Mr. McGarry.

36
37 Mr. McGarry - Good morning. On your 9:00 a.m. Agenda, and that is the only
38 one we can take action on at this time, on page 9, this is a landscape plan.

39
40 **LANDSCAPE PLAN**
41

LP-POD-89-98 **Gerri Nolan for Lawrence Chrysler Plymouth:** Request for
Lawrence Chrysler approval of a Landscape Plan as required by Chapter 24, Sections

Plymouth – Laburnum Avenue 24-106 and 24-106.2 of the Henrico County Code. The 4.9 acre-site is located on the southwest corner of Laburnum Avenue and Eubank Road on parcel 172-A-27. The zoning is M-1, Industrial District, and ASO, Airport Safety Overlay District. **(Varina)**

42

43 Mr. McGarry - The applicant has requested a deferral to your June 23, 1999
44 meeting.

45

46 Ms. Dwyer - Is there anyone in the audience in opposition to the deferral of
47 Landscape Plan for Lawrence Chrysler Plymouth? No one in the audience is opposed to the
48 deferral. This is at the applicant's request?

49

50 Mr. McGarry - Yes.

51

52 Ms. Dwyer - Ready for a motion.

53

54 Mrs. Quesinberry - I would like to move for a deferral for POD-89-98, Lawrence
55 Chrysler Plymouth – Laburnum Avenue, at the applicant's request, to our June 23, 1999
56 meeting.

57

58 Mr. Vanarsdall - Second.

59

60 Ms. Dwyer - We have a motion by Mrs. Quesinberry and a second by Mr.
61 Vanarsdall. All in favor of the deferral say aye. All opposed say no. The motion is carried.

62

63 At the applicant's request, the Planning Commission deferred the Landscape Plan for POD-89-
64 98, Lawrence Chrysler Plymouth – Laburnum Avenue, to its meeting on June 23, 1999.

65

66 Mr. McGarry - Staff is not aware of any other requests at this time.

67

68 Mrs. Wade - You don't have a request for one of the zoning cases?

69

70 **Deferred from the May 13, 1999 meeting:**

71

72 **C-28C-99 Henry L. Wilton for Shady Grove Associates:** Request to conditionally rezone
73 from O-2C Office District (Conditional) to RTHC Residential Townhouse District
74 (Conditional), Parcel 10-A-19, containing approximately 12.63 acres, located at the northeast
75 corner of Old Nuckols Road and Shady Grove Road. Townhouses or condominiums are
76 proposed. The applicant has proffered a maximum density of 6 units per acre. The Land Use
77 Plan recommends Environmental Protection Area and Office. **(Staff presentation by Mark
78 Bittner)**

79

80 Mr. Bittner - Yes, ma'am. We have a request for C-28C-99. This is in the
81 Three Chopt District. It is a townhouse request located at Old Nuckols Road and Shady Grove

82 Road. The applicant has requested a two-week deferral to the June 10, 1999 zoning meeting of
83 the Planning Commission.

84
85 Ms. Dwyer - This is C-28C-99. Is there anyone in the audience in opposition
86 to the deferral of C-28C-99, Shady Grove Associates? No one in opposition. Ready for a
87 motion.

88
89 Mrs. Wade - I move that Case C-28C-99 be deferred until June 10, 1999, at
90 the applicant's request.

91
92 Mr. Vanarsdall - Second.

93
94 Ms. Dwyer - We have a motion by Mrs. Wade and a second by Mr.
95 Vanarsdall. All in favor of the motion say aye. All opposed say no. The motion carries.

96
97 At the applicant's request, the Planning Commission deferred C-28C-99, Henry L. Wilton for
98 Shady Grove Associates, to its meeting on June 10, 1999.

99
100 Ms. Dwyer - Are there any other requests for deferrals on behalf of the
101 Commission members? No more deferrals. OK. Mr. McGarry, do we have deferrals for the
102 10:30 a.m. Agenda? Will you give those for the members of the audience?

103
104 Mr. McGarry - I will do that. Mikel just indicated we have a deferral for the
105 9:00 a.m. Agenda that we just learned about. It is on page 18 of your agenda.

106
107 **SUBDIVISION (Deferred from the April 20, 1999 meeting)**

108
Edgemoor
(April 1999 Plan) **Youngblood, Tyler and Associates, P.C. for Boone, Boone, Loeb
and Pettit:** The 15.8 acre site is located along the south line of
Nuckols Road at its intersection with Wyndham Lake Drive on
parcels 9-A-24 and 25. The zoning is R-2AC, One-Family
Residence District. County water and sewer. **(Three Chopt) 28
Lots**

109
110 Mr. McGarry - This is Edgemoor Subdivision. The applicant has asked for a
111 deferral to June 23, 1999.

112
113 Ms. Dwyer - Is there anyone in the audience in opposition to the deferral of the
114 Edgemoor Subdivision, April 1999 Plan? Are you opposed to deferring the case (speaking to
115 someone in the audience)? OK, what has happened is that the applicant has asked that the case
116 be heard on June 23 instead of today. There can be a variety of reasons for that.

117
118 Voice in the Audience - But I'm not going to be here on June 23.

119

120 Mrs. Wade - Do you have questions or do you want information?
121
122 Voice in the Audience - No. I am objecting.
123
124 Ms. Dwyer - So, can we postpone the deferral, Mrs. Wade, and perhaps the
125 applicant and the gentleman in the audience get together to confer, and then we'll take up the
126 deferral when you are ready. I am just suggesting that we not take action on this at this time in
127 the meeting, and take action on it later on in the meeting. That would give you a chance to
128 discuss it.
129
130 Mrs. Wade - It would give you time to get together and talk about it and see
131 what our concerns are, because I am not sure exactly what the reason was for the request for
132 the deferral anyway.
133
134 Ms. Dwyer - Is Mr. Wilhite here?
135
136 Mr. McGarry - He has not arrived yet.
137
138 Ms. Dwyer - When Mr. Wilhite arrives, perhaps he could participate in that.
139
140 Mrs. Wade - Where is the applicant? Is the applicant here for Edgemoor?
141 John Cochran? Perhaps you can get with the gentleman right there, Mr. Cochran, for the
142 applicant. You may want to express your concerns with him, and then I will get with you
143 when I can.
144
145 Ms. Dwyer - Let one of the staff members know what you have decided when
146 you confer and we will take action on it then. We will table the Edgemoor deferral for now.
147 Are there any other requests for deferrals for the 9:00 a.m. Agenda? Now, if you could just
148 review, Mr. McGarry, the 10:30 a.m. deferrals.
149
150 Mr. McGarry - Staff is aware of two for the 10:30 Agenda. It is for information
151 only at this time. The first one is on page 20; it is the POD for Four Mile Creek Commercial
152 Center. That happens to be POD-22-99. The applicant is asking for a deferral for 30 days.
153 And, there is going to be a request to withdraw a case, on page 31 of your Agenda. This is the
154 Subdivision Wyndham Forest, the May 1999 Plan.
155
156 Ms. Dwyer - All right. Is that it?
157
158 Mr. McGarry - Yes, ma'am.
159
160 Ms. Dwyer - Thank you very much.
161
162 Mr. Marlles - Madam Chairman, the next item is the Commission's Expedited
163 Agenda, and, again, that will be presented by Mr. Ted McGarry.

164
165 Mr. McGarry - Staff is aware of seven items on the Expedited Agenda for the
166 9:00 Agenda. There is one for the 10:30 a.m. Agenda. The first is on page 8.

167
168 **PLAN OF DEVELOPMENT**

169
POD-44-99 **Langley & McDonald, P. C. for A. L. Trice and Kentucky**
KFC/Taco Bell at **Fried Chicken of California:** Request for approval of a
Hungary Brook revised plan of development as required by Chapter 24, Section
Shopping Center 24-106 of the Henrico County Code to construct a one-story,
(Rev. POD-79-95) 2,712 square foot restaurant on parcel 63-15-A-2. The 0.761
acre site is located on the west line of Brook Road (U.S. Route
1) in front of the Hungary Brook Shopping Center. The zoning
is B-3, Business District. County water and sewer. **(Fairfield)**

170
171 Ms. Dwyer - Is there anyone in the audience in opposition to POD-44-99,
172 KFC/Taco Bell at Hungary Brook Shopping Center? No opposition. Does anyone on the
173 Commission have a question about this case? No. Ready for a motion.

174
175 Mr. Archer - Madam Chairman, I move approval of POD-44-99, Kentucky
176 Fried Chicken/Taco Bell at Hungary Brook Shopping Center, subject to the annotations on the
177 plans, the standard conditions for developments of this type, and additional conditions Nos. 23
178 through 32.

179
180 Mr. Vanarsdall - Second.

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

184
185 The Planning Commission voted to approve POD-44-99, KFC/Taco Bell at Hungary Brook
186 Shopping Center (Rev. POD-79-95), subject to the annotations on the plans, the standard
187 conditions attached to these minutes and the following additional conditions:

- 188
189 23. The developer shall provide fire hydrants as required by the Department of Public
190 Utilities in its approval of the utility plans and contracts.
191 24. Any necessary off-site drainage easements must be obtained in a form acceptable to the
192 County Attorney prior to final approval of the construction plans by the Department of
193 Public Works.
194 25. Deviations from County standards for pavement, curb or curb and gutter design shall be
195 approved by the County Engineer prior to final approval of the construction plans by
196 the Department of Public Works.
197 26. Insurance Services Office (ISO) calculations must be included with the utilities plans
198 and contracts and must be approved by the Department of Public Utilities prior to the
199 issuance of a building permit.

- 200 27. The approval of the construction plans by the Department of Public Works does not
201 establish the curb and gutter elevations along the Virginia Department of Transportation
202 maintained right of way. The elevations will be set by the contractor and approved by
203 the Virginia Department of Transportation.
- 204 28. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the
205 Planning Office and approved prior to the issuance of a certificate of occupancy for this
206 development.
- 207 29. In the event of any traffic backup which blocks the public right of way as a result of
208 congestion caused by the drive-up delivery facilities, the owner/occupant shall close the
209 drive-up delivery facilities until a solution can be designed to prevent traffic backup.
- 210 30. The developer shall install an adequate restaurant ventilating and exhaust system to
211 minimize smoke, odors, and grease vapors. The plans and specifications shall be
212 included with the building permit application for review and approval. If, in the
213 opinion of the County, the type system provided is not effective, the Commission
214 retains the rights to review and direct the type of system to be used.
- 215 31. Outside storage shall not be permitted.
- 216 32. The ground area covered by all buildings shall not exceed in the aggregate 25 percent
217 of the total site area.

218
219 Mr. McGarry - The next one is on page 10 of your agenda.

220
221 **SUBDIVISION**

222
Windsor Oaks
(May 1999 Plan) E. D. Lewis for Continental Development: The 23-acre site is
located at the southeast corner of Darbytown & Doran Roads on
part of parcel 216-A-51. The zoning is R-2AC, (Conditional),
and ASO (Airport Safety Overlay District) (Varina) 52 Lots

223
224 Ms. Dwyer - Is there anyone in the audience in opposition to Subdivision
225 Windsor Oaks (May 1999 Plan)? No opposition. Any questions by Commission members?
226 No questions. Ready for a motion.

227
228 Mrs. Quesinberry - I would like to move approval of Windsor Oaks Subdivision
229 (May 1999 Plan), subject to the annotations on the plan and added conditions Nos. 12 through
230 15.

231
232 Mr. Vanarsdall - Second.

233
234 Ms. Dwyer - We have a motion by Mrs. Quesinberry and a second by Mr.
235 Vanarsdall. All in favor of the motion say aye. All opposed say no. The motion carries.

236

237 The Planning Commission granted conditional approval to Subdivision Windsor Oaks (May
238 1999 Plan), subject to the annotations on the plans, the standard conditions attached to these
239 minutes for subdivisions served by public utilities, and the following additional conditions:
240

- 241 12. A County standard sidewalk shall be constructed along the south side of Darbytown Road
242 abutting Lots 1-5, Block B.
- 243 13. The detailed plant list and specifications for the landscaping to be provided within the 25
244 foot wide planting strip easements along both Darbytown and Doran Roads shall be
245 submitted to the Planning Office for review and approval prior to recordation of the plat.
- 246 14. Prior to requesting the final approval, a draft of the covenants and deed restrictions for
247 the maintenance of the common area by a homeowners association shall be submitted to
248 the Planning Office for review. Such covenants and restrictions shall be in form and
249 substance satisfactory to the County Attorney and shall be recorded prior to recordation
250 of the subdivision plat.
- 251 15. A second point of access shall be provided with any future expansions.

252
253 **SUBDIVISION**

254
255 **University Court (May 1999 Plan)** **Koontz, Bryant, P.C. for W. W. Whitlock Trustee:** The
1.92-acre site is located at the northwest intersection of Shelley
Road and Saw Mill Road on parcel 101-5-A-8. The zoning is
R-2, One-Family Residence District. (Tuckahoe) 3 Lots

256
257 Ms. Dwyer - Is there anyone in the audience in opposition to University Court
258 subdivision, (May 1999 Plan)? No opposition. Any questions by Commission members? No
259 questions. I move the approval of Subdivision University Court (May 1999 Plan), subject to
260 the annotations on the plan, the standard conditions attached to the minutes for subdivisions
261 served by public utilities, and added condition No. 11.

262
263 Mr. Vanarsdall - Second.

264
265 Ms. Dwyer - Motion by Ms. Dwyer and a second by Mr. Vanarsdall. All in
266 favor say aye. All opposed say no. The motion carries.

267
268 The Planning Commission granted conditional approval to Subdivision University Court (May
269 1999 Plan), subject to the annotations on the plans, the standard conditions attached to these
270 minutes for subdivisions served by public utilities, and the following additional condition:

- 271
272 11. The proposed cul-de-sac shall be dedicated and constructed to Department of Public
273 Works' standards. The dedication shall remain as public right of way.

274
275 **LANDSCAPE AND LIGHTING PLAN**

276

**LP/POD-18-98
Raintree Office
Village**

Virginia Classic Homes for Thomas P. Hood-Raintree Office Village: Request for approval of a landscape and lighting plan review as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico Code. The 1.65 acre site is located 600 feet south of Falconbridge Drive on the east line of Raintree Drive on parcel 78-8-19-D. The zoning is B-1, Business District. **(Tuckahoe)**

277

278 Mr. McGarry - The next one is LP/POD-18-98, Raintree Office Village.

279

280 Ms. Dwyer - Is there anyone in the audience opposed to Landscape Plan and
281 Lighting Plan for Raintree Office Village, LP/POD-18-98? No opposition. Any questions by
282 Commission members? No questions. I move approval of Landscape and Lighting Plan,
283 LP/POD-18-98, Raintree Office Village, subject to the annotations on the plans and the
284 standard conditions for landscape and lighting plans.

285

286 Mr. Vanarsdall - Second.

287

288 Ms. Dwyer - We have a motion by Ms. Dwyer, seconded by Mr. Vanarsdall.
289 All in favor of this motion say aye. All opposed say no. The motion carries.

290

291 The Planning Commission voted to approve the landscape and lighting plans for LP/POD-18-
292 98, Raintree Office Village, subject to the annotations on the plans and the standard conditions
293 attached to the minutes for landscape and lighting plans attached to these minutes.

294

295 Mr. McGarry - The next case is on page 14, Audubon Drive – A Dedication of a
296 Portion of Audubon Drive, west of Oakley’s Lane.

297

SUBDIVISION

298

Audubon Drive – A dedication of a portion of Audubon Drive, west of Oakley’s Lane **Engineering Design Associates for Beacon Construction Company and County of Henrico:** The 2.991-acre site is located between existing Audubon Drive east of Laburnum Avenue, and Oakley's Lane, on parcels 162-A-74, 72C, 72B. The zoning is R-5, Residential District, A-1, Agricultural District, and O-2C, Office District and ASO, Airport Safety Overlay District. County water and sewer. 0 Lots **(Varina)**

300

301 Ms. Dwyer - Is there anyone in the audience in opposition to Subdivision
302 Audubon Drive? No opposition. Any questions by Commission members? No questions.
303 Ready for a motion.

304

305 Mrs. Quesinberry - I would like to move approval of Subdivision Audubon Drive – A
306 Dedication of a Portion of Audubon Drive west of Oakley’s Lane, subject to the standard
307 conditions, the annotations on the plan, and added condition No. 10.

308
309 Mr. Vanarsdall - Second.

310
311 Ms. Dwyer - We have a motion by Mrs. Quesinberry and a second by Mr.
312 Vanarsdall. All in favor of the motion say aye. All opposed say no. The motion carries.

313
314 The Planning Commission granted conditional approval to Subdivision Audubon Drive – A
315 Dedication of a Portion of Audubon Drive west of Oakley’s Lane, subject to the annotations on
316 the plans, the standard conditions attached to these minutes for subdivisions served by public
317 utilities and the following additional condition:

318
319 10. With the final dedication and construction of the road, the applicant shall be responsible
320 for obtaining any necessary wetlands permits from the U. S. Army Corps of Engineers.

321
322 Mr. McGarry - The next case is on page 15 of your Agenda.

323
324 **LANDSCAPE AND LIGHTING PLAN**

325
LP/POD-43-98 **William H. Spell, ASLA:** Request for approval of a landscape and
Skipwith Assisted lighting plan, as required by Chapter 24, Sections 24-106 and 24-
Living Center 106.2 of the Henrico County Code. The 5.04-acre site is located
on the west line of Skipwith Road approximately 722 feet south of
its intersection with Parham Road, on parcel 69-A-92 and part of
parcel 59-A-97. The zoning is R-6C, General Residence District
(Conditional). **(Three Chopt)**

326
327 Ms. Dwyer - Is there anyone in the audience in opposition to Landscape and
328 Lighting Plan for Skipwith Assisted Living Center, LP/POD-43-98?

329
330 Mr. McGarry - You have opposition.

331
332 Ms. Dwyer - We have opposition. We will remove this then from our
333 Expedited Agenda and will hear it during the normal course of cases.

334
335 Mr. McGarry - The next case is on page 16 of your agenda. This is the
336 Subdivision, Jameswood (May 1999 Plan), a 14 lot subdivision, located in Tuckahoe.

337
338 **CONDITIONAL SUBDIVISION**

339
Jameswood **E. D. Lewis & Associates, P.C. for John R. Tashjian:** The
(May 1999 Plan) 28.3-acre site is located north of CSX Railroad and the west line
of Gaskins Road, approximately 1,150 feet south of Daniels
Road (private) on parcels 123-A-5 and 8. The zoning is R-0,

One-Family Residential District. County water and sewer.
(Tuckahoe) 14 Lots

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Ms. Dwyer - Is there anyone in the audience in opposition to Subdivision Jameswood (May 1999 Plan)? No opposition. Any questions by Commission members? No questions. I move for the conditional approval of Jameswood (May 1999 Plan), subject to the annotations on the plans, standard conditions attached to the minutes for subdivisions served by public utilities, and additional conditions Nos. 12 through 15.

Mr. Vanarsdall - Second.

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

The Planning Commission voted to granted conditional approval to Subdivision Jamewood (May 1999 Plan), subject to the annotations on the plans, the standard conditions attached to these minutes for subdivisions served by public utilities and the following additional conditions:

- 12. Each lot shall contain at least 43,560 sq. ft. exclusive of floodplain areas.
- 13. The limits and elevation of the 100 year frequency flood shall be conspicuously noted on the plat and construction plans and labeled "Limits of 100 Year Floodplain." Dedicate floodplain as a "Variable Width Drainage & Utility Easement."
- 14. The detailed plant list and specifications for the landscaping to be provided within the 25 foot wide planting strip easement along Gaskins Road shall be submitted to the Planning Office for review and approval prior to recordation of the plat.
- 15. Any necessary off-site drainage easements must be obtained prior to final approval of the construction plans by the Department of Public Works.

Mr. McGarry - That is all staff is aware of on the 9:00 a.m. Agenda.

Ms. Dwyer - That takes care of our Expedited Agenda. You expedited that quite well. The next item, Mr. Secretary.

SUBDIVISION EXTENSIONS OF CONDITIONAL APPROVAL
(Presented by Kevin Wilhite)

Subdivision	Magisterial District	Original No. of Lots	Remaining Lots	Previous Extensions
Clarendon Farms, Parcel C (March 1995 Plan)	Fairfield	195	195	3

(Controlled Density)

Elinor Springs (May 1995 Plan)	Three Chopt	33	27	3
Summerfield Woods (April 1998 Plan)	Fairfield	5	5	0

376

377 Mr. Marlles - Inasmuch as Mr. Wilhite has not been able to attend the meeting
378 thus far, Mr. McGarry will be presenting that.

379

380 Ms. Dwyer - OK, Mr. McGarry.

381

382 Mr. McGarry - To my knowledge, staff can recommend approval of Extensions
383 of Conditional Approval for all three of the subdivisions listed on your Agenda.

384

385 Ms. Dwyer - Does anyone have any questions regarding any of these
386 extensions? Any questions by Commission members regarding any of these extensions? No
387 questions. Ready for a motion.

388

389 Mr. Vanarsdall - I move that we follow the recommendation of the staff and
390 approve the Subdivision Extensions of Conditional Approval.

391

392 Mr. Archer - Second.

393

394 Ms. Dwyer - We have a motion by Mr. Vanarsdall and a second by Mr.
395 Archer. All in favor of the subdivision extensions say aye. All opposed say no. The motion
396 carries.

397

398 The Planning Commission approved Subdivision Extensions of Conditional Approval to May
399 26, 2000 for the following subdivisions:

400 Clarendon Farms, Parcel C (March 1995 Plan) (Controlled Density)

401 Elinor Springs (May 1995 Plan)

402 Summerfield Woods (April 1998 Plan)

403

404 **SUBDIVISION – RECONSIDERATION**

405

**White Oak Technology Park,
Section B
Dedication of a Portion of
Technology Court
(Reconsideration)**

**TIMMONS for Henrico County Industrial
Development Authority:** Request for reconsideration
of approval of a subdivision as required by Chapter
24, Section 24-106 of the Henrico County Code.
The site is located on the Elko Tract north of
Portugee Road on part of parcel 187-A-5. The
zoning is M-2, General Industrial District. County
water and sewer. **(Varina)**

406
407 Ms. Dwyer - Is there anyone in the audience in opposition to White Oak
408 Technology Park, Section B, Dedication of a Portion of Technology Court? There is no
409 opposition. Mr. O'Kelly, would you like to make a brief presentation?

410
411 Mr. O'Kelly - Thank you, Madam Chairman. As the Secretary mentioned, this
412 is a Reconsideration of the subdivision plat for the Dedication of Technology Boulevard, which
413 will serve as the access point to the Hewlett-Packard Phase II project and it will also serve as
414 the construction access for that project. That POD is next on your agenda. This access road
415 will also serve the future development of an additional piece of property. The alignment is
416 slightly different from the plat for a cul-de-sac that the Commission had previously approved,
417 if you will refer to the plan in the packet. Staff has completed its review of the revised plan.
418 There are no unresolved issues, and the staff recommends approval subject to the conditions
419 listed on the Commission's agenda. I will be happy to answer any questions.

420
421 Ms. Dwyer - Any questions by Commission members of Mr. O'Kelly? No
422 questions. Would you like to hear from the applicant, Mrs. Quesinberry?

423
424 Mrs. Quesinberry - No.

425
426 Ms. Dwyer - I'm ready for a motion.

427
428 Mrs. Quesinberry - I would like to move approval of White Oak Technology Park,
429 Section B, Dedication of a Portion of Technology Court (Reconsideration), subject to the
430 standard conditions and additional conditions Nos. 1 through 7.

431
432 Mr. Vanarsdall - Second.

433
434 Ms. Dwyer - Motion by Mrs. Quesinberry and seconded by Mr. Vanarsdall.
435 All in favor say aye. All opposed say no. The motion carries.

436
437 The Planning Commission granted conditional approval to White Oak Technology Park,
438 Section B, Dedication of a Portion of Technology Court (Reconsideration), subject to the
439 standard conditions attached to these minutes for subdivisions served by public utilities and the
440 following additional conditions:

- 441
442 1. All requirements of Chapter 18, 19, and 24 of the Henrico County Code shall be met.
443 2. The final plat shall be checked and approved by the Real Estate Assessment Office before the
444 plat is recorded.
445 3. A copy of the letter from the Richmond Regional Planning District Commission giving
446 approval to the street names in this subdivision shall be submitted to the Planning Office
447 before the linens are submitted for recordation.
448 4. Signatures on plats for recordation shall be in opaque black ink suitable for reproduction.

- 449 5. The plat shall be revised as shown in red on Staff plan dated May 26, 1999, which shall be
 450 as much a part of this approval as if all details were fully described herein.
- 451 6. Pursuant to Chapter 19 of the Code of Henrico County and Section 15.1-475D of the Code
 452 of Virginia, the final plats shall be recorded by May 26, 2000. Unless reason(s) in writing
 453 are submitted detailing why a request for an extension of approval is necessary and an
 454 extension is granted by the Director of Planning, this subdivision approval shall become null
 455 and void. A written request and the required fee must be submitted at least two weeks prior
 456 to the expiration date.
- 457 7. The details for landscaping and lighting to be provided within the right of way shall be
 458 submitted to the Planning Office for review and approval.

459 **PLAN OF DEVELOPMENT**

460 **POD-45-99**
Hewlett-Packard
(Phase II)

Stock and Associates and Clayco Construction Company for Henrico County Industrial Development Authority and Panattoni Development Company: Request for approval of a plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a one-story 642,160 sq. ft. office/warehouse and distribution facility and master plan for a 200,000 sq. ft. future building addition. The 64.0 acre site is located approximately 2,000 feet north of the intersection of Technology Boulevard and Portugee Road at the terminus of proposed Technology Court on part of parcel 187-A-5. The zoning is M-2, General Industrial District. County water and sewer. **(Varina)**

461
 462 Ms. Dwyer - Is there anyone in the audience in opposition to POD-45-99,
 463 Hewlett-Packard (Phase II)? No opposition. Mr. O’Kelly.

464
 465 Mr. O’Kelly - Madam Chairman and members of the Commission, the staff has
 466 been diligently working on the review of this plan and the plans for the project for the past few
 467 weeks. I know that most of you are familiar with the proposed site and the project. Phase I of
 468 the development is approximately 642,000 square feet, with 187 parking spaces for employees
 469 and visitors. This is an office/warehouse distribution facility for the Hewlett-Packard business
 470 and it is primarily for the Hewlett-Packard supplies business, facility supplies, ink jet cartridges,
 471 paper or print media for the laser jet printers, which will be manufactured in the Phase I project.
 472 This will be the East Coast Distribution Facility for the Americas. They will employ initially
 473 about 150 employees on two shifts, six days a week. The activity does not involve the use of
 474 any chemicals or hazardous materials. There are no refueling facilities to be located on the site.
 475 The request for approval also includes the master plan, building additions, future parking areas,
 476 and the site is adequate to accommodate the future development. It has been very well planned.
 477 To meet water quality requirements, there will be two BMPs developed behind the building as
 478 shown on the display. The land being developed and owned by the applicant does not contain
 479 any wetlands or any buffers. The County will retain ownership of those areas in the White Oak
 480 Technology Park. The site will be well landscaped and loading areas will be screened as

481 required. The applicant has met several times with the White Oak Technology Park
482 Development Review Board, and the comments, annotations and approval of the plans are
483 reflected in the plans, applications and conditions currently before you for approval of this POD.
484 The architecture of the visible portions of the building is very attractive. The building is to be
485 constructed of tilt-up concrete panels and an attractive color scheme has been chosen to add to
486 the quality of the project. Representatives of the County's Administration have met with the
487 developer and representatives to review comments, recommendations, and the conditions. We
488 are not aware of any unresolved issues. The staff has prepared, and, of course, listed on your
489 agenda are a number of conditions for this application. Many of them deal with an addition to
490 normal requirements and aesthetics, handling of construction activities, minimizing the impacts
491 of those on the White Oak Technology Park business neighbors, and the neighboring
492 community. The nearest home to this project is approximately 1,700 feet away, located in the
493 Cedar Ridge subdivision, and that home is separated by 800 feet of heavily vegetated buffer
494 areas and wetlands. As I mentioned, staff is not aware of any unresolved issues. The applicant is
495 in agreement with the conditions and I will be happy to review any of those or answer any
496 questions. There are representatives here from other County agencies and the County Manager's
497 office if you have any questions about this project.

498
499 Finally, Madam Chairman, staff would like to mention also, working on a very aggressive
500 schedule, we'd like to say how pleasant it has been working with the applicant's representatives
501 and the development team that has been put together for this project. They are very talented and
502 have been very responsive. Mr. George Stock of Stock and Associates, the lead civil engineer,
503 Leslie Jones, with Panattoni Development Company, is also here this morning, and Jan
504 McDaniel with Hewlett Packard. I'm sure they would be happy to answer any questions the
505 Commission may have. Also, we have Mr. Charlie Pike, who has acted as the Consultant for
506 Hewlett-Packard on the project. I will be happy to answer any questions.

507
508 Ms. Dwyer - Are there any questions for Mr. O'Kelly by Commission
509 members? Mr. O'Kelly, I was noticing in one of the conditions that the developer will provide a
510 phone number for citizens. How is that being communicated to the surrounding neighborhood?

511
512 Mr. O'Kelly - Also, there is a condition that we have suggested that deals with
513 the operation and construction activity, and I think that could be addressed in the narrative that is
514 submitted to satisfy that condition on the construction operations. The same condition was in
515 place on Phase I, and I think a flyer was distributed to the surrounding community by Arco
516 Development based on the notification list that the County staff used to notify the adjoining
517 property owners about the case when it was heard by the Commission.

518
519 Ms. Dwyer - So, if construction vehicles are using Portugee Road in the area
520 they are not supposed to, they can simply call that number and have that situation corrected.

521
522 Mr. O'Kelly - Right. It is a courtesy to the residents.

523

524 Ms. Dwyer - And again, what is the total square footage for Phase I and Phase II
525 at full build out?

526
527 Mr. O’Kelly - Phase I is approximately 642,000 square feet. The Phase II
528 addition is an additional 200,000 square feet, so the total would be 842,000 square feet.

529
530 Ms. Dwyer - And you said this was a distribution center for the Americas?
531 Does that mean North and South America?

532
533 Mr. O’Kelly - It is my understanding that is correct, Madam Chairman.

534
535 Ms. Dwyer - Are there any other questions for Mr. O’Kelly? Does the applicant
536 want to make a presentation this morning?

537
538 Mr. O’Kelly - They are here to answer questions.

539
540 Ms. Dwyer - All right. There being no further questions, I guess we are ready
541 for a motion.

542
543 Mrs. Quesinberry - I would like to make a motion to recommend approval for POD-
544 45-99,

545 Mr. Vanarsdall - Second.

546
547 Ms. Dwyer - We have a motion by Mrs. Quesinberry, seconded by Mr.
548 Vanarsdall. All in favor say aye. All opposed say no. The motion carries.

549
550 The Planning Commission voted to approve Plan of Development POD-45-99, Hewlett-
551 Packard, (Phase II), subject to the annotations on the plans, the standard conditions attached to
552 the minutes for developments of this type, and the following additional conditions:

- 553
554 21. The subdivision plat for White Oak Technology Park Sections B – Road Dedication shall
555 be recorded prior to the issuance of an occupancy permit.
- 556 22. The easements for drainage and utilities as shown on approved plans shall be granted to
557 the County in a form acceptable to the County Attorney prior to any occupancy permits
558 being issued.
- 559 23. The developer shall provide fire hydrants as required by the Department of Public
560 Utilities in its approval of the utility plans and contracts.
- 561 24. Any necessary off-site drainage and utilities easements must be obtained in a form
562 acceptable to the County Attorney prior to final approval of the construction plans by the
563 Department of Public Works and Public Utilities.
- 564 25. Deviations from County standards for pavement, curb or curb and gutter design shall be
565 approved by the County Engineer prior to final approval of the construction plans by the
566 Department of Public Works.

- 567 26. Insurance Services Office (ISO) calculations must be included with the utilities plans and
568 contracts and must be approved by the Department of Public Utilities prior to the
569 issuance of a building permit.
- 570 27. All subsequent detailed plans of development, architectural plans and construction plans
571 needed to implement this plan and master plan may be administratively reviewed and
572 approved and shall be subject to all regulations in effect at the time such subsequent plans
573 are submitted for review/approval. Substantial deviations from the proposed master plan
574 and architectural plans, development and layout may require approval of a revised plan of
575 development by the White Oak Technology Park Development Review Board and the
576 Planning Commission.
- 577 28. A plan for temporary construction trailers and offices shall be submitted for review and
578 approval prior to issuance of a building permit.
- 579 29. The temporary construction office(s) and related improvements shall be removed from
580 the site on or before May 26, 2000, unless further extension of time is granted by the
581 Director of Planning.
- 582 30. Any temporary parking areas shall be properly compacted and maintained at all times.
- 583 31. The development and operations conducted on the property shall comply with the
584 restrictive covenants applicable to White Oak Technology Park.
- 585 32. The transportation, collection, storage and disposal of any hazardous material shall be
586 handled in accordance with all applicable state and federal regulations.
- 587 33. A detailed construction operation plan shall be submitted for review and approval to
588 include construction, materials, delivery, and building operations, vehicular access and
589 circulation and provide for an enforcement plan prior to the issuance of a building permit.
- 590 34. The developer shall provide a telephone number for citizens concerns during any
591 construction activity on site in order to respond to citizen concerns and complaints as
592 expeditiously as possible.
- 593 35. No construction vehicles shall use Portugee Road east of Technology Boulevard, Elko
594 Tract Road or Elko Road during construction.
- 595 36. Rooftop mechanical equipment and other mechanical equipment shall be screened from
596 view. A plan indicating sight lines for screening roof top equipment from property lines
597 and adjacent development sites shall be submitted to the Planning Office for review and
598 approval prior to the issuance of a building permit.
- 599 37. All Water Quality requirements for this development shall be complied with in
600 accordance with County standards.

601

602 **Deferred from the May 13, 1999 meeting:**

603

604 **C-35C-99 Richard H. Youngblood for Francis Run Associates, L.C.:** Request to
605 conditionally rezone from A-1 Agricultural District to R-3AC One Family Residence District
606 (Conditional), Parcels 39-A-7, 9, 11 and 26, containing 18.712 acres, located on the west line of
607 Francistown Road approximately 800' south of its intersection with Nuckols Road. A single
608 family subdivision is proposed. The R-3A District requires a minimum lot size of 9,500 square
609 feet. The Land Use Plan recommends Suburban Residential, 1, 1.0 to 2.4 units net density per
610 acre, and Environmental Protection Area. **(Staff presentation by Mark Bittner)**

611
612 Ms. Dwyer - Is there anyone in the audience in opposition to Francis Run
613 Associates, C-35C-99? No one in opposition. Mr. Bittner.

614
615 Mr. Bittner - Thank you, Ms. Dwyer. R-2A zoning is consistent with the R-1
616 designation of this property and will be more appropriate than the requested R-3A. R-3 zoning
617 could, perhaps, also be acceptable if the density was consistent with the SR-1 designation was
618 proffered. At the May 13 Planning Commission meeting, the applicant indicated he could amend
619 the proffers to indicate certain items mentioned in the staff report and at the public hearing.
620 These include reducing the number of lots from 47 to 45, providing a planting strip along
621 Francistown Road, and providing stub road connections to adjacent properties. These items have
622 been submitted as part of a set of revised proffers, and I'd like to point out one initial proffer that
623 has been given that is highlighted in the packet we just gave you. The applicant has also
624 proffered not to place any fencing within the planting strip along Francistown Road. There is
625 also a stub road in the adjacent Reid's Pointe Subdivision that touches the northwestern border of
626 the property in question. The configuration of this property would not allow a road connection
627 to be constructed at this time. However, this subdivision should be designed so that a road
628 connection could someday be established to Reid's Pointe if additional property to the west were
629 to be rezoned. In summary, the requested use is consistent with adjacent development, but the
630 requested zoning and proffers should be amended to make this application more compatible with
631 surrounding development. If the applicant could address these concerns, staff could recommend
632 approval of this application. I would be happy to answer any questions you may have.

633
634 Mr. Vanarsdall - Would this satisfy what you want?

635
636 Mr. Bittner - Not all of our concerns. As I said, we think R-2A zoning would
637 be most appropriate. Also, there is no proffer to preserve space in the subdivision for a
638 connection in the future to Reed Pointe. The applicant has indicated a willingness to do that, but
639 he has not proffered it.

640
641 Mr. Vanarsdall - He has not proffered it? Thank you.

642
643 Mrs. Wade - With which neighborhoods could they become more compatible?
644 You said, if it were R-3, it would be more compatible with the surrounding neighborhoods?

645
646 Mr. Bittner - Right. The compatibility we are really seeking is with the Plan, the
647 2010 Plan that calls for SR-1, which would be consistent with R-2A, and you will see there is
648 some R-3 zoning in the area around it, but no R-3A. Now, these R-3 subdivisions are controlled
649 density, which have smaller lots, but, however, R-3 with controlled density also includes
650 approximately 20% open space, which would not be a part of this subdivision. That is why we
651 think R-2A would be most desirable for this area but the R-3 could, perhaps, be acceptable.

652
653 Mrs. Wade - And this has what, about 13%?

654

655 Mr. Bittner - I believe about 13% open space, but there is nothing requiring that
656 amount of open space.
657

658 Ms. Dwyer - So you find R-3 acceptable?
659

660 Mr. Bittner - Yes, with certain proffered conditions.
661

662 Ms. Dwyer - As long as it is in the density requirements?
663

664 Mrs. Wade - Well, if he has proffered the R-3A, he is just barely in the density.
665 Most of these seem to come in at the top level of density instead of the lower level. OK. Thank
666 you.
667

668 Ms. Dwyer - Are there any other questions of Mr. Bittner? Mrs. Wade, would
669 you like to hear from the applicant?
670

671 Mrs. Wade - Just briefly, please. We are going to have to waive the time limit.
672

673 Mr. Youngblood - Madam Chairman and members of the Commission, I am Richard
674 Youngblood. I am here to represent this case for Francis Run Associates, of which I am a
675 principal. We, since our early morning meeting, we have modified the proffers to lower the
676 density and, as Mr. Bittner pointed out, we also provided the stub road to the north and to the
677 south, and we added an additional buffer for the lots that back up to Francistown Road and we
678 have a 20 foot buffer strip which is not a part of the lots. We prohibited fences from being in
679 there. We feel this is compatible with adjoining neighborhoods in the density of this subdivision
680 even though it is R-3A. It is less than the density in all of the surrounding subdivisions, and I
681 have a little chart that you can put on the screen and show it. All of the others except Francis
682 Marion, which is across the street, were zoned R-3, and they are also controlled density. Most
683 of the common area that was given up was given up for flood plain in the Meredith Branch, and,
684 as you can see, Reeds Pointe has the lowest density, but it also has 60 foot wide lots. The main
685 reason that density is so low on that subdivision is because they dedicated Nuckols Road through
686 the subdivision, so the street dedication had a lot of land in it and, therefore, no lots and,
687 therefore, the density is less. But, you can see our density is 2.4 lots per acre, which is in
688 accordance with the Land Use Plan.
689

690 Mrs. Wade - We don't have that on our screen, but does it matter?
691

692 Mr. Youngblood - Ma'am. Forty-five lots is written down at the bottom and it is 2.4.
693

694 Ms. Dwyer - Lots per acre is your density calculation?
695

696 Mr. Youngblood - Yes, ma'am. And we have given up common area and the reason
697 we'd like to have R-3A is that we'd like to retain the two ponds. They are in the subdivision and
698 the strip of wetlands that goes between the two ponds that we would like to keep as greenery.

699 These are not swampy wetlands. These were a pasture and, therefore, grass, and they have got
700 large trees on them. So, the constraints in the size and shape of the property and by keeping the
701 ponds, we need the R-3A to be able to develop a nice, attractive subdivision. Are there any
702 questions?
703

704 Mrs. Wade - With that stub street now to Reeds Pointe, it looks as if, just a little
705 of that on there is..how would you go about...
706

707 Mr. Youngblood - Right, well, we can relieve a reserved strip at the back of Lot 5, I
708 think we have shown on the conceptual plan, and maybe a little bit on an adjacent lot, which
709 would allow for the continuation of that street into the property to the north, and that is the only
710 property left between this subdivision and Meredith Branch, so it is the only access except for
711 the private road that goes around this property to it. Presently, there is a residence on that
712 parcel.
713

714 Mrs. Wade - That wouldn't come out though through this subdivision?
715

716 Mr. Youngblood - They now use access through Thomasville Lane, which is a private
717 roadway, a 50 foot private roadway.
718

719 Mrs. Wade - Which zigs and zags?
720

721 Mr. Youngblood - Yes, ma'am.
722

723 Mrs. Wade - But if Reeds Pointe, if he came down through there, he would
724 have to go all of the way around...
725

726 Mr. Youngblood - Well, it would make a loop road if it was ever dedicated all of the
727 way through.
728

729 Mrs. Wade - All right, I don't know if it would ever be needed, but it would
730 make some provision just in case. You've got some, a lot of large trees on the site. Are you
731 making any provision for tree protection?
732

733 Mr. Youngblood - Well, we haven't located all of those trees yet, so once we get it
734 zoned and start the engineering process, we will do everything possible to try to retain the
735 vegetation that is on site.
736

737 Mrs. Wade - Like what? What sort of measures would you take?
738

739 Mr. Youngblood - Well, some of those...
740

741 Mrs. Wade - We have found that yellow tape doesn't do the job in a lot of cases.
742

743 Mr. Youngblood - Well, the way they are located, there is going to be a bunch of
744 them located in the common area which we have proposed and, of course, they will stay.
745
746 Mrs. Wade - So you will mark off the common area well?
747
748 Mr. Youngblood - Well. Yes, ma'am, and part of that common area is going to be
749 wetland, so it will be marked.
750
751 Ms. Dwyer - How will this common area be developed? It looks rather angular.
752 Are you going to have paths through there so a person could get from, say the cul-de-sac near
753 Francistown to the rear lake, or what?
754
755 Mr. Youngblood - We would like to have a path going from one of the ponds to the
756 lower pond. The lower pond kind of has a little picnic area in front of it right now.
757
758 Ms. Dwyer - By lower pond, do you mean the one farthest away from
759 Francistown?
760
761 Mr. Youngblood - The one to the north. Yes, ma'am.
762
763 Mrs. Wade - Are you going to use that for a BMP also?
764
765 Mr. Youngblood - Probably.
766
767 Ms. Dwyer - There doesn't appear to be much common property around certain
768 parts of that pond. I was just wondering how useful it would be for recreational purposes.
769
770 Mr. Youngblood - Well, they are lots that are big in the back that could be made
771 smaller where you could put more common area now. You have a lot of land around that
772 bottom pond that you could make as common area by cutting the depth from the lots at the end
773 of that cul-de-sac.
774
775 Ms. Dwyer - But that is not on the conceptual plan?
776
777 Mr. Youngblood - No, ma'am, but it is not finalized either.
778
779 Ms. Dwyer - And this plan is not proffered?
780
781 Mr. Youngblood - No, ma'am.
782
783 Mrs. Wade - When you come back, we can hold this up and say, "Mr.
784 Youngblood, this is what you said you were going to do."
785
786 Mr. Youngblood - Right.

787
788 Mrs. Wade - Now, you and Mrs. Dabney have talked about a fence on her
789 property and you have an arrangement with her?
790
791 Mr. Youngblood - Yes, ma'am.
792
793 Mrs. Wade - And she is satisfied? She is not here.
794
795 Mr. Youngblood - She was here the other night and so was the residents of the
796 property in there.
797
798 Mrs. Wade - She called me on the phone some time ago.
799
800 Mr. Youngblood - We gave her a letter and she is satisfied.
801
802 Mrs. Wade - That is what she wanted, something official, or something formal
803 from you. OK.
804
805 Ms. Dwyer - Thomasville Lane seems to have property in common with this cul-
806 de-sac. What is that?
807
808 Mr. Youngblood - It is just adjacent to it. It touches but it does not overlap.
809
810 Ms. Dwyer - Well it appears that it does on my plan.
811
812 Mr. Youngblood - Maybe you need to see the new plan that came with it. That is a
813 standard cul-de-sac. You see the common area below the pond?
814
815 Mrs. Wade - It is on your screen. What do we do to get it on ours?
816
817 Ms. Dwyer - That was on this plan, as well. The common area.
818
819 Mr. Youngblood - Actually, we are purchasing a one-acre lot right where the zig zag
820 is on Thomasville Lane, that is not part of the zoning case, but that one acre is being purchased
821 with the purchase of this property.
822
823 Ms. Dwyer - The one that is being noted by the name "Thomas".
824
825 Mr. Youngblood - Yes, ma'am.
826
827 Ms. Dwyer - So, what will you do with that? Will that be incorporated with
828 this?
829
830 Mr. Youngblood - It is not going to be a part of the subdivision. No, ma'am.

831
832 Ms. Dwyer - So you are not definite about how the common area will be
833 developed at this point, other than just to say that there will be space around the pond.
834
835 Mr. Youngblood - Yes, ma'am, and I am sure that we will put a path through it if it is
836 to go from - to connect the two streets that are in there, so that you can walk somewhere instead
837 of in the street to that lower pond.
838
839 Ms. Dwyer - Are there any other questions by Commission members? No
840 questions? Thank you.
841
842 Mrs. Wade - Now, on Plan 2, have you cut it back to 45?
843
844 Mr. Youngblood - Yes, ma'am. That is 45.
845
846 Mrs. Wade - You've made a little more common area. All right. There wasn't
847 anybody here to speak to this?
848
849 Ms. Dwyer - There was no opposition.
850
851 Mrs. Wade - First I move that we waive the time limit to accept the amended
852 proffers dated the 25th of May.
853
854 Mr. Archer - Second.
855
856 Ms. Dwyer - We have a motion by Mrs. Wade and a second by Mr. Archer.
857 All in favor of the motion say aye. All opposed say no. The motion carries.
858
859 The Planning Commission voted to waive the time limit to accept the amended proffers dated
860 May 25, 1999, for Case C-35C-99, Richard H. Youngblood for Francis Run Associates, L.C.
861
862 Mrs. Wade - Mr. Youngblood certainly addressed most of the concerns here and
863 it appears it will be compatible with the area. I know we don't have a firm plan, but I feel
864 comfortable with what is represented and that it will turn out to be satisfactory. So, therefore, I
865 move that Case C-35C-99 be recommended for approval with the amended proffers.
866
867 Mr. Vanarsdall - We have a motion by Mrs. Wade and a second by Mr. Vanarsdall.
868 All in favor say aye. All opposed say no. The motion carries.
869
870 The Planning Commission voted to approve Case C-35C-99, Richard H. Youngblood for Francis
871 Run Associates, L.C. with the amended proffers.
872
873 **SUBDIVISION (Deferred from the April 20, 1999 meeting)**
874

Edgemoor
(April 1999 Plan)

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

875

876 Mrs. Wade - Most of the questions have been answered, but there are still a
877 couple of issues to discuss, so the two week deferral is all right with me, especially since I won't
878 be here the 23rd of June, so I beg your indulgence. I think the opposition has been satisfied and
879 his question was answered. There are still a couple of things that the applicant and staff are
880 discussing, so if there is no objection to a deferral to the 10th of June, I move that Edgemoor
881 (April 1999 Plan) be deferred until the 10th of June, at the applicant's request.

882

883 Mrs. Quesinberry - Second.

884

885 Ms. Dwyer - We have a motion by Mrs. Wade and a second by Mrs.
886 Quesinberry. All in favor of the deferral say aye. All opposed say no. The motion carries.

887

888 At the applicant's request, the Planning Commission deferred Edgemoor Subdivision (April 1999
889 Plan), to its meeting on June 10, 1999.

890

891 **TRANSFER OF APPROVAL**

892

POD-50-83 **Wilkes, Artis, Hedrick and Lang for Principal Life Insurance**
Chase Gayton **Company:** Request for transfer of approval of a plan of development as
Apartments required by Chapter 24, Section 24-106, of the Henrico County Code,
from Avalon Collateral, Inc. to Principal Life Insurance Company. The
27.67 acre site is located on the northeast corner of Gaskins and
Quioccasin Roads on parcel 78-A-46. The zoning is R-5, General
Residence District. County water and sewer. **(Tuckahoe)**

893

894 Ms. Dwyer - Mr. Whitney.

895

896 Mr. Whitney - Thank you, Madam Chairman. Staff completed a review of this
897 transfer; I refer you to Page 1 in your Addendum. The owner agrees to accept the conditions
898 and responsibilities for this plan of development. Elizabeth Wilcox is here representing the
899 applicant if you have any questions of her.

900

901 Ms. Dwyer - What deficiencies were noted?

902

903 Mr. Whitney - Two trees and one stop bar.

904

905 Ms. Dwyer - The two trees were missing from the landscape plan?

906
907 Mr. Whitney - Yes, they were. The inspector has already talked to the
908 management on site and they have agreed to take care of those items within 30 days.

909
910 Ms. Dwyer - Is anyone in the audience in opposition to the transfer of approval
911 of POD-50-83, Chase Gayton Apartments? Any questions by Commission members? Ready
912 for a motion. I move for the approval of Transfer of Approval for POD-50-83, Chase Gayton
913 Apartments.

914
915 Mr. Vanarsdall - Second.

916
917 Ms. Dwyer - Wait a minute, including the conditions as noted by Mr. Whitney
918 on our Addendum! Motion by Ms. Dwyer, seconded by Mr. Vanarsdall. All in favor of the
919 motion say aye. All opposed say no. The motion carries.

920
921 The Planning Commission voted to approve Transfer of Approval of POD-50-83, Chase
922 Gayton Apartments, subject to the owner's accepting responsibility for continued compliance
923 with the conditions of original approval and the following additional condition:

924
925 1. The site deficiencies, as identified by the inspection report dated May 5, 1999, shall be
926 corrected June 25, 1999.

927
928 **TRANSFER OF APPROVAL**

929
930 **(Deferred from April 20, 1999 Meeting)**

931
932
933 POD-30-98 **Hirschler, Fleischer, Weinberg, Cox & Allen for I.O.B.,**
934 North Court at Innsbrook **L.C.:** Request for transfer of approval of a plan of development
935 (POD-25-90 Revised) as required by Chapter 24, Section 24-106 of the Henrico
936 County Code from 5020 Associates, L.L.C. and R.L. Stanfield
937 to I.O.B., L.C. The 2.71-acre site is located on the southwest
938 corner of Nuckols Road and Cox Road on parcel 28-A-43I. The
939 zoning is O-2C, Office District (Conditional) and O-3C, Office
940 District (Conditional) **(Three Chopt)**

932
933 Mr. Marlles - Mr. Wilhite has still not joined us at the meeting, but I would
934 recommend that we go forward and take action on this. Staff is recommending approval. I am
935 sure that Mr. Strauss will try to answer any questions you might have.

936
937 Ms. Dwyer - Is there anyone in the audience in opposition to Transfer of
938 Approval for POD-30-98, North Court at Innsbrook (POD-25-90 Revised)? No opposition.
939 Mr. Strauss, did you want to make a presentation?

940
941 Mr. Strauss - I have nothing to add.

942
943 Mrs. Wade - What is the status of this POD now?
944
945 Mr. Strauss - Try as I might, I cannot answer that question.
946
947 Mrs. Wade - I know we talked about the architectural at some point, and it
948 seems to me that Mr. Wilhite handled it, I think revised.
949
950 Mr. Strauss - The applicant's representative is here. Perhaps we can have him
951 answer the question.
952
953 Mrs. Wade - Would you come down, please, Mr. Schlessler? Are you Mr.
954 Hirschler, Fleischer, Weinberg, Cox or Allen?
955
956 Mr. Mark Schlessler - No, I am not any of those. I try to keep their level of income up.
957 My name is Mark Schlessler and I am with TGM Realty Investors, and we are the fee
958 developer for I.O.B. Associates, who will be assuming, who have purchased the property and
959 are taking the transfer of the POD ownership. We have submitted a revised POD that has
960 made what we consider to be minor changes to this POD, and we are asking for administrative
961 approval for that POD change. The architectural and site plan that we have submitted has been
962 approved by the Homeowners Association as being acceptable to them, and that is the current
963 status of this POD.
964
965 Mrs. Wade - OK. It hasn't been signed off?
966
967 Mr. Mark Schlessler - It hasn't been signed off. We were with Public Works yesterday
968 and we are submitting another change this morning to react to Public Works as well as some
969 other comments.
970
971 Mrs. Wade - OK, because Mr. Wilhite has one drawing and I had another
972 drawing, that was older, and I haven't really had a chance to check because the first time they
973 had a POD approved here had a building that looked quite different from what you are
974 proposing now and there was some concern about the compatibility of that with two smaller
975 buildings on the corner, when it is all basically one site.
976
977 Mr. Mark Schlessler - That is right, and we have obtained Innsbrook's Homeowner's
978 Association's approval to our design and we were attempting, the County had asked us to add
979 another parking space, and we were not able to work out a change in boundary agreement with
980 adjacent property owners, so the County staff, Todd Eure, was very helpful in helping us
981 redesign our parking lot so we could pick up two or three more spaces within the existing
982 parking lot. So, we were able to satisfy that concern and those drawings and that site plan
983 with that revision will be submitted today.
984

985 Mrs. Wade - OK, I will try to get with Mr. Wilhite and look at it myself, too,
986 if I may, but that doesn't affect the transfer of approval. Which POD are we approving
987 transferring? Mr. Strauss, do you know? We are transferring a POD here, which one? I am
988 not sure you have the POD that is being transferred.
989
990 Mr. Strauss - I would have to check. I am sorry. I cannot answer that.
991
992 Ms. Dwyer - Mrs. Wade, would you like to wait on this or...
993
994 Mrs. Wade - I don't have any problem with the ownership being transferred
995 and that is all we are talking about here.
996
997 Mr. Mark Schlessler - That is what we are requesting.
998
999 Mrs. Wade - OK. That is fine.
1000
1001 Ms. Dwyer - So, you are wondering if the 1998 POD is the revised 1990 POD,
1002 or, was that your question?
1003
1004 Mrs. Wade - Yes, it would be, but then I am sure that the POD that we saw in
1005 April is the same one that we are looking at now, and I assume that if approval of transfer is
1006 approved, then we would be dealing with different owners. Who was it that had the POD
1007 approved before?
1008
1009 Mr. Mark Schlessler - I can't recall the partnership name. It was Mr. Pratt. We are
1010 just asking for approval of transfer of their POD. We are not asking for any approval at this
1011 time for the revisions that we submitted. We are asking for an administrative approval of that.
1012
1013 Mrs. Wade - Yes, I understand that. All right.
1014
1015 Ms. Dwyer - Are there any more questions?
1016
1017 Mrs. Wade - Sometimes if there are changes, staff then confers with Planning
1018 Commissioners about the changes. OK.
1019
1020 Ms. Dwyer - Are you ready for a motion?
1021
1022 Mrs. Wade - All right. I move that POD-25-90 Revised, which is POD-30-98,
1023 North Court at Innsbrook, ownership be approved with the actual POD not quite having been
1024 approved, still in the works. So I move that the transfer of approval occur.
1025
1026 Mr. Vanarsdall - Second.
1027

1028 Ms. Dwyer - We have a motion by Mrs. Wade and a second by Mr.
1029 Vanarsdall. All in favor say aye. All opposed say no. The motion carries.

1030
1031 Mrs. Wade - So this will continue to be looked at for continued compliance
1032 with the conditions of the original approval.

1033
1034 The Planning Commission voted to approve Transfer of Approval for POD-30-98, North Court
1035 at Innsbrook (POD-25-90 Revised), subject to the owner accepting and agreeing to be
1036 responsible for continued compliance with the conditions of the original approval.

1037

1038 **LANDSCAPE PLAN – PHASE ONE**

1039

POD-122-98- The Steward School **Van Yahres Associates for Vincent Narron-The Steward School:**
Request for approval of a landscape plan for Phase One as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico Code. The 35.7 acre site is located at the northwest corner of Gayton Road and Ryandale Road, on parcels 77-A-4, 20 and 21. The zoning is A-1, Agricultural District. **(Tuckahoe)**

1040

1041 Ms. Dwyer - Is there anyone in the audience in opposition to the Landscape
1042 Plan – Phase One – for POD-122-98, The Steward School? No opposition. Mr. Strauss.

1043

1044 Mr. Strauss - Thank you, Madam Chairman. This application is for approval
1045 of landscaping for Phase I only as required by conditions of approval of POD-122-98, Steward
1046 School. The purpose of this condition was to provide approval of fencing and landscaping
1047 along the 65 foot buffer adjacent to the Wynmoor neighborhood prior to site work proceeding.
1048 The applicant has met with the neighborhood on two separate occasions, April 20 and May 4.
1049 The purpose of the meeting was to discuss the type and location of landscaping and the
1050 materials for the fencing on the northern property line. In addition, there will be supplemental
1051 planting provided to enhance the trees which will be saved in the 50 foot buffer which will
1052 remain undisturbed. The plan we have handed out this morning illustrates the design concept
1053 which uses a 6 foot high privacy fence and an additional 260 linear feet of black chain-link
1054 fence and 173 Leyland Cypresses to be planted in front of the fence with 69 Ilex Nellie Stevens
1055 Holly trees to be planted behind the fence. In addition, existing trees will be preserved within
1056 the 50 foot buffer. Staff has recommended an additional condition, which we have handed out
1057 this morning to you. The purpose of this condition is to provide an extra measure of protection
1058 within this buffer area, and that would be conditions Nos. 7 through 11 on Page 1 of your
1059 Addendum this morning. I would add that the applicant has seen these conditions. He is in
1060 agreement. We would advise the applicant to continue to work with the neighborhood. This
1061 has been a long procedure in working with the neighborhood and we'd like to continue in a
1062 better fashion. They would like to have a representative work with the neighborhood. There
1063 have been some "mis-steps" in the past in getting information to the neighborhood in a timely
1064 way. We would like to see some improvement in that regard. The school has said they are
1065 going to have a phone number and a person available at all times. There has been some

1066 difficulty in the past. We encourage the applicant to continue to improve in that regard, and,
1067 in summary, we are recommending approval with these conditions, and I will be happy to
1068 answer any questions that you may have.

1069
1070 Ms. Dwyer - Thank you, Mr. Strauss. I will note for the record that Mr.
1071 Archer is handling this case for the Commission. I am abstaining from voting today. Are
1072 there any questions for Mr. Strauss by Commission members?

1073
1074 Mr. Archer - Mr. Strauss, do we have any obligation to waive time limits on
1075 any of the information that was passed out this morning?

1076
1077 Mr. Strauss - No, sir.

1078
1079 Mr. Archer - OK. Thank you.

1080
1081 Ms. Dwyer - Any questions by Commission members for Mr. Strauss? Would
1082 you like to hear from the applicant, Mr. Archer?

1083
1084 Mr. Archer - I don't believe so.

1085
1086 Ms. Dwyer - There is no opposition. We are ready for a motion.

1087
1088 Mr. Archer - This landscape plan has been worked on very diligently by Mr.
1089 Strauss and the members of the committee that have assisted him and the applicant in trying to
1090 put it together, and I talked to Mr. Strauss just yesterday, so he worked on it right up until the
1091 last minute, and I think it has been done quite well. Since there is no opposition, I move
1092 approval, subject to the annotations on the plan, standard conditions for landscape and lighting
1093 plans and the additional conditions Nos. 7 through 11 as noted on the Addendum to the Agenda
1094 passed out this morning.

1095
1096 Mrs. Wade - Second.

1097
1098 Ms. Dwyer - We have a motion by Mr. Archer and a second by Mrs. Wade.
1099 All in favor of the motion say aye. All opposed say no. The motion carries. Ms. Dwyer
1100 abstained from voting on this case.

1101
1102 The Planning Commission voted to approve Landscape Plan – Phase One for POD-122-98,
1103 The Steward School, subject to the annotations on the plan, standard conditions attached to the
1104 minutes for landscape and lighting plans, and the following additional conditions:

1105 7. There will be no disturbance in the proposed buffer along the northern property line
1106 adjacent to the Wynmoor neighborhood of Baypines Lane, except for activity associated
1107 with the maintenance of the fence and landscape material.

1108 8. The owner shall be responsible for the maintenance, repair and replacement of
1109 landscaping materials, buffering and screening.

- 1110 9. All plant material shall be tended and maintained in a healthy growing condition,
1111 replaced when necessary and kept free of refuse and debris.
1112 10. All diseased and/or dead plant materials, except leaves and other normal forest litter,
1113 shall be promptly removed and replaced during the normal planting season and in all
1114 cases within a year.
1115 11. Fences, walls and screens, including gates and doors, shall be maintained in good
1116 repair by the owner.
1117

1118 **LIGHTING PLAN**

POD-26-98 **TIMMONS:** Request for approval of a lighting plan review as required
Sunrise Cottages by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico Code. The
6.33 acre site is located at the northeast corner of Parham and Michael
Road on parcel 79-0A-69. The zoning is R-6C, General Residence
District, (Conditional) **(Three Chopt)**

1119
1120 Ms. Dwyer - Is there any opposition to lighting plan for LP/POD-26-98,
1121 Sunrise Cottages? Mr. Strauss.
1122

1123 Mr. Strauss - Thank you, Madam Chairman. The staff has reviewed this
1124 application for approval of site lighting and has recently concluded an on-site evaluation of the
1125 proposed lighting with the neighborhood and the owner's representatives. We are distributing
1126 the annotated lighting plan at this time. There is also an additional condition on this morning's
1127 Addendum which is also being distributed to you. The applicant proposes to use 7 tall light
1128 poles with a small lantern on each pole, each housing twin 13 watt florescent lamps. This
1129 would be fixture A on your lighting plan. These light poles would be located at the main
1130 parking area and along the walkway at the rear of the three buildings where the cottages are of
1131 the assisted living project. There will also be small, 2 foot high, pedestrian ground mounted
1132 lights along the main walkway in the front of these buildings. These are fixtures C as shown
1133 in your lighting plan. In addition, there are additional small lights which are fixtures D and G
1134 which serve as ground-mounted spots for the entrance signs, and two recessed can lights for
1135 the flag poles. These lights were reviewed with the neighborhood both before the fixtures
1136 were installed and since installation, and the neighbors have had no objections to the lights.
1137 However, there is an additional lighting fixture that is proposed and it has been the subject of
1138 some recent controversy, and that is the proposed use of building accent lights or rope lights
1139 along the roof line eaves at the front fascia of each building. Staff has observed the use of
1140 these rope lights at night and concluded that the use of these lights should be limited by a
1141 condition. Otherwise, unlimited use of these lights would be objectionable to the
1142 neighborhood. Staff's position is that since these lights serve no security function, they are
1143 merely ornamental. At worse, they could be an attention-getting device and we do have some
1144 concerns that long-term use of these lights could draw attention to the buildings and in staff's
1145 opinion that would be contrary to the original intent of the project design, which was to blend
1146 with the residential area. Staff, however, would have no objection to the limited use of these
1147 accent lights during the holiday season. Hence, the additional condition which we have handed

1148 out this morning in the Addendum, which would limit the use of these rope lights to the
1149 holiday season as stipulated in the condition, which is with your Addendum this morning. I
1150 can read that. It is condition No. 7. "The use of accent lighting or rope lighting along the
1151 roof eaves and front fascia of each cottage is limited to the holiday season – defined as late
1152 November (Thanksgiving Day), through January 1, and the grand opening to be held June 3,
1153 4, and 5, 1999. The use of these accent lights would be limited up until 10:00 p.m. during
1154 these times."

1155
1156 Mrs. Wade - You mean up to – not limited to 10:00 p.m.

1157
1158 Mr. Strauss - Limited up to – I will make a correction on that. I am sorry.
1159 With this additional condition, staff can recommend approval of the lighting plan, and I will be
1160 happy to answer any questions you may have.

1161
1162 Ms. Dwyer - Are there any questions for Mr. Strauss by Commission
1163 members?

1164
1165 Mrs. Wade - I gather the Police Planner has been there and decided that there
1166 is ample light for security purposes.

1167
1168 Mr. Strauss - Yes, ma'am, although she did point out that these rope lights
1169 don't really add anything to the security, therefore, they were not necessary.

1170
1171 Ms. Dwyer - Are there any other questions?

1172
1173 Mrs. Wade - And generally the lights that are there, of course, they put the
1174 lights up before the plan had been approved, do they generally meet the intent of the proffers?

1175
1176 Mr. Strauss - Yes, ma'am. The proffers with regards to lighting did require an
1177 additional condition that the lights be reduced to a minimum security level after visiting hours,
1178 and the applicant has put the annotation on the plan and has agreed to turn off every other light
1179 back of the assisted living complex. With regards to concealed source, if that was your
1180 question, staff recently, in reviewing lighting plans with pedestrian style lighting, and of course
1181 they don't look like shoe boxes, (typical parking lot lights) but that is really the intent. We
1182 wanted to have something more pedestrian in scale. Our opinion is that these lights, because
1183 the illumination source is hidden with honey glass is what it is called and it is not transparent.
1184 It is opaque panel. It is a concealed source in our opinion, and, of course, the wattage in these
1185 lamps is low. It is two 13 watt florescent lights in each fixture.

1186
1187 Mrs. Wade - We were a little concerned about the rope lighting meeting that,
1188 but not wanting to be the grinch, and the fact that a lot of residents do have lights at Christmas
1189 times and holiday time, we will compromise to that extent. Thank you.

1190
1191 Ms. Dwyer - Any other questions? No questions. Ready for a motion?

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Mrs. Wade - The applicant is agreeable to the conditions?

Ms. Freye - Yes, ma'am, Mrs. Wade. My name is Gloria Freye and I'm here on behalf of Sunrise, and, yes, ma'am, they are agreeable to the condition, and very appreciative to the neighbors that have worked with them, come over the site, looked at the property, and have been very kind and gracious in working with us to come to this resolution.

Mrs. Wade - Thank you. Does anybody else have anything? No comments. A lot of work has gone into this. This really was the climax of about 30 years of zoning activity on this parcel, and in fact, I was thinking last night that one could write a real exciting book about this, involving the Governor, a murderer, and all kinds of exciting things that would make interesting reading in a novel, but finally, I think, in this specialized area we've gotten something that the neighborhood is pleased with, and once we get over this last little hitch of ours, the lights here, and the neighbors even are beginning to volunteer to help out at the cottages, and it will fit in quite well with the neighborhood. We hope everybody will continue this good relationship. So, I move, therefore, that the lighting plan for Sunrise Cottages, POD-26-98, be approved subject to the annotations on the plan, the standard conditions for lighting and landscape plans and condition No. 7 that is slightly amended there, with the addition of the "up" in the second paragraph be approved.

Mr. Archer - Second.

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

The Planning Commission voted to approve the lighting plan for POD-26-98, Sunrise Cottages, subject to the annotations on the plans, the standard conditions attached to the minutes for landscape and lighting plans, and the following additional condition:

7. The use of accent lighting ("rope lighting") along the roof eaves and front fascia of each cottage is limited to the holiday season – defined as late November (Thanksgiving Day) through January 1, and the grand opening to be held on June 3, 4 and 5, 1999.

The use of these accent lights would be limited to up to 10:00 p.m. during these times.

Mr. Marlles - Madam Chairman, before I read the next case, I would like to take this opportunity to introduce another new staff member, Ben Blankenship, who is the gentleman standing up, joined us to replace Allen Webb as Principal Planner of the Zoning Division. Ben was previously with the County of Albemarle for 2-1/2 years and prior to that he was the Planning Director in Orange County. So, he has been with us now for about two or

1235 three weeks, at least, but we are glad to have him and I am sure you will be seeing more of
1236 him in the future.

1237
1238 Ms. Dwyer - Welcome! It is nice to have you on board.

1239
1240 **LANDSCAPE AND LIGHTING PLAN**

1241
LP/POD-43-98 **William H. Spell, ASLA:** Request for approval of a landscape
Skipwith Assisted and lighting plan, as required by Chapter 24, Sections 24-106 and
Living Center 24-106.2 of the Henrico County Code. The 5.04-acre site is
located on the west line of Skipwith Road approximately 722 feet
south of its intersection with Parham Road, on parcel 69-A-92
and part of parcel 59-A-97. The zoning is R-6C, General
Residence District (Conditional). **(Three Chopt)**

1242
1243 Ms. Dwyer - Is anyone in the audience in opposition to the landscape and
1244 lighting plan for LP/POD-43-98, Skipwith Assisted Living Center? No opposition. Mr.
1245 Strauss.

1246
1247 Mrs. Wade - There was somebody, because it was supposed to be on the
1248 Expedited Agenda.

1249
1250 Mr. Strauss - Yes, ma'am, there was a gentleman, Mr. Bob Silver, he was here
1251 earlier. I took the plan with the applicant out to the lobby, with Bill Spell, also out to the
1252 lobby. He showed Mr. Silver the landscape plan and Mr. Silver is quite happy now with the
1253 plan he is proposing. He simply wanted to view the plan prior to action taking place. Staff
1254 has reviewed the landscape plan for this project and we have concluded it meets or exceeds
1255 requirements of the ordinance in regards to the landscaping and the proffers which apply to this
1256 project. We were also contacted by three citizens earlier this week and they were in
1257 agreement. They had no opposition. So, we are recommending approval at this time.

1258
1259 Ms. Dwyer - Any questions for Mr. Strauss by Commission members? Would
1260 you like to hear from the applicant, Mrs. Wade?

1261
1262 Mrs. Wade - I don't think so unless they have something to add.

1263
1264 Ms. Dwyer - Almost expedited. All right, ready for a motion.

1265
1266 Mrs. Wade - Well, there were not any changes to the plan after the discussion?

1267
1268 Mr. Strauss - No, ma'am. Bill Spell addressed the issues which included where
1269 the trees were going, evergreen trees, and Bill may work with this next-door neighbor in
1270 regards to field locating the material before it is installed, but he was satisfied with that.

1271

1272 Mrs. Wade - And they can work the fence out on the south side?
 1273
 1274 Mr. Strauss - That is my understanding. Yes.
 1275
 1276 Mrs. Wade - All right, because we were concerned because there were so
 1277 many trees there.
 1278
 1279 Mr. Strauss - Right, the Magnolias are large, but the proffer did indicate a
 1280 fence was required along parcel 93, I believe it was, and Bill checked the situation in the field
 1281 and it looked like the fence could be installed.
 1282
 1283 Mrs. Wade - All right, thank you. I move that LP/POD-43-98, Skipwith
 1284 Assisted Living Center, be approved, subject to the annotations on the plans and standard
 1285 conditions.
 1286
 1287 Mr. Vanarsdall - Second.
 1288
 1289 Ms. Dwyer - We have a motion by Mrs. Wade and a second by Mr.
 1290 Vanarsdall. All in favor say aye. All opposed say no. The motion carries.
 1291
 1292 The Planning Commission voted to approve Landscape and Lighting Plan for LP/POD-43-98,
 1293 Skipwith Assisted Living Center, subject to the standard conditions attached to the minutes for
 1294 landscape and lighting plans and the annotations on the plans.
 1295

SUBDIVISION (Deferred from April 20, 1999)

Sadler Green (April 1999 Plan) Youngblood, Tyler and Associates, P.C. for Lester G. and Esther P. Smith and Fidelity Properties, Ltd.: The 10.1 acre site is located on the west line of Sadler Road, approximately 200 feet south of Trexler Road (private) on part of parcels 27-A-26 and 27-A-44. The zoning is R-3AC, One-Family Residence District (Conditional). County water and sewer. **(Three Chopt) 30 Lots**

1296
 1297 Mr. Marlles - Mr. Mikel Whitney will be trying to fill in for Mr. Wilhite, who
 1298 has been detained.
 1299
 1300 Ms. Dwyer - Good morning, Mr. Whitney.
 1301
 1302 Mr. Whitney - Good morning, Madam Chairman. I will do what I can to cover
 1303 for Mr. Wilhite today. The applicant here is Mr. Webb Tyler and he can probably answer
 1304 some questions, if we need any information on the record. Also, Todd Eure, from Traffic
 1305 Engineering is here, to deal with one of the unresolved issues to this point. I have been
 1306 informed that the BMP issues for the subdivision have been worked out with the Department of
 1307 Public Works and also the issue about a stub street to the south of this proposed subdivision

1308 has been worked out and will not be provided. There will be a stub, however, to the west side
1309 of the subdivision to the Tucker and Green properties. The unresolved issue would be the
1310 inclusion of the reserved parcel labeled on your plan in your packet. Whether or not this will
1311 be included in the subdivision, it is my understanding that Traffic Engineering, Public Works,
1312 wants this included so they can obtain dedication of right-of-way for the realignment of Sadler
1313 Road. That is all I know, and I will take any questions.

1314
1315 Ms. Dwyer - I neglected to ask for opposition, I believe. Is there any
1316 opposition to Subdivision Sadler Green? No opposition. Any questions for Mr. Whitney?

1317
1318 Mrs. Wade - Is there any mechanism to get a dedication without having it
1319 included in the subdivision, I suppose. It is on a parcel that was zoned when the plan was
1320 zoned for a subdivision.

1321
1322 Mr. Whitney - The property owner could deed right of way, I assume, to the
1323 County, for widening of the road, but the two avenues for dedication of right-of-way are, for
1324 public roads, are subdivision or letter of necessity, to my knowledge. Maybe Mr. Eure can
1325 shed some light on that.

1326
1327 Mrs. Wade - So there will be stubs on the west and repeat this stub thing. I've
1328 got old plans and then I have a great big new plan and I don't have room to unfold here.

1329
1330 Mr. Whitney - Mr. Tyler is going to put the revised plan on the table. That will
1331 help everybody.

1332
1333 Mrs. Wade - OK, so there is a stub on the west, but no stub north or south?

1334
1335 Mr. Whitney - West is also correct.

1336
1337 Mrs. Wade - When you go back here, it is at the top of the plan. And that is
1338 the only one?

1339
1340 Mr. Whitney - That is the only one I see on this revised plan. Yes.

1341
1342 Mrs. Wade - And that is OK with staff? Just repeat what you said in the
1343 beginning about the stubs.

1344
1345 Mr. Whitney - The stub was to be provided to the properties to the west, the stub
1346 that staff had recommended for properties to the south has been eliminated. And that was
1347 shown going through Lot 7, the stub to the south.

1348
1349 Mrs. Wade - OK. And the north is not an issue?

1350
1351 Mr. Whitney - That is my understanding.

1352
1353 Mrs. Wade - All right, so that leaves us with the little piece down at the
1354 bottom. Was there anything in the proffers? Maybe the applicant can tell me that, about the
1355 planting strip related to fences, with the zoning case. And there is access to the BMP. That
1356 has been worked out you have indicated.
1357
1358 Mr. Whitney - To my understanding. Yes. Apparently, we don't have the file
1359 here with us. We will see what we can do about getting those.
1360
1361 Mrs. Wade - Maybe Mr. Tyler remembers? Mr. Tyler.
1362
1363 Ms. Dwyer - Mr. Tyler, would you like to give the staff report?
1364
1365 Mr. Tyler - For the record, my name is Webb Tyler. I am an engineer with
1366 Youngblood, Tyler and Associates. I am sorry, Mrs. Wade, can you please repeat the
1367 question.
1368
1369 Mrs. Wade - Was there anything in the zoning case about limiting the location
1370 of the fence in the landscape strip?
1371
1372 Mr. Tyler - Yes, ma'am, there was. The fence could be no closer than 8 feet
1373 to the right of way line.
1374
1375 Mrs. Wade - OK. I thought it was but I could not remember it.
1376
1377 Mr. Tyler - And that landscape strip of common area is what you persuaded
1378 me to include in the case.
1379
1380 Ms. Dwyer - Do we know what the ultimate right of way line for Sadler Road
1381 will be?
1382
1383 Mr. Tyler - Yes, ma'am. What is shown on the drawings here represents the
1384 County Public Works Departments' realignment of Sadler Road and that right-of-way, take or
1385 acquisition, that would be. There are various alternatives, but this is the alternative that they
1386 desire at the present time. There have been some modifications, but this is the current desire of
1387 the Public Works Department.
1388
1389 Ms. Dwyer - Alternative J, maybe.
1390
1391 Mrs. Wade - Now, what are we going to do about getting that dedication of
1392 that triangle?
1393
1394 Mr. Tyler - If it is only a matter of the dedication, Mrs. Wade, I would
1395 certainly agree to a condition that says "that the developer shall dedicate the additional piece of

1396 property owned by the current property owner as long as it does not have to be constructed,
1397 since it is not a part of the subdivision”.

1398
1399 Mr. Marlles - Do you mind repeating that?

1400
1401 Mr. Tyler - Mrs. Wade appears to be concerned about the right-of-way
1402 dedication in the area of the triangle at the extreme bottom edge of the drawing, bottom left-
1403 hand side. That piece of property is owned by the current property owner, Mr. Smith, just as
1404 he owns the property around his house. Mrs. Wade would like to have the right of way
1405 dedicated across Mr. Smith’s property in that particular area, and I have agreed to dedicate the
1406 additional right-of-way on that triangle as a vehicular means of a condition placed on the
1407 conditional subdivision plan.

1408
1409 Mr. Marlles - OK, thank you.

1410
1411 Mrs. Wade - Does Public Works want improvements, also, or is the dedication
1412 adequate? So, should we add a condition then to this? It is basically the same site but not in
1413 the subdivision.

1414
1415 Ms. Dwyer - A condition relating to the dedication of the right of way? Mr.
1416 Secretary, what you do recommend?

1417
1418 Mr. Marlles - I believe that we can do it, Madam Chairman.

1419
1420 Mrs. Wade - We want a condition that indicates whatever that parcel is.

1421
1422 Ms. Dwyer - Could you phrase one for us?

1423
1424 Mrs. Wade - Frontage will be dedicated.

1425
1426 Mr. Whitney - Mr. Marlles, did you get any language written down for that?

1427
1428 Mr. Marlles - Yes, I do. The language right now is “that the developer shall
1429 dedicate the additional right-of-way required – I don’t have the parcel number – on the
1430 triangle, as a condition of the subdivision plan”.

1431
1432 Mr. Whitney - We could identify it by the area labeled as “Reserved” on the
1433 staff plan.

1434
1435 Mrs. Wade - 27-A-44.

1436
1437 Mr. Whitney - That is the parcel number. Part of 27-A-44.

1438
1439 Mr. Marlles - Part of 27-A-44?

1440
1441 Mr. Whitney - Correct.
1442
1443 Ms. Dwyer - It would be part of parcel 27-A-44?
1444
1445 Mrs. Wade - All right, so that would be condition No. 14.
1446
1447 Mr. Marlles - Condition No. 14. That is correct.
1448
1449 Mrs. Wade - That looks like it takes care of it. Was there anything else,
1450 Mr. Whitney?
1451
1452 Mr. Whitney - I don't think so.
1453
1454 Ms. Dwyer - This may be a stupid question, but this is not connected to
1455 Trexler? Why? If I could ask the applicant that, why we didn't make this a through street.
1456
1457 Mrs. Wade - It is a private road now. It goes back to that tower next to the
1458 interstate.
1459
1460 Ms. Dwyer - OK.
1461
1462 Mrs. Wade - And it belongs to somebody, I assume, in the back.
1463
1464 Mr. Whitney - Yes, that is labeled on the plat. It is owned by Virginia Cellular.
1465 That is access to the tower; that is correct.
1466
1467 Ms. Dwyer - And in all likelihood that will remain a private road and never
1468 become a public road for access to this other parcel from what you have observed?
1469
1470 Mrs. Wade - The people back there, of course, have a right to use it. Maybe
1471 the ownership question...but nobody is going to be without access when we get through here.
1472
1473 Mr. Tyler - Would you please repeat the question?
1474
1475 Mrs. Wade - I just want to be sure that none of these parcels will be without
1476 access.
1477
1478 Mr. Tyler - That is correct. No one is being denied any access. In fact,
1479 access is being improved via a public street and Trexler is a private road and serves several
1480 parcels in addition to the GTE Cellular Tower that is against the interstate. Not just the tower
1481 itself, but a few other parcels in there.
1482

1483 Mrs. Wade - And they have access, but now if they would want to develop or
1484 something, they would have to make some other arrangements?
1485

1486 Mr. Tyler - I can only speculate, Mrs. Wade, as to how those properties
1487 would develop in the future, and whether or not Trexler Road would ever become public and
1488 that would be nothing but a matter of speculation on my part.
1489

1490 Mrs. Wade - Hopefully, there will be more combining of parcels in this area.
1491

1492 Mr. Tyler - I would certainly hope that would be the case and I know that is
1493 the very logical way to handle it.
1494

1495 Mrs. Wade - Thank you, and as I understand it, you're getting sewer from
1496 across the interstate? Why is it coming from over there?
1497

1498 Mr. Tyler - Yes, ma'am. It comes up from the Chickahominy River all the
1499 way up and goes underneath the interstate.
1500

1501 Mrs. Wade - All right. Thank you.
1502

1503 Ms. Dwyer - Is it existing under the interstate now, or is this being done?
1504

1505 Mr. Tyler - That is the debate – and at the present time it is doubtful that
1506 there is anything that is useable underneath the interstate. At this point in time, it is not.
1507

1508 Ms. Dwyer - Mr. Silber reminded me that there is a common area between the
1509 cul-de-sac and Trexler Road, so would there be a potential of connection there if that seemed
1510 desirable?
1511

1512 Mr. Tyler - If this body so desired a connection, that could take place.
1513

1514 Mrs. Wade - Are you talking about at the end of the cul-de-sac? We had
1515 talked about that in one early plan, or maybe we just pencilled it in on discussion, but that is
1516 not something that we could insist upon once this plan is approved and developed. Is it?
1517

1518 Mr. Tyler - If it is the desire of this Commission, I am willing to put it in the
1519 restrictive covenants, but that is an item.
1520

1521 Ms. Dwyer - If this could possibly be connected?
1522

1523 Mr. Tyler - If that is the desire of this Commission.
1524

1525 Ms. Dwyer - There is a lot of vacant land to the northwest.
1526

1527 Mr. Tyler - There is also a tremendous drainage divide there, too, drainage
1528 gully, that is not economically feasible to cross.
1529
1530 Mrs. Wade - And currently they all have some kind of access to Sadler? All
1531 right.
1532
1533 Mr. Whitney - Did the Commission desire that language in the restrictive
1534 covenants, a road connect, or would you prefer to handle that matter another way?
1535
1536 Mrs. Wade - We talked about that earlier, then it got eliminated, so as not
1537 being necessary. Presumably, there will be other combinations here before any more is
1538 developed.
1539
1540 Ms. Dwyer - Any other questions by Commission members?
1541
1542 Mrs. Wade - I gather Public Works is no longer recommending it, so you all
1543 are not recommending on the part here?
1544
1545 Mr. Whitney - As far as the BMP and now that the dedication will be achieved,
1546 Public Works will recommend approval.
1547
1548 Mrs. Wade - No, I mean the issue that we are talking about.
1549
1550 Mr. Whitney - Oh, the connect?
1551
1552 Mrs. Wade - Yes.
1553
1554 Mr. Whitney - I don't know what the issues were on that.
1555
1556 Mrs. Wade - I think we are back to the way that we were. You are
1557 recommending approval of it without that, so OK. I am ready.
1558
1559 Mr. Whitney - I can make it an annotation to the plan, if that is preferable.
1560
1561 Mrs. Wade - OK. Thank you. Annotation to the plan and the covenants. OK,
1562 thank you. Ready for a motion? I move Sadler Green (April 1999 Plan) be approved, the
1563 latest revised plan, subject to the annotations which annotations now cover these issues, the
1564 BMP OK, and adding one about putting in the covenants about possible connections at that cul-
1565 de-sac at Sadler Green Lane, and no stub on the south, and conditions Nos. 12, 13 and 14,
1566 which provide for the dedication of additional right of way along Sadler on the front part of
1567 27-A-44, reserved parcel.
1568
1569 Mr. Archer - Second.
1570

1571 Ms. Dwyer - We have a motion by Mrs. Wade, seconded by Mr. Archer. All
1572 in favor of the motion say aye. All opposed say no. The motion carries.

1573
1574 The Planning Commission voted to approve Sadler Green Subdivision (April 1999 Plan),
1575 subject to the annotations on the plans, the standard conditions attached to the minutes for
1576 subdivisions served by public utilities, and the following additional conditions:

1577
1578 12. The detailed plant list and specifications for the landscaping to be provided within the 15-
1579 foot common area along Sadler Road shall be submitted to the Planning Office for review
1580 and approval prior to recordation of the plat.

1581 13. Prior to requesting the final approval, a draft of the covenants and deed restrictions for
1582 the maintenance of the common area by a homeowners association shall be submitted to
1583 the Planning Office for review. Such covenants and restrictions shall be in form and
1584 substance satisfactory to the County Attorney and shall be recorded prior to recordation
1585 of the subdivision plat.

1586 14. The developer shall dedicate the required right of way across 27-A-44 shown as
1587 "reserved "on the staff plan.

1588
1589 Mr. McGarry - We have the 10:30 a.m. deferrals and withdrawals, which you
1590 are ready for. The first is on Page 20.

1591
1592 **PLAN OF DEVELOPMENT (Deferred from March 23, 1999 meeting)**

1593
POD-22-99 **Balzer and Associates for Essex Properties:** Request for approval
Four Mile Creek of a plan of development for a master plan as required by Chapter
Commercial Center 24, Section 24-106 of the Henrico County Code to construct a
- Master Plan commercial center consisting of five buildings, including a one-
story, 1,700 sq. ft. restaurant; a one-story 3,675 sq. ft. restaurant; a
one-story 15,000 sq. ft. restaurant and a three-story 33,480 sq. ft.
hotel, in addition to a previously approved one and a half story,
4,122 square foot convenience store with fuel pumps, bank and a
car wash. The 24.80 acre site is located along the south line of New
Market Road (State Route 5) 1600 feet east of its intersection with I-
295 on part of parcel 249-A-51. The zoning is B-3C, Business
District (Conditional), and ASO, Airport Safety Overlay District.
County water and sewer. **(Varina)**

1594
1595 Mr. McGarry - This is to be deferred for 30 days to June 23, 1999.

1596
1597 Ms. Dwyer - Is anyone in the audience in opposition to the deferral of POD-
1598 22-99, Four Mile Creek Commercial Center, Master Plan? No opposition. I am ready for a
1599 motion.'

1600

1601 Mrs. Quesinberry - I would like to move the recommended deferral, at the applicant's
1602 request, for POD-22-99, for 30 days, to June 23, 1999.

1603
1604 Mr. Vanarsdall - Second.

1605
1606 Ms. Dwyer - We have a motion by Mrs. Quesinberry and a second by Mr.
1607 Vanarsdall. All in favor of the motion say aye. All opposed say no. The motion carries.

1608
1609 At the applicant's request, the Planning Commission voted to defer POD-22-99, Four Mile
1610 Creek Commercial Center – Master Plan, to its meeting on June 23, 1999.

1611
1612 Mr. McGarry - The next is on Page 31 of your Agenda.

1613
1614 **SUBDIVISION**

1615
Wyndham Forest (May 1999 Plan) **Jordan Consulting Engineers, P.C. for H.H. Hunt:** The 1.6 acre site is located east of Shady Grove Road and south of the Chickahominy River on part of parcel 10-A-7B. The zoning is R-3C, One-Family Residence District (Conditional) County water and sewer. **(Three Chopt)** 0 Lots

1616
1617 Mr. McGarry - The applicant is asking to withdraw this case.

1618
1619 Ms. Dwyer - Is there anyone in the audience in opposition to the withdrawal of
1620 Wyndham Forest (May 1999 Plan)? No opposition. Ready for a motion.

1621
1622 Mrs. Wade - I move the request for withdrawal of Wyndham Forest (May
1623 1999 Plan) be granted.

1624
1625 Mr. Vanarsdall - We have a motion by Mrs. Wade and a second by Mr.
1626 Vanarsdall. All in favor of the motion say aye. All opposed say no. The motion carries.

1627
1628 At the applicant's request, the Planning Commission voted to withdraw Wyndham Forest (May
1629 1999 Plan) from further consideration.

1630
1631 Mr. McGarry - That is all that staff is aware of on deferred or withdrawn cases.

1632
1633 Ms. Dwyer - Is the Commission aware of any further deferrals or withdrawals?

1634
1635 Mr. McGarry - Staff is aware of one Expedited Case for your 10:30 a.m. agenda.
1636 Page 33.

1637
1638 **PLAN OF DEVELOPMENT**
POD-40-99

**Batteries Plus -
West Broad Street
(POD-24-92 Rev.)**

Bengtston, DeBell & Elkin, Ltd. for Taco Bell and K-Holding, LLP.: Request for approval of a plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a one-story 1,936 square foot retail building. The 0.46 acre-site is located on the north line of West Broad Street (U.S. 250) 900' east of Old Springfield Road on part of parcel 59-A-6N. The zoning is B2, Business District. County water and sewer. **(Brookland)**

1639

1640 Ms. Dwyer - Is there anyone in the audience in opposition to POD-40-99,
1641 Batteries Plus, West Broad Street? No opposition. Any questions by Commission members on
1642 this case? No questions. Ready for a motion.

1643

1644 Mr. Vanarsdall - I move approval of POD-40-99, Batteries Plus, West Broad
1645 Street, (POD-24-92 Rev.) subject to the annotations on the plans, standard conditions for
1646 developments of this type and conditions Nos. 23 through 31.

1647

1648 Mr. Archer - Second.

1649

1650 Ms. Dwyer - We have a motion by Mr. Vanarsdall and a second by Mr.
1651 Archer. All in favor say aye. All opposed say no. The motion carries.

1652

1653 The Planning Commission approved POD-40-99, Batteries Plus – West Broad Street (POD-24-
1654 92 Rev.), subject to the annotations on the plans, the standard conditions attached to these
1655 minutes for developments of this type and the following additional conditions:

1656

1657 23. The easements for drainage and utilities as shown on approved plans shall be granted to
1658 the County in a form acceptable to the County Attorney prior to any occupancy permits
1659 being issued.

1660 24. The developer shall provide fire hydrants as required by the Department of Public
1661 Utilities in its approval of the utility plans and contracts.

1662 25. Outside storage shall not be permitted.

1663 26. Any necessary off-site drainage easements must be obtained in a form acceptable to the
1664 County Attorney prior to final approval of the construction plans by the Department of
1665 Public Works.

1666 27. Deviations from County standards for pavement, curb or curb and gutter design shall be
1667 approved by the County Engineer prior to final approval of the construction plans by
1668 the Department of Public Works.

1669 28. The loading areas shall be subject to the requirements of Chapter 24, Section 24-97(b)
1670 of the Henrico County Code.

1671 29. Storm water retention, based on the 50-10 concept, shall be incorporated into the
1672 drainage plans.

- 1673 30. Insurance Services Office (ISO) calculations must be included with the utilities plans
1674 and contracts and must be approved by the Department of Public Utilities prior to the
1675 issuance of a building permit.
1676 31. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the
1677 Planning Office and approved prior to issuance of a certificate of occupancy for this
1678 development.
1679

1680 Ms. Dwyer - We are now back on the regular agenda. Thank you, Mr.
1681 McGarry.
1682

1683 **CONDITIONAL SUBDIVISION**
1684

Westfield (A Reconsideration of the April 1998 Plan) **Wingate and Kestner, PLC for The Stone Brook Company:** The approximately 43-acre site is located along the west line of Pouncey Tract Road, approximately 600 feet south of County Creek Way on part of parcel 99-A-33. The zoning is A-1, Agricultural District. Individual well and septic tank/drainfield. **(Three Chopt) 8 Lots**

1685
1686 Ms. Dwyer - Is there anyone in the audience in opposition to Conditional
1687 Subdivision Westfield? No opposition. Mr. Whitney.
1688

1689 Mr. Whitney - Thank you, Madam Chairman. I hope everyone has had a chance
1690 to read the explanation of the reason for this reconsideration in your agenda. Briefly, it is just
1691 the removal of a road connection to Old Pouncey Tract Road, which would have been the
1692 avenue to provide public water service to the subdivision. This road has been removed. It
1693 will not be feasible to get public water to this subdivision, so for the Commission to remove
1694 condition requiring plans and connections to public water, we have to have this
1695 reconsideration. Therefore, the subdivision with this approval will then be served by
1696 individual well and septic drainfield systems. I will take any questions you may have.
1697

1698 Ms. Dwyer - Are there any questions for Mr. Whitney? So we are just adding
1699 conditions Nos. 11 and 12? Is that right?
1700

1701 Mr. Whitney - That is correct, along with the standard conditions for
1702 subdivisions not served by public utilities.
1703

1704 Ms. Dwyer - No questions. Would you like to hear from the applicant, Mrs.
1705 Wade?
1706

1707 Mrs. Wade - No.
1708

1709 Mrs. Dwyer - No opposition. We are ready for a motion.
1710

1711 Mrs. Wade - I move approval of conditional subdivision Westfield (A
1712 Reconsideration of the April 1998 Plan), subject to the annotations on the plans, standard
1713 conditions attached to the minutes for subdivisions not served by public utilities, and additional
1714 conditions Nos. 11 and 12.

1715
1716 Mr. Vanarsdall - Second.

1717
1718 Ms. Dwyer - We have a motion by Mrs. Wade and a second by Mr.
1719 Vanarsdall. All in favor say aye. All opposed say no. The motion carries.

1720
1721 The Planning Commission granted conditional approval to Subdivision Westfield (A
1722 Reconsideration of the April 1998 Plan), subject to the annotations on the plan, the standard
1723 conditions attached to these minutes for subdivisions not served by public utilities and the
1724 following additional conditions:

- 1725
1726 11. The limits and elevation of the 100 year frequency flood shall be conspicuously noted on
1727 the plat and construction plans and labeled "Limits of 100 Year Floodplain." Dedicate
1728 floodplain as a "Variable Width Drainage & Utility Easement."
1729 12. Any necessary off-site drainage easements must be obtained prior to final approval of the
1730 construction plans by the Department of Public Works.

1731

1732 **PLAN OF DEVELOPMENT AND SPECIAL EXCEPTION**

1733

POD-30-99 Summit Gayton Apartments

Foster and Miller, P.C. for Pacific American Property Exchange Corporation and Summit Properties: Request for approval of a plan of development and special exception for height as required by Chapter 24, Sections 24-106 and 24-94(b) of the Henrico County Code to construct 13 three-story apartment buildings totaling 290 units. The 22.649-acre site is located on the east line of N. Gayton Road Extended on part of parcel 36-A-45 and part of 36-A-43. The zoning is R-5C, General Residence District (Conditional) and R-6C, General Residence District (Conditional). County water and sewer.
(Three Chopt)

1734

1735 Ms. Dwyer - Is there anyone here in opposition to Plan of Development and
1736 Special Exception request for POD-30-99, Summit Gayton Apartments? No opposition. Mr.
1737 Whitney.

1738

1739 Mr. Whitney - Thank you, Madam Chairman. Regarding the annotations on this
1740 plan, the compactor detail was included on the plan and it is going to be block with stucco to
1741 match the building. Traffic Engineering requested that a revision to the circular drive in front
1742 of the club house, so staff has received a revised plan showing a one-way traffic circulation
1743 around that circle. I did talk to the applicant earlier and reminded him that we need to get the

1744 Division of Fire involved during final signature time to insure that Fire has no problems with
1745 this revision.

1746
1747 Mrs. Wade - Where is the one-way?

1748
1749 Mr. Whitney - One way would be around the circle at the first entrance off East-
1750 West Access Road in front of the club house. As far as utility comments, all of these buildings
1751 will be sprinkled, therefore, they are recommending approval at this time. This request
1752 includes a special exception for height, of three stories, and staff makes no recommendation on
1753 special exceptions. The applicant is here to make their presentation to you. I will take any
1754 questions you may have.

1755
1756 Mrs. Wade - They are going to provide the 35 feet of buffer next to the road
1757 there?

1758
1759 Mr. Whitney - Yes, that is correct.

1760
1761 Mrs. Wade - In the front, that they had indicated?

1762
1763 Mr. Whitney - Yes, the transitional buffer deviation that was worked out with
1764 Dominion. They will provide 35 feet and more along East/West Access Road.

1765
1766 Mrs. Wade - And that would be landscaping?

1767
1768 Mr. Whitney - That is correct.

1769
1770 Mrs. Wade - OK, thank you.

1771
1772 Ms. Dwyer - Any other questions for Mr. Whitney? Mrs. Wade, would you
1773 like to hear from the applicant? Will the applicant come forward, please?

1774
1775 Mrs. Wade - I would like to see the rendering.

1776
1777 Mr. Webster - Madam Chairman and members of the Commission, I am Gary
1778 Webster with Foster and Miller, representing the applicant, Summit Properties, on this agenda
1779 item for your consideration this morning. First, I think we need to request a special exception.
1780 I think your ordinance states that buildings of three stories or more, and we are proposing
1781 three stories, if that is in keeping with the language in the Chesapeake Bay Act, which speaks
1782 to building higher and taller rather than out, and in order to get the density which we need, as
1783 well as a certain part of the market which desires to live on a higher floor, we would request
1784 favorable action on the special exception for the three stories.

1785
1786 Mrs. Wade - Is the rent the same on each floor?

1787

1788 Mr. Webster - Yes, ma'am. I think.
1789

1790 Mrs. Wade - Well, if you are on the top you don't have people walking around
1791 over your head. OK. And you are providing the landscape buffer there?
1792

1793 Mr. Webster - Yes, ma'am. That was just for the special exception. Did you
1794 want me to do the presentation for the POD, or did you want to act on the special exception
1795 and then, I mean, I will sit down right now.
1796

1797 Mrs. Wade - No, that is enough. Are you ready for a motion on the special
1798 exception?
1799

1800 Ms. Dwyer - Yes.
1801

1802 Mrs. Wade - I move that the special exception for POD-30-99 be approved,
1803 and certainly the height is not going to bother anybody in this area, and it does allow for more
1804 space around the facility and this is pretty standard for this type of development, so I move that
1805 it be approved and be granted.
1806

1807 Mr. Vanarsdall - Second.
1808

1809 Ms. Dwyer - We have a motion by Mrs. Wade to grant the special exception
1810 and a second by Mr. Vanarsdall. All in favor of the motion say aye. All opposed say no.
1811 The motion carries.
1812

1813 The Planning Commission voted to approve Special Exception for POD-30-99, Summit Gayton
1814 Apartments to allow construction of three-story apartment buildings.
1815

1816 Mrs. Wade - Do you have anything to add to the POD?
1817

1818 Mr. Webster - We are very thankful to the staff. The review process and the
1819 Staff/Developer meeting was very positive, and I think at the close of that, everyone was
1820 recommending approval, and we would like to reserve just the option to, as we get into our
1821 construction plans, to add or massage our parking somewhat from the plan, the conceptual plan
1822 that the staff has. The reason I am bringing this forward is that I didn't want to, if we add 3
1823 spaces in one parking area and some in another, I didn't want the staff to be under the
1824 impression that the Commission wanted it to come back for that. We do plan on adding some
1825 spaces here and there, but no change in concept to the project.
1826

1827 Mrs. Wade - Are you going to be paving over more? Is this what you are
1828 saying?
1829

1830 Mr. Webster - A minute amount more, but that will certainly be accounted for
1831 throughout our drainage calculations. It may be some of a change, but not much.

1832
1833 Mrs. Wade - One of the advantages of the three stories is that you don't have
1834 to pave over as much.
1835
1836 Mr. Webster - That is right; that is correct. The only reason I am bringing that
1837 forward is I just wanted the staff not to request us to come back to the Commission if we came
1838 back and added five spaces or moved some around. That's all. But we won't be appreciably
1839 affecting any landscape requirements or any open space requirements or any of that.
1840
1841 Ms. Dwyer - What will the aesthetics of the BMP be? What will the BMP look
1842 like?
1843
1844 Mr. Webster - It will be a marsh bottom planted per the landscape specifications
1845 set forth by the County.
1846
1847 Ms. Dwyer - So it will look like a standard BMP, it won't be a pond?
1848
1849 Mr. Webster - No, not like a pond. It will be a marsh bottom type that, during
1850 rainy periods, will have some water in it, but it is not a pond. No, ma'am.
1851
1852 Ms. Dwyer - It won't be an amenity then to the apartment complex?
1853
1854 Mr. Webster - Well, I guess that is really a matter of...
1855
1856 Ms. Dwyer - It doesn't sound like it will be.
1857
1858 Mr. Webster - Well, it is open area, in a dry time of the year, it could be
1859 completely dry.
1860
1861 Ms. Dwyer - It will be mowed, it will be maintained?
1862
1863 Mr. Webster - It will be maintained, but the real function is for it is for
1864 vegetation to grow up and to remove pollutants contained within the basin, so it will not be
1865 mowed like the lawns in the landscaped areas, but it will be maintained.
1866
1867 Ms. Dwyer - I am sure it will be maintained. I was just wondering if it - if
1868 you planned to be an amenity or not. It is a fairly large BMP. Are there any other questions
1869 by Commission members? I'm ready for a motion.
1870
1871 Mrs. Wade - I move that POD-30-99, Summit Gayton Apartments, be
1872 approved, subject to the annotations on the plans, with the one-way around the circle in front
1873 of the building, and standard conditions for developments of this type and added conditions
1874 No. 9 Amended and Nos. 23 through 30.
1875

1876 Mr. Vanarsdall - Second.

1877

1878 Ms. Dwyer - We have a motion by Mrs. Wade and a second by Mr.
1879 Vanarsdall. All in favor of the motion say aye. All opposed say no. The motion carries.

1880

1881 The Planning Commission voted to approve POD-30-99, Summit Gayton Apartments, subject
1882 to the annotations on the plans, the standard conditions attached to the minutes for
1883 developments of this type and the following additional conditions:

1884

1885 **9. AMENDED** – A detailed landscaping plan shall be submitted to the Planning Office for
1886 review and Planning Commission approval prior to the issuance of any occupancy
1887 permits.

1888 23. The right-of-way for widening of North Gayton Road Extended and future ramp for I-
1889 64 as shown on approved plans shall be dedicated to the County prior to any occupancy
1890 permits being issued. The right-of-way dedication plat and any other required
1891 information shall be submitted to the County Real Property Agent at least 60 days prior
1892 to requesting occupancy permits.

1893 24. The easements for drainage and utilities as shown on approved plans shall be granted to
1894 the County in a form acceptable to the County Attorney prior to any occupancy permits
1895 being issued.

1896 25. The developer shall provide fire hydrants as required by the Department of Public
1897 Utilities in its approval of the utility plans and contracts.

1898 26. Any necessary off-site drainage easements must be obtained in a form acceptable to the
1899 County Attorney prior to final approval of the construction plans by the Department of
1900 Public Works.

1901 27. Deviations from County standards for pavement, curb or curb and gutter design shall be
1902 approved by the County Engineer prior to final approval of the construction plans by
1903 the Department of Public Works.

1904 28. Insurance Services Office (ISO) calculations must be included with the utilities plans
1905 and contracts and must be approved by the Department of Public Utilities prior to the
1906 issuance of a building permit.

1907 29. The approval of the construction plans by the Department of Public Works does not
1908 establish the curb and gutter elevations along the Henrico County maintained right-of-
1909 way. The elevations will be set by Henrico County.

1910 30. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the
1911 Planning Office and approved prior to the issuance of a certificate of occupancy for this
1912 development.

1913

1914 **PLAN OF DEVELOPMENT**

POD-41-99
Hops Restaurant, Bar &
Brewery - W. Broad St.
(Revised POD-48-94)

Charles C. Townes & Associates, P.C. for FFCA
Acquisition Corporation and Hops Restaurant, Bar &
Brewery: Request for approval of a revised plan of
development as required by Chapter 24, Section 24-106 of the

Henrico County Code to construct a one-story, 5,463 square foot restaurant. The 1.34-acre site is located at the northeast corner of Old Springfield Road and W. Broad Street (9498 West Broad Street), on parcel 49-A-35P. The zoning is B-2, Business District. County water and sewer. **(Brookland)**

1915
1916 Ms. Dwyer - Is there anyone in the audience in opposition to Hops Restaurant,
1917 Bar and Brewery – West Broad Street, POD-41-99? No opposition. OK. Mr. Whitney.
1918
1919 Mr. Whitney - Thank you, Madam Chairman. Unfortunately, on this, it
1920 probably did qualify for the Expedited Agenda, but we did not receive the request in a timely
1921 fashion, however, with that, staff is recommending approval of the plan, which is the
1922 expansion of the Old Black-Eyed Pea Restaurant to the new Hops. I think everyone will be
1923 happy to see a tenant in that building. I will take any questions.
1924
1925 Ms. Dwyer - Are there any questions of Mr. Whitney?
1926
1927 Mr. Vanarsdall - When I talked to you, you were expecting a letter back, but you
1928 never received it?
1929
1930 Mr. Whitney - I didn't receive it until yesterday, Mr. Vanarsdall.
1931
1932 Mr. Vanarsdall - You all require that to come back...
1933
1934 Mr. Whitney- By 4:00 p.m. on Friday.
1935
1936 Mr. Vanarsdall - Friday, that's good.
1937
1938 Ms. Dwyer - Any questions of Mr. Whitney? No questions.
1939
1940 Mr. Vanarsdall - I move that POD-41-99, Hops Restaurant, Bar and Brewery –
1941 West Broad Street (Revised POD-48-94), be approved subject to the annotations on the plans,
1942 standard conditions for developments of this type, and added conditions, No. 9 Amended
1943 through No. 29.
1944
1945 Mr. Archer - Second.
1946
1947 Ms. Dwyer - We had a motion by Mr. Vanarsdall seconded by Mr. Archer.
1948 All in favor say aye. All opposed say no. The motion passes.
1949
1950 The Planning Commission approved POD-41-99, Hops Restaurant, Bar and Brewery – W.
1951 Broad Street (Revised POD-48-94), subject to the annotations on the plans, the standard
1952 conditions attached to the minutes for developments of this type, and the following additional
1953 conditions:

- 1954
- 1955 **9. AMENDED** – A detailed landscaping plan shall be submitted to the Planning Office for
- 1956 review and Planning Commission approval prior to the issuance of any occupancy
- 1957 permits.
- 1958 23. The easements for drainage and utilities as shown on approved plans shall be granted to
- 1959 the County in a form acceptable to the County Attorney prior to any occupancy permits
- 1960 being issued.
- 1961 24. The developer shall provide fire hydrants as required by the Department of Public
- 1962 Utilities in its approval of the utility plans and contracts.
- 1963 25. The developer shall install an adequate restaurant ventilating and exhaust system to
- 1964 minimize smoke, odors, and grease vapors. The plans and specifications shall be
- 1965 included with the building permit application for review and approval. If, in the
- 1966 opinion of the County, the type system provided is not effective, the Commission
- 1967 retains the rights to review and direct the type of system to be used.
- 1968 26. Any necessary off-site drainage easements must be obtained in a form acceptable to the
- 1969 County Attorney prior to final approval of the construction plans by the Department of
- 1970 Public Works.
- 1971 27. Deviations from County standards for pavement, curb or curb and gutter design shall be
- 1972 approved by the County Engineer prior to final approval of the construction plans by
- 1973 the Department of Public Works.
- 1974 28. Insurance Services Office (ISO) calculations must be included with the utilities plans
- 1975 and contracts and must be approved by the Department of Public Utilities prior to the
- 1976 issuance of a building permit.
- 1977 29. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the
- 1978 Planning Office and approved prior to the issuance of a certificate of occupancy for this
- 1979 development.

1980 **PLAN OF DEVELOPMENT**

1981

**Stillman Place III - Steel
Services, Inc. –
Pemberton Road and
Mayland Drive**

**Engineering Design Associates for The Harvard Co.,
L.L.C., R&M, L.L.C. and Steel Services, Inc.:** Request for
approval of a plan of development as required by Chapter 24,
Section 24-106 of the Henrico Code to construct a two-story,
6,039 square foot office building. The .95-acre site is located
at the northwest corner of Pemberton Road (State Route 157)
and Mayland Drive on parcel 58-A-21. The zoning is 0-2C,
Office District (Conditional). County water and sewer. **(Three
Chopt)**

1982

1983 Ms. Dwyer - Is there anyone in the audience in opposition to POD-43-99,

1984 Stillman Place III? No opposition. Mr. Strauss.

1985

1986 Mr. Strauss - Is the applicant's representative here? I'd like to know if Laraine

1987 Isaac or someone from Engineering Design is here.

1988

1989 Ms. Dwyer - Is there anyone in the audience representing Stillman Place III?
1990 Yes. We do have a representative.
1991
1992 Mr. Strauss - I would have expected Laraine Isaac. I will have to defer,
1993 unfortunately, most of the questions to the applicant's representative.
1994
1995 Ms. Dwyer - Our staff member has been detained on this case, so we would
1996 like for you to be available to answer any questions.
1997
1998 Mrs. Wade - I would like to ask you this, Mr. Strauss. Is this the property that
1999 was already zoned O-2 and not in the last zoning case. Wasn't it, or was it? This was an old
2000 zoning case.
2001
2002 Mr. Strauss - Correct.
2003
2004 Mrs. Wade - This was an old zoning case because it isn't coordinated with the
2005 new cases, but they were harsh on that corner for a long time.
2006
2007 Ms. Dwyer - Mrs. Wade, do you have any questions for the applicant?
2008
2009 Mrs. Wade - Just a few, a couple.
2010
2011 Ms. Dwyer - Would someone come forward please, and if you could identify
2012 yourself for the record, we would appreciate it.
2013
2014 Mr. Lynch- All right. I am Michael Lynch with Engineering Design
2015 Associates.
2016
2017 Ms. Dwyer - Could you spell that?
2018
2019 Mr. Lynch - L Y N C H.
2020
2021 Ms. Dwyer - I am having trouble hearing from the podium today. Is anyone
2022 else?
2023
2024 Mrs. Quesinberry - Yes, I am, too.
2025
2026 Ms. Dwyer - Can you stand in the middle? All right, any questions for the
2027 applicant, Mr. Lynch?
2028
2029 Mrs. Wade - OK, you've got a lot of big trees on your parcel which I assume
2030 you are going to have to take down.
2031

2032 Mr. Lynch - We are going to try to save as much as possible that is not in the
2033 buildable area. We will clearly identify that on our site plans.

2034
2035 Mrs. Wade - Yes, and I expect the best ones are in the buildable area. This
2036 plan has a little note that says "This project says, Field Services, Inc." It looks like it is
2037 related to the building to the west. I am confused about what that meant. I don't see it on the
2038 screen. Would you come here a minute and let me ask you this?

2039
2040 **(Mr. Lynch and Mrs. Wade look at and discuss plan at the podium at this time.)**

2041
2042 Mrs. Wade - Now what exactly is Field Services, Inc.?

2043
2044 Mr. Tom Starke - Good morning. I am Tom Starke. I am the CEO and Chairman
2045 of the Board of Field Services. We are basically a metals distribution company that was
2046 founded in Richmond in 1946. We operate metals distribution warehouses in the Richmond
2047 area, Norfolk, Virginia, Roanoke, Virginia, and also on the Eastern Shore of Maryland. This
2048 facility that we are trying to build here is an administrative office, so basically it is accounting
2049 office and support functions, that sort of stuff. There is no commercial activity, no customer
2050 activity. It is basically just an administrative office. We have a staff of 11 people presently,
2051 and I have no plans to increase the staff in the immediate future or really in the long range.

2052
2053 Ms. Dwyer - I noticed you did have some interesting metal work on the
2054 stairwell. The post and hand rails that look like a web...

2055
2056 Mr. Starke - I think that is the architect's first attempt at a concept, but I am
2057 not sure that is what we are going to end up with.

2058
2059 Ms. Dwyer - I didn't know if it was related to your...

2060
2061 Mr. Starke - We are in the steel business and we would like to feature that in
2062 the architecture as much as we can, but I am not sure that spider web design is going to make
2063 it all the way through.

2064
2065 Ms. Dwyer - I think it is interesting.

2066
2067 Mrs. Wade - And what color, beige, red-orange?

2068
2069 Mr. Starke - We've got to stick to brick. Basically a natural orange, reddish
2070 brick color and a standing seam metal roof is the design right now. Possibly a cooper roof. I
2071 say that because we are in the metals business and copper is pretty cheap right now.

2072
2073 Mrs. Wade - Because this says standing seam metal roof, light gray, but it is
2074 not going to be light gray?

2075

2076 Mr. Starke - Well, that is the architect's first rendition. We have not gone
2077 through the process of picking colors or selecting...the last building that they did for us up in
2078 the Hanover Industrial Park, that was a medium gray standing seam metal roof, and I think
2079 they are picking up on the same theme.
2080

2081 Mrs. Wade - So we are not approving then exactly the elevations. You are
2082 mentioning then that there will be, perhaps, some adjustments in that. There is really no
2083 proffer here that deals with architecture, I believe, in your case, as long as you're not too tall
2084 for the O-2. All right, thank you. You don't show any big trees on your site plan here.
2085

2086 Mr. Starke - If I could add a comment about the trees. That has been a
2087 concern of mine from the very beginning. It is actually one of the aspects of this site that
2088 attracted us to that site, and the architects have been under instructions from me to array the
2089 parking and the building alignment so as to minimize the number of trees that we have to
2090 impact. Now, since this project started there has been a movement of the right of way on
2091 Pemberton Avenue, I believe, which I think has taken 30 some feet off of the eastern
2092 boundary, which has affected how we can align the parking, so until we actually get a good
2093 survey which locates those trees that have and have an arborist look at their health and so
2094 forth, it is hard to tell which ones we should try to save and how to go about saving them.
2095 That has been one of our goals from the beginning, to save as many as we can.
2096

2097 Mrs. Wade - And the arborist can give you advice about the best way to do it?
2098

2099 Mr. Starke - Well, if...
2100

2101 Ms. Dwyer - You can find that in the construction process, the tape is going
2102 down, or the roots are compromised?
2103

2104 Mr. Starke - Yes, I am aware of that. Just off the topic a little bit, my sister,
2105 who is one of the owners of this business, is a master gardener, who is also very active with
2106 Maymont and the Lewis Ginter and that area of this project, when it comes to steel services
2107 management of it, it will fall into her expertise.
2108

2109 Mrs. Wade - Now, are you familiar with the zoning case that goes back to
2110 1986?
2111

2112 Mr. Starke - I have seen a letter that I think was sent from the County to the
2113 owner at that time.
2114

2115 Mrs. Wade - Which is what I am looking at right here. Because it mentions 30
2116 feet height limitations here, among other things. It has been so long I forget all of these
2117 details. You do have a set of the proffers?
2118

2119 Mr. Starke - No, ma'am. I have not been provided with a set of those by the
2120 owner.
2121
2122 Mrs. Wade - The staff person who was dealing with this, does this meet all of
2123 the requirements?
2124
2125 Mr. Whitney - I am reading Mr. Wilhite's notes that we just found. I will be
2126 able to answer any questions.
2127
2128 Mrs. Wade - It was fairly heavily proffered in 1986.
2129
2130 Mr. Whitney - As far as the proffers, the question we had on setback, Kevin has
2131 a note here that the sketch shows location of the building adjusted to meet the setback
2132 requirement, which, I believe, is 30 feet. The proffer says 30 feet.
2133
2134 Ms. Dwyer - It says 35 on the plan.
2135
2136 Mr. Whitney - The proffer says 35.
2137
2138 Ms. Dwyer - For the information of the Commission and the audience, we
2139 have just learned that Mr. Wilhite has a family member who has suddenly been taken ill, and
2140 he has gone to the hospital, so that is why.
2141
2142 Mrs. Wade - Oh, it was his father. I just saw him late yesterday afternoon. He
2143 was by the house with something. The building seems to be 32 feet, 6 inches and everything,
2144 and I don't know if we need to look at this again, or whether we could say, you've got to be
2145 sure that you conform to the proffers.
2146
2147 Mr. Whitney - Staff would be looking at this again at building permit time to see
2148 if it satisfies the proffers. I am not even aware if there is another building on this O-2C piece
2149 that it needs to be compatible with or not. Is there?
2150
2151 Mr. Wade - There is another building planned. We approved a POD earlier,
2152 in 1999. Is that the same piece, though? I don't think so. The corner has, well, I am not
2153 sure.
2154
2155 Mr. Whitney - POD-19-99?
2156
2157 Ms. Wade - We approved a building on there, but I am not sure that this is the
2158 one. We are going to have to look at that. They don't even seem to have a copy of the
2159 proffers.
2160

2161 Mr. Whitney - In Mr. Wilhite's notes, he does say the architectural rendition
2162 does not meet the proffers. He says it does meet the setback requirements in the rezoning
2163 case.

2164
2165 Mrs. Wade - Well, OK.

2166
2167 Ms. Dwyer - That should be understood that the proffers take precedence over
2168 the setback requirements, but we still don't want to approve anything that does not meet the
2169 proffers. Are you concerned about the height, Mrs. Wade, and the architectural?
2170

2171 Mrs. Wade - Well, just what the requirements are here.

2172
2173 Ms. Dwyer - Would you like to postpone the case and let staff look at it in
2174 more detail and bring it back later on this morning? Would that be helpful?
2175

2176 Mrs. Wade - Well, I don't think we have any staff to look at it!

2177
2178 Ms. Dwyer - Perhaps Mr. O'Kelly could look at it.

2179
2180 Mrs. Wade - OK, we will pass it by for a few minutes then, except that Mr.
2181 Whitney is going to have to deal with it.

2182
2183 Mr. Whitney - Yes, I can have some more discussion on the architectural aspect
2184 of the proffers and maybe take another glance at the other proffers to make sure we are OK on
2185 those.

2186
2187 Mrs. Wade - OK. If we can't get it settled today, we will have to defer it until
2188 we can, I think. You are going to have to deal with these other cases. Thank you.

2189
2190 Ms. Dwyer - So, you are just going to pass over this case and delay it until
2191 later on in the meeting, hoping we can get to it and make a decision later on today.

2192
2193 Mrs. Wade - Yes. There are some questions about conformity with the
2194 proffers on that corner. It hasn't been reviewed in a long time.

2195
2196 Ms. Dwyer - We are trying not to have to defer it to another meeting.

2197
2198 Mr. Starke - OK.

2199
2200 **AT THIS TIME THE COMMISSION TOOK A TEN MINUTE BREAK.**

2201
2202 Ms. Dwyer - The Commission will reconvene. Mr. Secretary, call the next
2203 case.

2204

2205 **PLAN OF DEVELOPMENT**

**POD-42-99
Arby's Restaurant at
Downtown Short Pump –
Pouncey Tract Road
(POD-15-95 Rev.)**

Balzer and Associates, Inc. for the Restaurant Company:
Request for approval of a revised plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a one-story, 5,577 square foot fast food restaurant with outdoor dining and drive-thru facilities in an existing shopping center. The 2.96 acre site is located along the west line of Pouncey Tract Road (State Rt. 271), approximately 700 feet north of W. Broad Street (U.S. Route 250) on parcels 36-A-19 E and F. The zoning is M-1, Industrial District, and WBSO, West Broad Street Overlay District. County water and sewer. **(Three Chopt)**

2206
2207 Ms. Dwyer - Is there anyone in the audience in opposition to POD-42-99,
2208 Arby's Restaurant at Downtown Short Pump – Pouncey Tract Road (POD-15-95 Rev.)? No
2209 opposition. Mr. Strauss.

2210
2211 Mr. Strauss - Thank you, Madam Chairman. As you can see from the agenda,
2212 the staff is recommending approval of this subject to the annotations on the plans and the
2213 standard conditions for developments of this type. There was an issue in regards to the sand
2214 filter location. This is in the West Broad Street Overlay District. The sand filter was
2215 proposed to be located in that buffer area. The applicant, as I understand, has agreed to
2216 discuss moving that to allow for the required landscaping in the West Broad Street District.
2217 That will be done with future plan submittals for final signature. There was also a question
2218 about architectural compatibility with the West Broad Street Overlay District. We do have
2219 some color renderings, which we can put on the document table. The building is proposed to
2220 be a single-story structure with a standing seam metal roof. It will be stone veneer. Also, Mr.
2221 Walt Gard is here. He can address the architectural materials and the compatibility with the
2222 West Broad Street Overlay District. I will be happy to try and answer any questions you may
2223 have if I can.

2224
2225 Ms. Dwyer - What is the height of the building?

2226
2227 Mr. Strauss - Is there a scale, Mikel, on that drawing; the elevation for that? I
2228 guess the architect can answer.

2229
2230 Mrs. Wade - You are going to have to bear with us today. Our staff person
2231 who was dealing with many of these cases was called out of town with a very sick father.

2232
2233 Mr. Michael Young - Good morning. I am Michael Young with Parris and Young,
2234 Architects and we are the architects for this building. The height of the building at the top of
2235 the ridge is about 28 feet.

2236

2237 Mrs. Wade - Now, I believe you gave some samples, or a sample board, to
2238 Kevin.
2239
2240 Mr. Young - Yes, we've got a sample board setting right here.
2241
2242 Mrs. Wade - This mentions stone.
2243
2244 Mr. Young - Yes, this stone being these materials here. This is a smooth face
2245 manmade lime stone and as an accent we have a chisel face out of the same material. Both
2246 materials are man-made lime stone, and they are the same color, although the texture gives it a
2247 slight difference, so you've got a little bit of an accent around the building, which can be seen
2248 in these color illustrations.
2249
2250 Mrs. Wade - Actually, I think when the overlay refers to compatibility with
2251 surrounding areas; we didn't mean every thing for miles around. You put in your letter about
2252 Pleasant's and the Deep Run School.
2253
2254 Mr. Young - Right, but they are in the neighborhood.
2255
2256 Mrs. Wade - You didn't need to include all of those in there for consideration,
2257 but it is basically like what we saw.
2258
2259 Mr. Young - Yes, ma'am. It is the same materials you saw when you went
2260 down to Colonial Heights.
2261
2262 Mrs. Wade - And how much of a store front is there? It is not a lot of that, is
2263 there?
2264
2265 Mr. Young - The store front is going to be around each of the windows. The
2266 design is a black frame on the outer edge of all of the windows, and then the remaining balance
2267 of the framing for the store front will be out of red.
2268
2269 Mrs. Wade - OK, what are you going to do with the rest of the parcel on the
2270 north end? It didn't seem to be accounted for.
2271
2272 Mr. Young - I would like to get Walter Gard, who represents the owner, to
2273 address that.
2274
2275 Mr. Walter Gard - I am Walt Gard with The Restaurant Company. We drafted a
2276 letter which went to Kevin earlier this week addressing the use for the residual. Our plan was
2277 to sort of have that as a hedge in the event that the eventual Mennen development build out
2278 causes pressure on the parking situation, and we might need to eventually extend our parking
2279 area out there. There he goes, and that is a copy of the letter right there.
2280

2281 Ms. Dwyer - So, are you committing to not putting another structure here, but
2282 only using it for additional parking if necessary?

2283
2284 Mr. Gard - That is our thinking, right now. If we are fortunate enough to
2285 where the build out does not impact us, then we'd be looking for some compact use that falls
2286 within the Broad Street Overlay guidelines. It is a pretty small parcel as you can see. As a
2287 part of this project, we are bringing everything up to grade and landscaping it and irrigating it,
2288 and it will be treated just like the lawn and the buffer area, basically.

2289
2290 Mrs. Wade - You've got, and I am sure staff will mention this, 20 parking
2291 spaces in a row behind the building.

2292
2293 Mr. Gard - Yes, interestingly, that was allowed under a previous POD for
2294 Mennen Development. Our agreement with them was that although we purchased the property
2295 from them, they developed it, and do you have that drawing right there? You don't, that is
2296 mine. I was curious about that, too, because I know it is supposed to be 19, but somehow that
2297 was passed and built under a previous POD by Mennen Corporation.

2298
2299 Mrs. Wade - OK. So, that is already in there, then?

2300
2301 Mr. Gard - Yes, it is. Yes. There is a parking field that basically the west
2302 side of our access drive that was previously constructed, and that is 95 spaces in total.
2303 Mennen uses it in their calculations for their project. From a legal standpoint, our agreement
2304 is that we have exclusive use of the ones that are shown on today's submittal and shared use of
2305 the 95 that are on the area that you are speaking of.

2306
2307 Mrs. Wade - OK, you'd better keep this with the file there. Thank you.

2308
2309 Ms. Dwyer - Where will the sand filter be placed?

2310
2311 Mr. Gard - It looks like we are going to take it around the corner there. It
2312 will actually be on that residual parcel.

2313
2314 Ms. Dwyer - It will be entirely underground?

2315
2316 Mr. Gard - Oh, yes.

2317
2318 Ms. Dwyer - Nothing visible from Arby's?

2319
2320 Mr. Gard - There will be access manholes. As you know, with the sand
2321 filters, actually you have to get in and replace that top layer of sand, so yes.

2322
2323 Mrs. Wade - Are these going in the buffer?

2324

2325 Mr. Gard - The sand filter? No, we have been asked to move it from that
2326 location.
2327
2328 Mrs. Wade - So you are going to move it.
2329
2330 Mr. Gard - I think I am safe in saying that you will see that submittal by the
2331 end of the week. Yes, by Friday.
2332
2333 Mrs. Wade - Yes, I believe that is a note on the plan.
2334
2335 Mr. Gard - There was also a conflict with the Bell Atlantic easements, so that
2336 is the right thing to do.
2337
2338 Mrs. Wade - So the notes on the plan should cover those issues.
2339
2340 Mr. Gard - It was part of our comments. Yes.
2341
2342 Mrs. Wade - All right.
2343
2344 Ms. Dwyer - Any other questions by Commission members of the applicant or
2345 for staff?
2346
2347 Mrs. Wade - And you are placing up to \$15,000 in escrow for the traffic light?
2348
2349 Mr. Gard - That is correct.
2350
2351 Mrs. Wade - All right, thank you.
2352
2353 Ms. Dwyer - Any other questions by Commission members? Mrs. Wade.
2354
2355 Mrs. Wade - I move that POD-42-99, Arby's Restaurant at Downtown Short
2356 Pump – Pouncey Tract Road (POD-15-95 Rev.) be approved, subject to the annotations on the
2357 plans, the standard conditions for developments of this type, and the following additional
2358 conditions, Nos. 9 and 11 Amended, landscape and lighting plan to come back, and Nos. 23
2359 through 34 on the agenda. I move it be approved.
2360
2361 Mr. Archer - Second.
2362
2363 Ms. Dwyer - Motion by Mrs. Wade and a second by Mr. Archer. All in favor
2364 of the motion say aye. All opposed say no. The motion carries.
2365
2366 The Planning Commission voted to approve Plan of Development, POD-42-99, Arby's
2367 Restaurant at Downtown Short Pump – Pouncey Tract Road (POD-15-95 Rev.), subject to the

2368 annotations on the plans, the standard conditions attached to the minutes for developments of
2369 this type, and the following additional conditions:
2370

- 2371 **9. AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for
2372 review and Planning Commission approval prior to the issuance of any occupancy
2373 permits.
- 2374 **11. AMENDED** - Prior to the installation of the site lighting equipment, a plan including
2375 depictions of light spread and intensity diagrams and fixture mounting height details
2376 shall be submitted for Planning Office review and Planning Commission approval.
- 2377 23. The additional right-of-way for Pouncey Tract Road as shown on approved plans shall
2378 be dedicated to the County prior to any occupancy permits being issued. The right-of-
2379 way dedication plat and any other required information shall be submitted to the County
2380 Real Property Agent at least 60 days prior to requesting occupancy permits.
- 2381 24. The easements for drainage and utilities as shown on approved plans shall be granted to
2382 the County in a form acceptable to the County Attorney prior to any occupancy permits
2383 being issued.
- 2384 25. The developer shall provide fire hydrants as required by the Department of Public
2385 Utilities in its approval of the utility plans and contracts.
- 2386 26. A standard concrete sidewalk shall be provided along the west side of Pouncey Tract
2387 Road.
- 2388 27. Outside storage shall not be permitted.
- 2389 28. The developer shall install an adequate restaurant ventilating and exhaust system to
2390 minimize smoke, odors, and grease vapors. The plans and specifications shall be
2391 included with the building permit application for review and approval. If, in the
2392 opinion of the County, the type system provided is not effective, the Commission
2393 retains the rights to review and direct the type of system to be used.
- 2394 29. Any necessary off-site drainage easements must be obtained in a form acceptable to the
2395 County Attorney prior to final approval of the construction plans by the Department of
2396 Public Works.
- 2397 30. Deviations from County standards for pavement, curb or curb and gutter design shall be
2398 approved by the County Engineer prior to final approval of the construction plans by
2399 the Department of Public Works.
- 2400 31. Insurance Services Office (ISO) calculations must be included with the utilities plans
2401 and contracts and must be approved by the Department of Public Utilities prior to the
2402 issuance of a building permit.
- 2403 32. The ground area covered by all the buildings shall not exceed in the aggregate 25
2404 percent of the total site area.
- 2405 33. No merchandise shall be displayed or stored outside of the building(s) or on sidewalk(s)
- 2406 34. An amount up to \$15,000 shall be placed in escrow with Henrico County in favor of
2407 VDOT to assist in the cost of installation of a future traffic signal and appurtenances to
2408 be installed at the entrance to this shopping center from Pouncey Tract Road to the
2409 south of this site. The escrow shall be in place prior to the issuance of any occupancy
2410 permit for this site.
2411

2412 Ms. Dwyer - Mrs. Wade, are we ready to get back to Stillman Place?

2413

2414 Mrs. Wade - If we are ready.

2415

2416 Mr. Silber - No.

2417

2418 Ms. Dwyer - We will wait to hear from the staff on that one then.

2419

2420 **SUBDIVISION**

2421

**Regal Oaks at Twin
Hickory
(May 1999 Plan)**

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

2422

2423 Ms. Dwyer - Is there anyone in the audience in opposition to Regal Oaks at
2424 Twin Hickory Subdivision (May 1999 Plan)? No opposition. Mr. Whitney.

2425

2426 Mr. Whitney - Thank you, Madam Chairman. We are passing out to you a new
2427 revised overall plan of the Twin Hickory development. You can use this for this case and the
2428 following one, if I can find my place, here. Your Addendum has information on the revised
2429 staff recommendation for this case. It is on Page 2. Staff is now recommending conditional
2430 approval of this subdivision. This is based on information this Commission received on the
2431 Autumnwoods, proposed Autumnwoods subdivision, which was controlled density, and a
2432 connect through would be achieved through that subdivision. We, on this revision, that future
2433 parcel connect through, is indicated on the plan. It would connect Harvest Glen through the
2434 Beulah Davis property to the north and then into Autumnwoods subdivision.

2435

2436 Ms. Dwyer - Excuse me, if you could show us on the map. Do you have the
2437 little pointer?

2438

2439 Mr. Whitney - I could put it on the screen. One indicating now where the future
2440 connect would go through. Autumnwood subdivision is here. There would be an inter-
2441 connect through the Beulah Davis property going down to Harvest Glen. Harvest Glen would
2442 connect through to what was Concept Road BB, which will connect out through Twin Hickory
2443 Lake Drive, at this point. We already had a connect-through from was called Old Sage
2444 Subdivision. The stub road which is now completed through the Regal Oaks subdivision and a
2445 connect through down to what is now called "proposed Old School Road", which was, at one
2446 time, Concept Road BB.

2447

2448 Mrs. Wade - So you are recommending approval of Regal Oaks? OK.

2449

2450 Mr. Whitney - Staff is recommending approval now of Regal Oaks subdivision.
2451
2452 Mrs. Wade - They basically have two points of access.
2453
2454 Mr. Whitney - Pardon me?
2455
2456 Mrs. Wade - Regal Oaks has available two points of access.
2457
2458 Mr. Whitney - That is correct. One from Twin Hickory Lake Drive through
2459 Hearthstone Subdivision and then connecting through the second point which would be off of
2460 proposed Old School Road.
2461
2462 Mrs. Wade - Are we referring then to a revised plan today?
2463
2464 Mr. Whitney - The overall plan includes the revisions we had received on
2465 Friday, or by Friday.
2466
2467 Mrs. Wade - And you feel they are meeting the intent of Concept Road that
2468 was on the original?
2469
2470 Mr. Whitney - Yes. Of course, that issue is still to follow or carry over to
2471 Harvest Glen Subdivision, where that issue will have to be discussed again. But, as far as
2472 Regal Oaks Subdivision, staff is recommending approval and we have two points of access.
2473
2474 Mrs. Wade - All right. Thank you.
2475
2476 Mr. Whitney - The applicant is here if you have any questions.
2477
2478 Mrs. Wade - No, I don't have any. Does anybody else have questions for the
2479 applicant? Are you ready for a motion, Madam Chairman?
2480
2481 Ms. Dwyer - Yes.
2482
2483 Mrs. Wade - I move, therefore, that Subdivision Regal Oaks at Twin Hickory
2484 (May 1999 Plan), the latest revised, be approved, subject to the annotations on the plans, the
2485 standard conditions for subdivisions served by public utilities, and the additional conditions as
2486 they appear on the Addendum, Conditions Nos. 12 through 16.
2487
2488 Mr. Vanarsdall - Second.
2489
2490 Ms. Dwyer - We have a motion by Mrs. Wade and a second by Mr.
2491 Vanarsdall. All in favor say aye. All opposed say no. The motion carries.
2492

2493 The Planning Commission voted to approve Subdivision Regal Oaks at Twin Hickory (May
2494 1999 Plan), subject to the annotations on the plan, the standard conditions attached to the
2495 minutes for subdivisions served by public utilities, and the following additional conditions:
2496

- 2497 12. The limits and elevation of the 100 year frequency flood shall be conspicuously noted on
2498 the plat and construction plans and labeled "Limits of 100 Year Floodplain." Dedicate
2499 floodplain as a "Variable Width Drainage & Utility Easement."
- 2500 13. The detailed plant list and specifications for the landscaping to be provided within the 25
2501 foot wide planting strip easement along Old School Road shall be submitted to the
2502 Planning Office for review and approval prior to recordation of the plat.
- 2503 14. A County standard sidewalk shall be constructed along north side of Old School Road.
- 2504 15. Any necessary off-site drainage easements must be obtained prior to final approval of the
2505 construction plans by the Department of Public Works.
- 2506 15. Prior to requesting the final approval, a draft of the covenants and deed restrictions for
2507 the maintenance of the common area by a homeowners association shall be submitted to
2508 the Planning Office for review. Such covenants and restrictions shall be in form and
2509 substance satisfactory to the County Attorney and shall be recorded prior to recordation
2510 of the subdivision plat.

2511
2512 **SUBDIVISION**
2513

Harvest Glen at Twin Hickory (May 1999 Plan)	Youngblood, Tyler & Associates, P.C. for HHHunt Corporation: The 26.54-acre site is located 1,450' northwest of proposed Twin Hickory Lake Drive on parts of parcels 27-A-5A, 27-A-3A, 26-A- 27A, and 26-A-31. The zoning is R-2AC, One-Family Residence District (Conditional) & R-3C, One-Family Residence District (Conditional). County water and sewer. (Three Chopt) 56 Lots
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2514
2515 Ms. Dwyer - Is anyone in the audience in opposition to Subdivision, Harvest
2516 Glen at Twin Hickory (May 1999 Plan)? No opposition. Mr. Whitney.

2517
2518 Mr. Whitney - Thank you, Madam Chairman. A lot of the information I gave
2519 you on the previous case applies to this. I will go back to the overall map. Again, Harvest
2520 Glen Subdivision would have a proposed connect through to Autumnwoods Subdivision, as I
2521 indicated previously. Traffic Engineering also reviewed the revised plan for this and noted
2522 that with the approval of Harvest Glen and Park Meadows Subdivision, which is to be heard by
2523 you in June, will create a situation where, until the connect-through is built, you will have a
2524 total of 68 lots, 56 being in Harvest Glen and 12 more in Park Meadows, that would only have
2525 one point of access. With that, staff has devised a condition, No. 17, that allows for phasing
2526 of this subdivision. We can take care of that at final, prior to recordation, that we wouldn't
2527 have any more than 15 lots approved on the one point of access to allow enough time to have
2528 the connect through the Beulah Davis property and Autumnwoods Subdivision, and ultimately
2529 to Shady Grove Road at the intersection of Twin Hickory Drive. So, staff can recommend

2530 approval with the addition of Condition No. 17, as well as Nos. 12 through 16. I will be
2531 happy to answer any questions that you may have.

2532
2533 Mrs. Wade - And how do you think this relates to the intent of Concept Roads
2534 AA and BB?

2535
2536 Mr. Whitney - We have achieved a connect-through from Shady Grove Road to
2537 Twin Hickory Lake Drive. That being the major intent, having some connect through, to be
2538 able to get out of the subdivisions in two directions, we have achieved that.

2539
2540 Mrs. Wade - Not yet.

2541
2542 Mr. Whitney - We have a future possible connection that will allow us to achieve
2543 that. But, no, not as yet.

2544
2545 Mrs. Wade - OK, thank you.

2546
2547 Ms. Dwyer - Are there any other questions of Mr. Whitney or the applicant?

2548
2549 Mr. Tyler - For the record, my name is Webb Tyler. I am an engineer with
2550 Youngblood, Tyler and Associates. We can accept all conditions except Condition No. 17,
2551 which is the restriction of no more than 50 lots. What we are asking for today is the approval
2552 of Harvest Glen, which is 56 lots. It is true that we had another tentative called Park Meadows
2553 coming before you in the next 30 days; however, that has not had any action taken on it so the
2554 action before you today is 56 lots. It is also true that we are negotiating with this adjacent
2555 property owner, and these negotiations are ongoing, however, due to the sensitive nature of
2556 those negotiations and our inability to provide an alternative access, if this restriction were
2557 placed on us and our inability to deal with any other property owner, but must be dealing with
2558 her, we would respectfully request that if you feel condition No. 17 is absolutely essential, that
2559 you grant us a two-week deferral so that we may have yet further discussions with this adjacent
2560 property owner. However, we do not believe that, given the nature of our business, as being
2561 at the front end of these large communities, where we are having to build the beginning parts
2562 of the infrastructure, that it is unreasonable for you to grant approval of these 56 lots in
2563 Harvest Glen. I cite as an example in Wyndham we had as many as 300 lots that went to
2564 record, and building permits issued, before we had any second means of access. It is true that
2565 the property owner controlled that access, but it is not true that this Commission was
2566 guaranteed that access when it provided approval for 300 units. We don't know that, God
2567 forbid, that developer might decide to not continue to develop anymore, and there would be
2568 300 homes on a single means of access. This Commission has, in the past, also granted
2569 exceptions to that policy of 50 units, and those exceptions have varied in standard from
2570 anywhere from 50 to 80-90, up to almost 100 on a single means of access. Occasionally, it
2571 has looked at a boulevard type road that constituted two means of access, but there are
2572 examples and many examples out there where as many as 80 to 85 lots were not even on a
2573 boulevard-type road. We don't think that the request for Harvest Glen, being cul-de-sacs and

2574 not a loop-type road system, which the cul-de-sacs are desired by purchasers, as evidenced as
2575 their No. 1 priority that they seek when they buy, is the cul-de-sac type roads and not through
2576 roads. What we have here is a future indirect through road which will require one, two, three
2577 turns, so it will only be used by the people that live in the area, and not as a through traffic or
2578 cut-off, which we think is excellent planning to employ the use of cul-de-sacs and not have a
2579 cut-through road, but have an indirect access. We do have a great sense of community and we
2580 believe it is a fine planned community through the interconnection of pedestrian accesses,
2581 common areas, parks, that they all have access to. We respectfully request that you grant this
2582 approval today for 54 lots and that will allow us to continue our discussions with the adjacent
2583 property owner as well as continue to go forward with this project. I will be glad to answer
2584 any questions.

2585
2586 Mr. Vanarsdall - Mr. Tyler, is it 54 or 56 lots?

2587
2588 Mr. Tyler - Fifty-six, excuse me. I stand corrected. Fifty-six lots in the
2589 Harvest Glen Subdivision is what we are requesting.

2590
2591 Ms. Dwyer - So, how many lots are there in this whole grand scheme that we
2592 have, Autumnwoods, Harvest Glen, Park Meadows, three access points as I see it for all those
2593 lots. What is the total number of lots we are looking at on three access points?

2594

2595 Mr. Tyler - If you approve Park Meadows next month, you would have, and
2596 there is no consummated negotiations with Beulah Davis for the connection, there would be a
2597 total of 68 lots on one point of access. But, you have not approved Park Meadows yet and so,
2598 therefore, what I am seeking today is approval of Harvest Glen, which would put it at 56 lots
2599 on a single-point of access.

2600

2601 Mr. Archer - Mr. Tyler, you mentioned boulevard access which we have
2602 approved from time to time and since one of the reasons for the policy of having more than
2603 one point of access after 50 is to allow the unfettered access of safety equipment, such as fire
2604 departments, so would you be willing to consider a boulevard entrance if you don't think these
2605 negotiations would continue?

2606

2607 Mr. Tyler - Unfortunately, the right of way width for Old School Road is
2608 only a 50 foot right of way; that used to be formerly Road BB, and in order to have a
2609 boulevard type entrance one needs approximately 60 to 66 feet, so we would need to go back
2610 to the drawing boards in order to provide a boulevard-type entrance there.

2611

2612 Mr. Vanarsdall - In the past, isn't that usually what we made exceptions, wasn't it
2613 with a boulevard entrance?

2614

2615 Mr. Tyler - No, sir. For example, you all made an exception for Wyndham
2616 Forest, which you allowed to go on a non-boulevard type of road and you approved 80 lots
2617 before the developer had to obtain a second means of access.

2618
2619 Mrs. Wade - Did he not have an emergency access in that case?

2620
2621 Mr. Tyler - He had a gravel access that allowed it for 15 lots, Mrs. Wade,
2622 but that gravel access would not have affected him or have been of any benefit for any lots
2623 more than 65 lots. In other words, 65 lots had no other additional access points other than a
2624 single point of access.

2625
2626 Mrs. Wade - I thought he was limited though, to some section over there, until
2627 he got...

2628
2629 Mr. Tyler - He was. He was limited to 80 lots. With that 80 lots, he had an
2630 emergency access, gravel access, but that gravel access only served an additional 15 of the 80,
2631 so, therefore, there were 60 lots, 65 lots that had only a single point of access and no
2632 emergency access beyond that.

2633
2634 Mrs. Wade - Perhaps we made too many exceptions.

2635
2636 Mr. Tyler - This has been a long-standing discussion, again, when this is the
2637 only community that I have ever done any business in that has a 50 lot minimum on a single-
2638 point of access. You go up into parts, you go down to the beach or over into the mountains,
2639 and I have never experienced anything like this. There are hundreds and hundreds of homes
2640 on a single point of access in the mountains due to grade problems, and granted this is
2641 something to strive for, and I wholeheartedly support striving for it, but I don't think that it is
2642 something that should be cast in stone, and there should be extenuating circumstances as the
2643 Commission has done in the past where if you are out in the front end of a development, and
2644 you're putting in infrastructure, that some consideration has to be given. You're the first one
2645 in.

2646
2647 Mrs. Wade - You only make the exceptions and then you come back and a few
2648 months later or a year later and say, "Well, look who did this over here?"

2649
2650 Mr. Tyler - Well, it is a dialogue, I mean it is a dialogue. I don't, I try not to
2651 take anything personally, Mrs. Wade, but I do try to be reasonable and logical, and if you are
2652 the first one through then it is a little bit difficult.

2653
2654 Mrs. Wade - When you came up with Twin Hickory, they had fine roads the
2655 way Wyndham did. Now, I don't remember Wyndham making as many changes in their main
2656 roads as you did.

2657

2658 Mr. Tyler - Unfortunately, the wetlands increased four fold for us and you
2659 all, and the County, on its hundred acre parcel.

2660
2661 Mrs. Wade - And one reason for the fact that we were in a bind was it was in a
2662 bonded school site and not expected to be contributed, was because you were doing all of this
2663 infrastructure and roads in there. Now, you're saying, well, you can't do all of these roads,
2664 and so...

2665
2666 Mr. Tyler - Well, we are providing and it is our intention in the long term to
2667 provide this interconnection. We just can't guarantee it at this point in time, ma'am.

2668
2669 Mrs. Wade - Yes, I understand that.

2670
2671 Mr. Tyler - Because we don't own the land. We can't guarantee something
2672 we don't control.

2673
2674 Mrs. Wade - Well, then you have to make provisions for these things.

2675
2676 Mr. Tyler - I understand.

2677
2678 Mrs. Wade - And if we didn't approve Park Meadows next month, we would
2679 still be all right.

2680
2681 Mr. Tyler - If you did not approve Park Meadows, you would, what we are
2682 asking today is for 56 lots on a single point of access, and in 30 days Park Meadows will come
2683 to you and I don't know that it might not get deferred, Park Meadows, but that one would
2684 increase that number from 56 to 67 lots, I believe it is, and by then we might have one of the
2685 Beulah Davis properties under contract, in which case I could agree to it.

2686
2687 Mrs. Wade - Well, I understand that.

2688
2689 Mr. Tyler - But we would like the ability to go forward with Harvest Glen if
2690 this Commission so desires.

2691
2692 Ms. Dwyer - As a point of information, it looks like Park Meadows has three
2693 cul-de-sacs with lots all around. How is it only adding 11 lots to the single point of access?

2694
2695 Mr. Tyler - Because one of the cul-de-sacs is beyond the stream, if I can learn
2696 how to work this. This is the point where we have only one point of access, and this cul-de-
2697 sac, which is one cul-de-sac of Park Meadows, is within that restricted area of only one point
2698 of access. On the next one we have two means of access.

2699
2700 Ms. Dwyer - So, how many lots then would be in that second point of access
2701 that you're talking about now?

2702
2703 Mr. Tyler - At the second point of access, these additional? All those would
2704 be 22 lots in here and then there is, I believe, 11 lots right in here, for a total of 33 lots in the
2705 Park Meadows development. Again, that is not in front of you today and staff has not even
2706 given me their comments on that.
2707
2708 Ms. Dwyer - But then in Regal Oaks and Hearthstone, how many for there?
2709
2710 Mr. Tyler - In Regal Oaks, which is this area right here, we have 38 lots, I
2711 believe it is, and Harvest Glen, which is in this area we are adding another 56 lots, and that
2712 would be the 56 lots that would be at that one point, that only one point of access.
2713
2714 Ms. Dwyer - And then Hearthstone?
2715
2716 Mr. Tyler - Hearthstone is 54, I believe it is 54, but that has two points of
2717 access, one right here (points on map) and then it has the other ability to come out here
2718 (pointing to map).
2719
2720 Ms. Dwyer - Which is the one we are talking about right now?
2721
2722 Mr. Tyler - That is correct. You have already just approved Regal Oaks,
2723 which gives Hearthstone a second means of access out this way (pointing to map).
2724
2725 Ms. Dwyer - What I am trying to get is an understanding of the total number of
2726 lots on these two points of access. Perhaps that is the best way to do it.
2727
2728 Mr. Tyler - The total number of lots on these two points of access, the 54 in
2729 Hearthstone, 38 in Regal Oaks, and 22 in Park Meadows, for approximately 110, 120 lots.
2730
2731 Ms. Dwyer - It is 114. And how much with Harvest Glen? Did you add that
2732 in?
2733
2734 Mr. Tyler - Harvest Glen only has one point of access, ma'am, and that is 56
2735 lots.
2736
2737 Ms. Dwyer - I am looking for the two points of access – the total on the two
2738 points of access.
2739
2740 Mr. Tyler - The total on the two points of access would be the addition of
2741 Harvest Glen, plus 11 lots that I dropped off, which is 68, so it would be about 180 lots on two
2742 points of access, of which 120 or 110 have two points of access.
2743
2744 Mrs. Wade - As I understand it, the intention is not to put that Old School all
2745 the way out to Shady Grove anyway.

2746
2747 Mr. Tyler - That is correct, ma'am. Again, we have found that our Traffic
2748 Engineer and the County Traffic Engineer both agree that we don't need a connecting road
2749 here. What we need, they seek some indirect connection; in other words, another through
2750 road, and what we would require is from Twin Hickory Road down to Autumnwood Drive,
2751 over Autumn to Autumnwood Way, across the Beulah Davis property, down Hearthstone
2752 Drive and then down Old School Drive, would provide that second means of access,
2753 ultimately. The County Traffic Engineers indicated that they don't desire it; another road to be
2754 punched out here.

2755
2756 Mrs. Wade - It is getting close to the thoroughfare. All right. Some people
2757 just own key parts of real estate. That is all. Thank you.

2758
2759 Ms. Dwyer - Any other questions by Commission members? Ready for a
2760 motion.

2761
2762 Mrs. Wade - We don't have any contradictory comments from Public Works
2763 about this? OK, thank you. All right, I move that Subdivision Harvest Glen at Twin Hickory,
2764 whatever the latest plan is, current plan, for 56 lots, be approved subject to the standard
2765 conditions, annotations on the plans, and added conditions Nos. 12 through 16. These are on
2766 the Addendum, and eliminate No. 17. I don't have a problem with the 56 lots, but in some
2767 months we will have a different discussion. Perhaps then you will have solved your problem.

2768
2769 Mr. Vanarsdall - Second.

2770
2771 Ms. Dwyer - We have a motion by Mrs. Wade and a second by Mr.
2772 Vanarsdall. All in favor of the motion say aye. All opposed say no. The motion carries.

2773
2774 The Planning Commission granted conditional approval to Subdivision Harvest Glen at Twin
2775 Hickory (May 1999 Plan), subject to the annotations on the plan, the standard conditions
2776 attached to the minutes for developments served by public utilities, and the following additional
2777 conditions:

- 2778
- 2779 12. The limits and elevation of the 100 year frequency flood shall be conspicuously noted on
2780 the plat and construction plans and labeled "Limits of 100 Year Floodplain." Dedicate
2781 floodplain as a "Variable Width Drainage & Utility Easement."
 - 2782 13. The detailed plant list and specifications for the landscaping to be provided within the 25
2783 foot wide planting strip easement along proposed Old School Road shall be submitted to
2784 the Planning Office for review and approval prior to recordation of the plat.
 - 2785 14. A County standard sidewalk shall be constructed along north side of proposed Old School
2786 Road.
 - 2787 15. Any necessary off-site drainage easements must be obtained prior to final approval of
2788 the construction plans by the Department of Public Works.
 - 2789 16. Prior to requesting the final approval, a draft of the covenants and deed restrictions for
2790 the maintenance of the common area by a homeowners association shall be submitted

2791 to the Planning Office for review. Such covenants and restrictions shall be in form and
2792 substance satisfactory to the County Attorney and shall be recorded prior to recordation
2793 of the subdivision plat.

2794 ~~17. No more than fifty (50) lots shall be approved for recordation prior to the developer~~
2795 ~~providing a second point of access.~~

2796

2797 **PLAN OF DEVELOPMENT AND SPECIAL EXCEPTION**

2798

POD-29-99 Discovery United Methodist Church – Gayton Road and Lauderdale Drive

Koontz-Bryant, P.C. for Discovery United Methodist Church: Request for approval of a plan of development and special exception for height limitations as required by Chapter 24, Sections 24-106 and 24-95(a)(1(a) of the Henrico Code to construct a one-story 10,790 sq. ft. sanctuary and narthex with a 122 foot spire and future additions. The 7.69 acre site is located at the intersection of Lauderdale Drive and Gayton Road on parcel 55-A-3. The zoning is RTH, Residential Townhouse District. County water and sewer. **(Three Chopt)**

2799

2800 Ms. Dwyer - Is there anyone in the audience in opposition to POD-29-99,
2801 Discovery United Methodist Church? We have opposition. We will get to you in a moment.
2802 Mr. Strauss.

2803

2804 Mr. Strauss - Thank you. Thank you, Madam Chairman. This was Kevin's
2805 case, also. I will do my best. I have little opportunity to review it.

2806

2807 Ms. Dwyer - Mr. Wilhite, who was handling this case, has been called out of
2808 town for an emergency, and so Mr. Strauss is substituting. We may need to do some research
2809 and we will bear with Mr. Strauss. Thank you for filling in at the last minute.

2810

2811 Mr. Strauss - As of the date of the preparation of the agenda, staff had not
2812 received information on the area noted on the plan as "future additions". This morning I did
2813 receive a letter from the principal of The Chenault Harvey Group, the Architects on the project,
2814 which indicates that the future phases are planned as one-story steel frame structures, of 5,000 to
2815 7,000 square feet each. The plan use is educational and recreation. I will have to defer any
2816 questions, if you need to elaborate on that, in any more detail. The Commission will note that
2817 there is a Special Exception for height for the proposed church spire. I would remind the
2818 Commission that this project is in a residential district, RTH, Unconditional, and as such the
2819 height limitation for structures in this district is 50 feet. The church spire is proposed to be up to
2820 112 feet to the top of the cross, however, it was pointed out that most of the church itself, the
2821 mass or the tower which you will see in the elevations, and I believe which is on the screen now,
2822 is only 75 feet. The applicant will be required to provide the justification for the special
2823 exception for the height. There were a number of citizens here who would like to have an
2824 opportunity to speak in favor of this project. I would like to reserve some time for them, as
2825 well, as the opposition. Kevin did indicate that there were some concerns from the
2826 neighborhood about buffering around the church, as this is in RTH, and a residential zone,

2827 surrounded by residential, and there is no requirement for transitional buffers. However, the
2828 plan indicates that there was proposed to be 25 foot buffers around the project. The applicant
2829 has been informed that buffering issues may be discussed today and he will have to address those
2830 with future landscape plan submissions. There was also, according to the notes I have, some
2831 concerns about some trailers and sheds on the site. It was my understanding the applicant was
2832 informed about these issues and they were going to remove these trailers and sheds. I don't have
2833 any further information on that and we will have to defer that question to the applicant or their
2834 engineer. With that, I think staff is in order to recommend approval, provided all of your
2835 questions are addressed, and I will try and do the best I can in that regard.

2836
2837 Mrs. Wade - Now that is the approval of the POD first. You don't recommend
2838 for the special exception one way or the other.

2839
2840 Mr. Strauss - Yes. Thank you.

2841
2842 Ms. Dwyer - Mr. Strauss, isn't there a provision in the code that has an
2843 exception for towers?

2844
2845 Mr. Strauss - Yes, there is, and those of you who are familiar with other cases
2846 we have handled, there are exemptions for structures, but that case in particular, for Steward
2847 School, was in an A District. This is in an R District and there is in the ordinance a height
2848 limitation of 50 feet.

2849
2850 Mrs. Wade - What did you say, the main church building is 75 feet, so we need
2851 what, two special exceptions?

2852
2853 Mr. Strauss - I will have to defer that question. That will explain the various
2854 parts of the building.

2855
2856 Ms. Dwyer - All right, would the applicant come forward, please?

2857
2858 Mr. Greg Koontz - Madam Chairwoman and members of the Commission, my name
2859 is Greg Koontz and I am here to represent the applicant, and this is John Chenault, the architect.
2860 He will address the special height exception issues. I would just like to say we met with, we had
2861 two meetings at the church, on the 18th and 20th to meet with the neighbors and we have met with
2862 staff and Mrs. Wade to review this case. We met with the neighbors and there were only several
2863 neighbors that actually came to the meeting. I think we had three one night and two or three the
2864 second night, and the main points of discussion dealt with – let me see if I can get this thing to
2865 work – how do you make this thing work, Jim? It keeps wanting too...(working on projector).
2866 That particular side, right there, has a residential subdivision and that is the only one that touches
2867 the property. All of the residents live, I think, on California Drive and those were the residents
2868 that came to the meeting. Basically, this whole side of – that whole side right through there
2869 (pointing on map) – what the church has done is try to hold a 25 foot strip and we've met with
2870 all of the neighbors and we are trying to keep as many of the trees as we can there. There are

2871 some grading issues, so you can't keep that whole area natural, and we have reviewed that, in
2872 depth, with everybody, and basically the church is committed to coming back and planting the
2873 area that they have to clear in that strip, to try to come back with a heavy landscaping plan in the
2874 areas where it gets thinned down, and they have made the commitment to these neighbors that
2875 they will meet with them prior to making any landscapes and the site itself had relatively few
2876 drainage issues. Everything drains to one point, totally away from the neighbors, and all of the
2877 site is surrounded by roads, Gayton Road being to the top portion of the picture, up here
2878 (pointing) and Lauderdale (pointing) to the bottom, and they're two pretty major roads and they
2879 are surrounded by that on the majority of the site. I'd be glad to address any of the site issues if
2880 there are any questions. One thing Jim had mentioned about the mast, the reason they are not
2881 trying to get two special exceptions for the building and the tower is that the mast that was
2882 discussed at 75 feet is the mast portion of the tower. The main structure of the roof of the
2883 church is lower than 50 feet.

2884
2885 Ms. Dwyer - Has it been a ruling that that portion of the building is not included
2886 as the height of the building?

2887
2888 Mr. Koontz - I think what was stated, was they were talking about needing two
2889 special exceptions, I think there is only one exception that they are talking about and that is the
2890 tower and the spire in the front of the church.

2891
2892 Ms. Dwyer - How tall is the building?

2893
2894 Mr. Koontz - Less than the 50 feet.

2895
2896 _ - The main body of the building is about 45 feet with the roof pitch.

2897
2898 Ms. Dwyer - How tall is it to the ridge of the roof? How tall is that?

2899
2900 Mr. Chenault - About 45 feet or less.

2901
2902 Ms. Dwyer - OK, I understood it to be taller.

2903
2904 Mr. Archer - I think 45 is the point, isn't it?

2905
2906 Mrs. Wade - Now some of this doesn't look exactly like the plan I have.

2907
2908 Mr. Chenault - This is an earlier preliminary master plan.

2909
2910 Mrs. Wade - On the POD the driveway comes around and then there is a little,
2911 like a little drive that goes up to the building.

2912
2913 Mr. Koontz - The one that comes in towards the front?

2914

2915 Mrs. Wade- Where on here is the tower?
2916

2917 Mr. Koontz - The position of the tower is right about this area approximately
2918 300 feet from the front of the site and 150 feet from either edge of either road from the right of
2919 way.
2920

2921 Mrs. Wade - What is the elevation, basically of that spot, compared to the
2922 height?
2923

2924 Mr. Koontz - The entire building area right here is, basically, the same. It is the
2925 same finish floor in there. The whole area will be about the same elevation. The site drops off
2926 as it goes down towards Lauderdale, so this area is higher than Lauderdale over here, and when
2927 you get to this area about half-way through the site, Gayton Road is higher than the site, and by
2928 the time you get down in here, it is probably pretty close to being level, as you come across right
2929 here (pointing to map), and this area here is 10 to 15 feet higher than this floor of the building,
2930 down in this area.
2931

2932 Mrs. Wade - OK, thank you. And, I believe there is a note on here about "No
2933 Parking in the Front Yard".
2934

2935 Mr. Koontz - Yes, ma'am. I think the church is well aware of the County's
2936 concerns about the parking out front and they are trying to resolve that right now and the POD as
2937 submitted has in excess of what the County requires for parking, trying to resolve the issues that
2938 the County has there now.
2939

2940 Mrs. Wade - OK, thank you.
2941

2942 Mr. Archer - Mr. Koontz, so the tower is not a (unintelligible) tower, it is just
2943 a...
2944

2945 Mr. Koontz - It is an open tower, from the 75 feet up to the cross, and the top of
2946 the ornamental iron work is 97 feet. We have a copy here that you can look at. If we could put
2947 the slide up on the, the rendering on the church tower...this part here, the structure is solid. The
2948 mass is what we are talking about is 75 feet to this point right here (pointing), and this is actually
2949 lower. This is about 50.
2950

2951 Mr. Archer - That is the upper point you are pointing to?
2952

2953 Mr. Koontz - Seventy-five feet is there. This is about 56 feet in this first part
2954 that you see.
2955

2956 Mr. Vanarsdall - That is about 50 feet right there.
2957

2958 Mr. Chenault - Fifty-six feet for that part, so if you took an average there, it is
2959 probably about 62 feet right through the center of that. This is the part that goes up to 97 feet,
2960 and then we have a cross about 8 or 10 feet on top. This part of the building is less than the 45
2961 foot requirement by the code, the main building structure of the sanctuary. This is the only part
2962 we are asking the exception for. There is a 50 foot requirement which runs about right here, and
2963 we felt we needed a little bit extra height here to symbolize what the church was trying to project
2964 into the community for their church missions. They have been there 17 years, I think. I was
2965 talking to the pastor and he said they were there before a lot of the other developments there
2966 were developed in this area. This is a very transitional area, a very high growth area, and a lot
2967 of people in this area, and we felt this particular statement from the architectural people would
2968 anchor the church on that site and be sort of a sign of hope and a token of stability to the
2969 community. We tried to match all of the materials with not just the existing church building
2970 which is brick and dryvit and some stone and glass, but all of the way around the neighborhood
2971 there are, in Wilde Lake you've got Dryvit on the condominiums, the apartments, the multi-
2972 family living there is a different conglomeration of transitional structures all around the
2973 neighborhood, including Wilton Shopping Center just up the road, which is brick and dryvit,
2974 also, a church in Lauderdale. Like Greg said, the church steeple and the sanctuary are back on
2975 the property 300 feet, so we didn't anchor it on the corner. We could have put it out on the
2976 corner, but we chose not to. We anchored it 300 feet in the center of the site, 150 feet from
2977 each side of two major thorough ways, so it is not like setting a steeple on the corner of the
2978 church like you have Derbyshire or Grove Avenue, where you are in a real tight subdivision, or
2979 Welborne United Methodist, which is right off of Patterson in a residential area. We are
2980 sensitive to that, so we pulled the church in and we feel like we have enough buffering and
2981 another area around this particular site to not make it obtrusive to the neighborhood and make it
2982 an asset.

2983
2984 Mrs. Wade - How tall is Grove Avenue's? Do you know?

2985
2986 Mr. Chenault - I think it is 140 some feet.

2987
2988 Mrs. Wade - The tower?

2989
2990 Mr. Chenault - So we are like half of that to here.

2991
2992 Mr. Archer - Is there anything functional contained inside the tower?

2993
2994 Mr. Chenault - Well, the church has talked about having maybe some radio
2995 service there, but there won't be any obtrusive lights or anything shining up there. We do want
2996 to have a light maybe from the ground to shine on the cross at night. The reason we kept it so
2997 light and open was so that at night you really won't see all of this, because it is open. It is very
2998 light. In the daytime it will be, what you will see is basically this much of the tower. There
2999 won't be any lights on the cross in the daytime.

3000

3001 Mrs. Wade - You are going to have a light on the ground to shine up to the 122
3002 feet?
3003
3004 Mr. Chenault - No, it will be up to this part here. There may be some lights up
3005 here that can light up a little, but we can talk about that. It is not 122 feet. That is an error.
3006
3007 Ms. Dwyer - OK, what is it then?
3008
3009 Mrs. Wade - To the tip-top?
3010
3011 Mr. Chenault - To the top this is 97 feet to this point, and actually it is about an 8
3012 to 10 foot cross, so 107 feet max, and the church would be willing, I would take the option, we
3013 would be willing to bore this down to just down to 100 feet, the whole tower including the cross,
3014 just under 100 feet. I think architecturally that will change a lot of the drawings, but we could
3015 probably clip 7 feet out of this element here.
3016
3017 Ms. Dwyer - I'm sorry, what did you say, the height of Grove Avenue was?
3018
3019 Mr. Chenault - One hundred and forty-some feet.
3020
3021 Ms. Dwyer - And that is also on an elevated parcel of land.
3022
3023 Mr. Chenault - Yes, ma'am, it is.
3024
3025 Ms. Dwyer - And it is visible from Parham Road.
3026
3027 Mr. Chenault - Yes, ma'am, so that puts it at over 150 feet. If we had to, like I
3028 said, we would offer to maybe cut the whole entire cross down to just 100 feet, just be under the
3029 100 foot level for the whole thing.
3030
3031 Mrs. Wade - How much clearing are you going to have to do in the back?
3032
3033 Mr. Chenault - In the back? Greg, do you want to talk about the site?
3034
3035 Mr. Koontz - Basically there is a 25 foot area between the curb and the property
3036 line where there won't be anything constructed other than one catch basin. That area in there
3037 will be, there will be places in that where the clearing goes down to almost 10 feet of the
3038 property line, which we reviewed with the adjacent owners, and the church is committed to try
3039 to preserve every tree they can in that 25 foot strip and then replace the areas that have been
3040 thinned out for the grading of the parking lot to come back and put in an evergreen buffer
3041 basically along the back of that curb in any of the areas that are affected, and the residents that
3042 lived right behind the areas that were affected the most were at the meeting. We went over most
3043 of that. I felt like we resolved most of those issues or at least made everybody aware of what the
3044 church's commitment was.

3045
3046 Mrs. Wade - You mentioned drainage facilities in the back?
3047
3048 Mr. Koontz - Yes, ma'am, there is one. It is behind the curb adjacent to those
3049 owners on California Drive. It is picking up water that is coming from that subdivision and
3050 taking it on down across through the church site and back out on Lauderdale, so it is water that is
3051 coming to our site.
3052
3053 Mrs. Wade - What provision will you make then for saving trees in the back?
3054
3055 Mr. Koontz - I think it is all shown on the construction plan, the limits of
3056 clearing are shown on the construction plan.
3057
3058 Mrs. Wade - We have seen limits of clearing a lot, and somehow it does not
3059 always work out that way without some specific protection measures being taken.
3060
3061 Mr. Koontz - It would be hard for me to put a distance limit on it, Mrs. Wade,
3062 because the area of clearing actually goes in and out with the slope. We have tried to minimize
3063 that slope by the grading on the parking lot, but the parking lot is graded as steep as you would
3064 practically want to grade a parking lot from the building going up to minimize the bank, and you
3065 know, if you get over a 5% slope in a parking lot, you have trouble with people's doors. They
3066 fly open when they think they are going to open a little bit, and they hit the adjacent cars, so we
3067 have tried to minimize those slopes and keep the banks as tight as we could to the parking lot,
3068 but it goes in and out there. There are a couple of areas, I can show the limits of clearing right
3069 here, and that area right up in there is where the grade inlet is, and we have to clear a little bit
3070 closer to pick up that water, but the church is committed to come back and put additional
3071 landscaping, an evergreen hedge, all the way down this portion of curb through here to try to
3072 minimize any impact. I think when we talked to some of the neighbors that what helps a little bit
3073 is that their yards are approximately 10 feet higher than the parking lot and some of this stuff
3074 down here, and there is an existing six foot privacy fence that runs the whole length of this
3075 property line all the way down to about half way down that second line going down toward
3076 Lauderdale, and the church is committed to the neighbors on that side that they are willing to
3077 build that privacy fence the rest of the way down there if they so desire, but the neighbor that is
3078 adjacent to them on that particular spot is not sure she wants a six foot privacy fence built there.
3079 She said she may just want the evergreen, more evergreens planted in there closer to the curb,
3080 than have that fence.
3081
3082 Mrs. Wade - OK, thank you.
3083
3084 Ms. Dwyer - Is the BMP underground?
3085
3086 Mr. Koontz - Yes, ma'am, the BMP is totally an underground structure. There
3087 should not be anything visible other than your access points at the top.
3088

3089 Ms. Dwyer - And could you review the phasing for me, please?

3090
3091 Mr. Koontz - Currently, what the church is going to do is to build – they want to
3092 start with the parking because they have an existing parking problem, so they are going to try to
3093 get all of the parking in place or at least graveled in and stabilized before they start work and
3094 doing the construction work in the front, they need to be able to get their people parking
3095 somewhere on Sundays, so they are going to try to do all of the parking first, so they can then
3096 start work on the front sanctuary which is where a lot of cars are actually parking right now.
3097 And, the sanctuary, which is shown up there at the very front, right there, that is Phase I, that is
3098 the first part of their building. They are looking at building. Their additional request was so
3099 they could come back and get administrative approval on this portion of building at some future
3100 time. They don't have any time frame right now, but it is totally within the existing curb and
3101 gutter that is going to be built with this plan, so it should not really have any future impact
3102 further back on the site, and they are planning on matching existing building construction
3103 materials and height, basically with a one-story addition for educational and administrative
3104 purposes coming back through there. That was, I think they had that broken down into two
3105 additional portions. They really had not outlined which ones, but they said it would probably be
3106 like a Phase 2 and 3 building construction.

3107
3108 Ms. Dwyer - And the number of seats in the sanctuary?

3109
3110 Mr. Koontz - I think it is 650 total.

3111
3112 Ms. Dwyer - And the number of parking spaces?

3113
3114 Mr. Koontz - I think it was 240, I think. Did it show up on that cover sheet? It
3115 was less than 200 that were required, and we had approaching 250, and I'd say it was in the 240
3116 range.

3117
3118 Ms. Dwyer - Does the church think that is going to be enough?

3119
3120 Mr. Koontz - We've put as many on there as we can possibly put, but I think if
3121 the County would let them, they would put some out front, but with front building setbacks the
3122 way it has been looked at from a zoning standpoint, they don't want them having any parking in
3123 front of that building, so they have tried to maximize the space available to them behind the
3124 building.

3125
3126 Ms. Dwyer - You don't have any opportunities for overflow parking here either
3127 because of Gayton and Lauderdale.

3128
3129 Mr. Koontz - Yes, ma'am.

3130
3131 Mrs. Wade - Does anyone here want to speak in favor?

3132

3133 Ms. Dwyer - Does anyone else want to speak in favor of this case? This will be
3134 under 20 minutes. Right?

3135
3136 Mr. Jim Lavender - Madam Chairman and members of the Board, I am the Senior and
3137 Founding Pastor of Discovery United Methodist Church. I first came to you in 1983, or to this
3138 room anyway, in 1983 to request our first project and at that time there was no development in
3139 the area except for us, and the Old Gayton Townhouses, and we watched everything out there
3140 grow to this point. At that meeting...

3141
3142 **AT THIS POINT, THE TAPE DID NOT SWITCH OVER, AND DID NOT RECORD**
3143 **ANYMORE UNTIL THE FOLLOWING SPEAKER.**

3144
3145 Speaking for the Tower - The importance of the tower, as Dr. Lavender pointed out, is the
3146 symbol of the hope and faith of this church that is needed, and as I see the plans for the building,
3147 without the tower, the building looks rather generic, one may not know that the church is there
3148 without the existence of the tower, and so the tower is important as a sign of the church and as a
3149 symbol of the church. The other thing I would like to point out, not having seen the property of
3150 the people that are opposed to the tower, other than just driving by, as I believe the house is
3151 situated, the front of the house faces toward Gayton or Causeway as it is in that area, and the
3152 back faces the lake, it is actually the side of the house that faces the church property, and so,
3153 consequently, I just don't see where the existence of the tower would act as any sort of a
3154 nuisance on the house or their property.

3155
3156 Ms. Dwyer - Is there anyone else to speak in favor? We don't want to be
3157 redundant either. We don't want to discourage people from speaking, but we also have a
3158 number of cases.

3159
3160 Mrs. Pat Pittman - Madam Chairman, my name is Pat Pittman. I have been in
3161 Henrico County about 35 years. I have been a very close neighbor of Discovery United
3162 Methodist Church for the last 17 years, and I am in favor of this. I work off of Three Chopt and
3163 Parham Road and drive down and view Grove Avenue's tower, and it is inspirational. The area
3164 at the corner of Lauderdale and Gayton, as you know, is heavily traffic, and there is a slight hill,
3165 I look up toward the church, which is hard to see from that area. The height of the tower would
3166 show well. It is a beautiful addition to the church, and I and my family are very much in favor
3167 of it.

3168
3169 Mrs. Wade - And where do you live, Mrs. Pittman?

3170
3171 Mrs. Pittman - I like in Foxhall right now, which is down Causeway. I lived
3172 across in Bennington Ridge for 10 years, which is directly across the street from the church.

3173
3174 Mrs. Wade - Thank you.

3175

3176 Ms. Dwyer - How many more people are interested in speaking this morning?
3177 Just one more.

3178
3179 Ms. Marion Morgan - My name is Marion Morgan and I am a property owner on
3180 California Drive. My property is just directly behind this building and the current building. I
3181 plucked every neighbor on my street and everybody feels really good about this project. We all
3182 kind of bought houses because it is much better to have a church behind them than a dump, and
3183 it has been a good neighbor policy all along, and I think everybody feels very strongly that that is
3184 going to continue with this.

3185
3186 Ms. Dwyer - I see that this is zoned RTH which is townhouses. All right, is that
3187 it for the applicant? All right, we will hear from the opposition now. All those in opposition, if
3188 you would come forward, if there is more than one speaker, so that we can facilitate the hearing.
3189 Good afternoon.

3190
3191 Mr. Brad Brady - Good afternoon, Madam Chairman, and members of the
3192 Commission. My name is Brad Brady and I am, as mentioned, I am the owner of the single-
3193 family home on the property directly diagonal across from the church, and I am also a member
3194 of the Board of Directors of the Wilde Lake Association, which represents approximately 1,100
3195 homeowners there, although I am not speaking on behalf of the Board, because they have not
3196 been informed of this until just within the last few days. I must tell you, first of all, like the
3197 proverbial Daniel coming in the Lion's Den right now. And I must tell you I am actually very
3198 uncomfortable coming here, for several reasons. One is I am registered Methodist, and #2,
3199 Discovery United Methodist Church is an excellent neighbor. They are exemplary. They are
3200 very generous in the use of their resources there with neighborhood groups and have been very,
3201 very supportive of them, so again, it makes me very uncomfortable to come here and speak in
3202 opposition. Really, the primary reason of my opposition to this really comes to the height of the
3203 steeple. We are a quiet, traditional residential neighborhood there. We have Wilde Lake, we
3204 have ducks and geese out there and mostly trees. It is a very natural setting. The buildings and
3205 communities are set off from the streets there, and that is the type of community that we have
3206 been trying to maintain there. The tallest structures that we have there are the trees when you
3207 drive down the road and 120 ft. or 112 ft. tower structure just simply is incompatible with the
3208 aesthetic residential harmony of that community. I checked nearby and we do have another
3209 church, a Baptist church, right on Ridgefield Parkway, approximately a third of a mile away
3210 between Lauderdale and Gayton, also, and I checked with their architect. The height of their
3211 steeple there is 55 feet tall versus 112 that we are looking for here. One thing, if I may, if we
3212 could bring back up this picture here. Is that possible? I am not sure which one you all had used
3213 but I think one of the questions that I have, first of all, maybe this is just an error in the
3214 perspective, but I believe I heard earlier that from the ground to the portion where the incline
3215 begins on this steeple there was 56 feet, and then from that point to the top of the cross there
3216 would be either 107 or 112 feet, which is almost exactly double the height. From looking at
3217 this, that to me looks like it is about $\frac{3}{4}$'s of the way up, and perhaps this is an old drawing here,
3218 but I don't believe that looks like it is in proportion there. If the height of that steeple is
3219 approximately the same height from the ground to where that incline begins on the building, then

3220 the two are out of proportion to each other. This is not exactly an accurate representation of
3221 what you will be seeing there.

3222
3223 Mrs. Wade - I thought they said 75, from where the top of the slope...

3224
3225 Mr. Brady - To the front part though, where the incline begins, above that cross
3226 on the face. I believe he said 56 feet. Now, if 56 feet, and then you go up to 112, that is
3227 exactly double, so that would be the half-way point, but I am just looking from this perspective.
3228 That does not look like the halfway point to me, it looks like it is about $\frac{3}{4}$'s of the way. I am
3229 concerned that the tower may actually appear taller than this perspective as shown right here.
3230 The other thing is that, you know, even 120, or 112 sq. ft., that is equivalent to about 11 or 12
3231 story tall building in this residential neighborhood. My understanding from going to the public
3232 hearing that they had out there was the main purpose of that is to serve as a television broadcast
3233 tower, that they needed the height to broadcast for television. I don't believe that was exactly
3234 what was mentioned here earlier, so not just for an aesthetic or architectural statement, but that
3235 seemed to be the primary need to have that type of height there. There are a couple of other
3236 issues, and I think those are relatively minor. You mentioned earlier about the BMP there. I
3237 had actually received a notification of this hearing last week and went to the hearings. We
3238 received on Monday, and actually there was no discussion with anyone else until this past
3239 Monday evening, so just less than two days ago was when discussion really started talking about
3240 this. We received the request, we being the Wilde Lake Association, received a request for a
3241 proposal to purchase the ability to use Wilde Lake as a BMP, to be able to put untreated water
3242 down in there. That is a separate discussion. We have discussed it with the current president,
3243 the previous president, and so far, although we are receptive to listening further about it, those
3244 members that have heard it so far are not interested in utilizing the lake as a BMP, although I
3245 understand they may be able to do that on site. We do have a concern if that does come up to be
3246 able to take untreated storm water runoff from those parking lots, and take that directly down
3247 into Wilde Lake. The other area, and again, this is very minor. Again, I have not started
3248 looking into this until just a day and a half ago, but I had contacted previously Gerald Wilkes,
3249 who is the State Geologist for Virginia. He wrote this book on the coal mines in that area. I
3250 previously had him out to our property. There is a coal mine directly behind the church in that
3251 wooded area. There is a large slag pile that exists right now, and it is called the Saunders Mine.
3252 It was actually started in the early 1800s. Hopefully, that has been plugged, but I think that is an
3253 issue that needs to be examined further before any additional parking or buildings are put back
3254 into that area, and again, Gerald Wilkes probably would be the most authoritative person to
3255 discuss that with.

3256
3257 The other main problem I really have is the lack of notification or understanding of the people
3258 nearby here. As I mentioned, I went to the hearing last week. It was not until Monday evening
3259 that we received this proposal to utilize the lake as a BMP that we started, some of the members
3260 of the Wilde Lake Association, started discussing this. We contacted the president of Harbor
3261 Cove Townhouses, which is approximately 75 town homes directly across Lauderdale Drive. In
3262 fact, if we could have the POD man come back up. There is another map, the area map. That is
3263 it, right there. When we got this proposal, I contacted the president of Harbor Cove and these

3264 are the town homes right here (pointing to map), approximately 75 town homes. They had
3265 absolutely no notification according to their president and was not aware of any of this proposal.
3266 Those who were directly across the street from them. I tried to give him a brief snapshot view
3267 and he, only speaking for himself, obviously, even though he is the elected leader of the
3268 community, was adamantly opposed to having such a large structure right across the street as far
3269 as with a steeple on it. I discussed with this community here, which is called Cedar Hill and
3270 Catch Pointe. They were also unaware of this proposal, too. I then contacted the Berkley Pointe
3271 president which is directly in this area right behind here on the other side of the lake and they
3272 were also unaware of the proposal, and I finally contacted the last remaining community, which
3273 is just to the top of this map, which is approximately a couple of hundred homes in Bay Cove
3274 Townhouses there and that president was also unaware of this proposal. So, it concerns me that
3275 even though I received a letter, that the president's representing the community associations, and
3276 you've got approximately 1,100 homes in the Wilde Lake area there, that these people were not
3277 aware of this proposal or what was taking place right here. That concerns me greatly that it
3278 would take place without their knowledge. I guess if I were to sum this up, we are in favor of
3279 the church being able to expand its facilities. We celebrate their success and their growth. We
3280 understand the need for further facilities that we have. And I also understand the very strong
3281 emotional desire to be able to put an effective beacon there, to make a statement, to say, "Here
3282 we are. Come to us." Typically, when cities were built the church was one of the very first
3283 things that was built, and those that wanted to live nearby the church built their homes there, and
3284 those who wanted to live out in the country, lived out in the country. It concerns me that these
3285 people have already built their homes here and now such a large structure may come in and be
3286 imposing as it is. As I said, we are quiet. We are a residential neighborhood. We don't have
3287 billboards. We don't have signs. We don't have large structures there. Unfortunately, I don't
3288 believe that imposing such a structure like that would be in the best interest or the desire of the
3289 home owners there, particularly if they are aware of it. What I would ask the Commission
3290 would be that you either restrict the height to a more reasonable height for the steeple there, or
3291 that you if you are in favor of proceeding with that, we defer any decision until those neighbors
3292 in the community can be notified and allow some type of representation, and allow them to have
3293 an opportunity to meet with the church also, before any decision was made. Thank you.

3294
3295 Ms. Dwyer - Thank you, Mr. Brady. Any questions for Mr. Brady by
3296 Commission members?

3297
3298 Mrs. Wade - I have a concern about the height to a certain extent. I was out
3299 there Monday and realized how high it is related to the area. Sometimes when we are talking
3300 about towers, we need to see a balloon exhibit to see exactly the implications and I wondered if
3301 that would be helpful.

3302
3303 Mr. Brady - That is why I used as a reference the steeple of the other church at
3304 55 feet tall there, and that is a fairly tall typical size steeple for that. In fact, when I went into
3305 the meetings there, and when I read 120 feet, that went right over my head; 120 feet really didn't
3306 mean a lot to me. It wasn't until I looked and saw that steeple was only 55 feet that it started to
3307 bring it back into perspective as to exactly how high this is. My concern is, that not until it

3308 actually goes up, and people see how big it is that they realize, and at that point it is going to be
3309 too late.

3310
3311 Ms. Dwyer - Have you seen the Grove Avenue Baptist Church?

3312
3313 Mr. Brady - Yes, I have.

3314
3315 Ms. Dwyer - That one is about 150 feet and one that was built after all of those
3316 homes were there.

3317
3318 Mr. Brady - That was also a different character in area. That is right at Parham
3319 Road. It is near Patterson. It is near Regency Square. It is a much more commercialized area.
3320 It is not far out in the suburbs near a lake and a quiet area.

3321
3322 Ms. Dwyer - I thought that might help put into perspective how tall it is.

3323
3324 Mr. Archer - Mr. Brady, earlier when I asked a question, they did indicate a
3325 willingness to reduce the size of the tower to some degree. Do you think you might be able to,
3326 if you had a clearer understanding – you and your neighbors – of what the reduction in height
3327 might make this look like.

3328
3329 Mr. Brady - Certainly. We most certainly want to work with the church on
3330 this, and as I said we are dealing with an emotional issue as well that is tough. It is very
3331 difficult. We are supportive and encouraging, but you reach a point at what height does it
3332 become too massive on there, and although I share their excitement, I think it is past the point
3333 where it is too massive there.

3334
3335 Ms. Dwyer - Any other questions of Mr. Brady?

3336
3337 Mr. Brady - And I will mention, that it was mentioned earlier that from our
3338 property we have a buffer of trees behind us and our view actually goes out toward a different
3339 direction, so, personally it does not bother me as much personally there. It is more just for the
3340 neighborhood and the representation that we have for the neighborhood there and what I am
3341 hearing from the few people we have talked to so far. Thank you.

3342
3343 Ms. Dwyer - Mr. Silber, if you can wait just a minute, the County does notify
3344 adjoining property owners and in this case adjoining property owners would include home
3345 owners who are across the right of way of the subject property. Mr. Silber has just found the
3346 document that indicates who was notified across the street, and I have asked him to put that on
3347 the display board so that we can at least see who was mailed a notice of this case.

3348
3349 Mrs. Wade - I assume they have a homeowner's association in Harbor Cove.

3350 Yes.
3351

3352 Ms. Dwyer - Sometimes an individual gets the notice and don't notify
3353 homeowners. Mr. Silber or someone else on staff maybe could explain this map for everyone in
3354 the audience.

3355
3356 Mrs. Wade - All of these people got a notice and just one to Harbor Cove? No,
3357 a lot to Harbor Cove.

3358
3359 Mr. O'Kelly - Thank you, Madam Chairman. I'm David O'Kelly, Acting
3360 Secretary for the Planning Commission, and I also signed the Affidavit indicating that the proper
3361 notice was sent to all of the current owners of real estate identified in yellow on this map. That
3362 notice was mailed approximately almost two weeks ago, Friday, the exact date is on the
3363 Affidavit, and we have had some people contacting the office requesting information on the case,
3364 so we were certain that the notices were delivered.

3365
3366 Ms. Dwyer - Did you have anyone from Harbor Cove? Do you know?

3367
3368 Mr. O'Kelly - We notified the Harbor Cove Townhouse Association and every
3369 unit owner on Old Point Drive.

3370
3371 Ms. Dwyer - OK, thank you. Are there any questions for Mr. O'Kelly by
3372 Commission members? Thank for explaining that notice procedure.

3373
3374 Mr. Mike Robert - Madam Chairman and Planning Commission members, my name
3375 is Mike Roberts and I live in the Old Gayton Townhouses and I am also president of the
3376 homeowner's association there. We were not notified. It looks like on the map, I see the main
3377 circle, but it doesn't show any of the units being marked as receiving notification. I have a
3378 problem with the expansion towards Old Gayton North and it bordering the property over there
3379 due to sound buffering problems, the fact that once you eliminate...that is a very natural area.
3380 I've been living where I am since 1994. Once you take down all of those trees, you are going to
3381 have a sound buffer problem for the people further down, not just Old Gayton North, but I think
3382 for the townhouses in Old Gayton. I think that the reasons for the tower need to be clarified on
3383 what the intentions on the broadcasting is going to be. Initially it sounded like it was kind of
3384 brushed over. The perspective on the height of the tower, I mean I did some checking, and
3385 originally it was told me that it was going to be 120 feet, and now I'm hearing 112, but the
3386 Stature of Liberty, minus its base, from her toes to the top of her torch, is 151 feet and one inch,
3387 and I think that, from quite a distance it is going to be visible from the residents around. I think
3388 the idea of it broadcasting, whether it is radio or television, poses a problem. At one time we
3389 had a short wave radio operator in our neighborhood and I got an education when it comes to
3390 broadcasting and its interference with other television reception, cell phones, a cordless phone
3391 and cable reception. It does not take much for there to be a leak in a cable line for you to get the
3392 transmission to come over your television set when you are watching cable. It sounds kind of, it
3393 might be a small point, but the cable company is not known for keeping its lines up to tip-top
3394 shape. We used to have to go out with meters and check for leaks on a regular basis, and always
3395 found them. I think that with - I hate to put down what they want to do - the church I belong to,

3396 we are building also. It is, I don't blame them for wanting to expand and be able to bring their
3397 message to an even greater audience, but I think the tower and the cutting down of all of the
3398 trees, taking their parking right up against Old Gayton North, I have a problem with it. I am not
3399 representing the homeowner's association. I only received notification of this on Monday and I
3400 have been able to talk to very few people about this and try and get an opinion, but the few
3401 people that I have talked to, it has ranged from between the parking, and it taking out the trees,
3402 and other people having a problem with the height of the tower. I don't want to ramble on, but
3403 that is basically what I wanted to say. Thank you very much.

3404
3405 Ms. Dwyer - Thank you, Mr. Roberts. Are there any questions of Mr. Roberts
3406 by Commission members?

3407
3408 Mrs. Wade - Didn't it say on here that all of the people on that side of California
3409 got notices? But you live somewhere else? You live there? And if you don't live there, have
3410 you spoken to people who do who didn't get a notice? I don't know what happened to the
3411 notices actually.

3412
3413 Mr. Roberts - It is kind of out of focus, but I think this is Francis Street Drive
3414 and I live on this street right here. So, here is California Drive, this is Old Gayton North, and
3415 we are right here.

3416
3417 Ms. Dwyer - So, do the town homes receive notices since they are not adjacent?

3418
3419 Mr. Roberts - No, we are not adjacent, no, but if you look at their site plan, I
3420 mean, it is coming right, there was another picture that they had up there, and I mean, it is still,
3421 we are in the very next subdivision. So, I just wanted to, what little opinion I'd gotten from
3422 some of the residents, some didn't have a problem with the tower and had problems with the
3423 trees being taken down for the parking and other people didn't have a problem with parking but
3424 had a problem with the tower.

3425
3426 Ms. Dwyer - Any questions for Mr. Roberts?

3427
3428 Mr. Archer - Mr. Roberts, is your chief concern then the, I don't quite know
3429 how to put it, the visibility of the tower, or are you more concerned about the leakage that might
3430 occur in the transmission.

3431
3432 Mr. Roberts - Both. I think if you lower the height of the tower, it is probably
3433 going to eliminate their ability to broadcast, so I don't have a problem with doing something
3434 about lowering the height of the tower. I think that, as Mr. Brady said before, that until we see
3435 it, we are really not going to know what the perspective is or how high it is going to sit. The
3436 property on that corner sits awfully high compared to some of the surrounding areas, and I think
3437 that, you know, once it is under construction it is too late to do anything about it, once it is done.

3438

3439 Mrs. Wade - Of course, Grove Avenue has been broadcasting for a long time
3440 and I don't recall having heard any complaints.

3441
3442 Ms. Dwyer - No, it is in my district and I am not aware of any complaints from
3443 Grove Avenue.

3444
3445 Mr. Roberts - I am just going by the experience I have had. I've been president
3446 for three years of the association and going around and checking for leaks in the cable system in
3447 our neighborhood to make sure that it is serviced properly, because he was a short wave
3448 operator, he had to make sure that his transmissions were not bleeding into the system, and just
3449 seeing the amount of leaks he was detecting and having the cable company come out on a regular
3450 basis to maintain it. I mean, there is a possibility people don't realize. I mean, what they're
3451 doing at Grove Avenue, they may be broadcasting a microwave signal to another tower. It is
3452 hard to say. They might not actually be broadcasting from their tower but to another tower, for
3453 actual transmission. I don't know. But, yes, it is the height and the transmission and the cutting
3454 down of the trees. I don't think they are going to provide a sufficient enough buffer from the
3455 diagrams that I have seen to not create a sound problem, because that intersection is pretty
3456 heavily trafficked. The fact that a traffic signal has gone up proves that point, and it is going to
3457 continue to get more and more as the development increases in the area.

3458
3459 Ms. Dwyer - Thank you, Mr. Roberts. Any further questions for Mr. Roberts?
3460 I will allow five minutes. Oh, are you in opposition?

3461
3462 Mr. Fred Clark - My name is Fred Clark and I live in the Cedar Hill-Catch Pointe
3463 Townhouse Association, and I am also a member of the Board of Directors of the Wilde Lake
3464 Association. I have been involved with both of these associations since September, 1984. I
3465 lived in that area preceding most everybody, I suspect, here today. In fact, we met in the
3466 building trailer one time at Discovery Church. We go back that far. I will not repeat everything
3467 that has been said today, just to reiterate that our Association was not notified of any of this, and
3468 I am also aware of the fact that The Colonies Association across the lake have not been notified,
3469 and I am also aware that many individuals in those areas in the 24-48 hours of information have
3470 expressed concern about the height of the proposed structure, indicating that it may be a bit much
3471 for our quiet, residential area. That is all I need to say. Thank you.

3472
3473 Ms. Dwyer - All right, we will allow five minutes for rebuttal.

3474
3475 Mr. Koontz - Madam Chairman and members of the Commission, we will just
3476 take a couple of minutes to go over this. I think everybody understands who has been notified
3477 based on the diagram that was put up here by Mr. O'Kelly. The church, my understanding is
3478 that the gentleman who is in charge of that is not here, but my understanding was that he had
3479 tried to get a list of homeowner's associations to notify basically the same people for our
3480 meetings that we had in the evenings for the meeting we had down there for the adjacent
3481 neighbors. I don't think they were trying to notify everybody in a huge area; just the ones that
3482 were required based on that diagram, and I think that they made their effort to do that, to try to

3483 meet with them, in addition to the County sign which has been up on the property for however as
3484 long as that would have been up, and the church's sign. They have a sign up showing that they
3485 are trying to do a new addition. They have some signage there. I think if people were trying to
3486 find out some information that they could have, in addition to the notification that the County
3487 has.

3488
3489 On a couple of the other issues, really quick, I know this BMP stuff was brought up. The site
3490 does have an on-site BMP. We were exploring the option of seeing if we could work something
3491 out with Wilde Lake to use the capacity of Wilde Lake for a BMP, just as was done in
3492 Wellesley, and basically it is a paper shuffling issue almost as far as providing calculation
3493 numbers for your credits that are in that lake and provide them with some money for
3494 maintenance of their pond. The church does not have to have it. They are providing for their
3495 own BMP right now on the plan as submitted. We just felt like it was a win-win situation when
3496 they could get money to maintain their lake and the church would not have to be required to have
3497 an underground BMP system. I think it is just a misunderstanding there. We just sent a letter
3498 exploring the possibility with them to see if they had any interest in it and we felt like it would
3499 help them with the maintenance of their lake.

3500
3501 Mrs. Wade - That would take the place of the underground. Don't you have to
3502 have some kind of filtration or something?

3503
3504 Mr. Koontz - The lake itself actually acts as a settling place for phosphorus. It is
3505 the same thing that is done with Wellesley. I mean that Wellesley's lake is down that way and
3506 that includes everything, all the way up to Short Pump Crossing Shopping Center, and it is a
3507 great way to do it. The County is for it basically, because what it does is it eliminates one of
3508 these underground systems, and it is like a regional BMP, so it is working toward everybody's
3509 goal there. The concerns about the sounds and the trees and all of that, what we have tried to do
3510 is we have provided 25 feet that is going to be landscaped and save as many existing trees as we
3511 can save, and we are only required to have six feet. For the RTH setback, it is a 6 ft. setback,
3512 and we provided 25, and we are willing to work with anybody with landscaping. I don't think
3513 sound is going to be an issue, because this whole church drops down to where the church is and
3514 the whole parking lot drops, and the houses that are adjacent to it are all 10 feet higher than the
3515 parking lot that is right there at the back end, so I think there will be a natural sound barrier
3516 there, be it either just a six foot privacy fence in the back and what trees and landscaping is
3517 preserved on that side of the property. So, I don't really see that being a sound issue.

3518
3519 I think as far as the broadcasting, we are not really here to try to get any kind of approval on
3520 doing any kind of broadcasting right now. They are trying to make everybody aware that that is
3521 in their future plans. They will have to comply with all of the FCC regulations and everything
3522 that anybody else who does any broadcasting would have to comply with. I really don't think
3523 that would be an issue on the approval of this site plan.

3524
3525 I think the architect's done a good job trying to maintain the way this tower looks and he has
3526 kept the main body of that structure down to 75 feet on the tower and has an open frame

3527 structure at the top to try to allow it not to have the big visual impact which is a lot less visual
3528 impact than churches that you all have already approved, like Grove Avenue. He has tried to
3529 keep that down lower. There is a tower right down the street from there at the fire station.
3530 There is a big radio tower that goes way up above the trees and that is just right down the street.
3531 It is not as large in diameter, but it way up there, so there are some other ones in that area. So, I
3532 would respectfully request that the Commission approve this plan as submitted. I think
3533 everybody has tried to work really hard. I think the proper notifications have been given. The
3534 church has worked diligently to try to resolve all of the issues on the rear portion of this property
3535 with adjacent owners that are directly touching it, and I think as far as the process with this type
3536 of submission, there is a limited range in where the notification actually does get made on these.

3537
3538 Mrs. Wade - I doubt that there is a County sign on the property because there
3539 generally isn't for PODs. And, I think when they talk about noise, they just mean that would be
3540 eliminating a necessity of the buffer that has been shielding them from the intersection and the
3541 traffic.

3542
3543 Mr. Koontz - But I do think, Mrs. Wade, the site does drop right there at the
3544 back. That whole parking lot goes up from where the church is - it goes up and it will act as a
3545 sound barrier back there because of change in grade is over 10 feet to the rear property line of
3546 the church. So, you have over a 10 foot difference right there, plus there is that 6 foot privacy
3547 fence there that goes all the way around.

3548
3549 Mrs. Wade- Well, it will.

3550
3551 Mr. Koontz - It is already existing except for that one portion.

3552
3553 Ms. Dwyer - Are there any questions of Mr. Koontz by Commission members?

3554
3555 Mrs. Wade - I would feel more comfortable about the tower situation if we
3556 could have some kind of balloon exhibit. Are you able to arrange that?

3557
3558 Mr. Koontz - I am sure if I had to I could.

3559
3560 Mrs. Wade - I would find that helpful in determining the appropriateness of this
3561 height at that location. I am not very good at visualizing distances. It sounds like a nine-story
3562 office building, the height, but, and if those that are objecting could be invited, we could all meet
3563 out there some time and look at that. I can do the POD basically today. I think you have
3564 addressed those issues and are within your rights basically here. I gather there is not going to be
3565 much of a buffer left between the neighbors in the rear and your lot by the time you get the
3566 grading and everything done. But, we could do the POD part and put the Special Exception off.
3567 The only trouble in June is that I am not going to be here. We meet on, we have Zoning on the
3568 10th of June, on a Thursday night. Everybody wouldn't need to come.

3569
3570 Mr. Koontz - We would have to come back for the 10th of June.

3571
3572 Mrs. Wade - Just get a balloon and put it on a string the proper height. You
3573 might have one for the top of the tower structure and the other one for the height of the tower
3574 with the cross on the top.
3575
3576 Mr. Koontz - I think we can work with that if we need to and show everybody
3577 what they are trying to do and if that would make you feel more comfortable, we do want to do
3578 that.
3579
3580 Mrs. Wade - It is hard to compare it with the Baptist church up on Ridgefield,
3581 because that is an old structure and the whole scale is a lot smaller than what we are talking
3582 about in this location, so we can put the whole thing off, or we can put the Special Exception
3583 off.
3584
3585 Mr. Koontz - I would definitely like approval of the POD if we could get
3586 approval of the POD and then I guess the Special Exception would just come back.
3587
3588 Mrs. Wade - All right. Mr. Strauss, again, is staff basically satisfied with the
3589 details of the POD?
3590
3591 Mr. Strauss - Yes, ma'am.
3592
3593 Mrs. Wade - All right, we will do that then. Are there any other
3594 commissioner's who would like to be at the demonstration, also, all would be invited, hopefully.
3595
3596 OK, I move that POD-29-99, Discovery United Methodist Church – Gayton Road and
3597 Lauderdale Drive, be approved. Now, there are comments on our agenda that additional
3598 information on future additions, has that been addressed satisfactorily? We have a letter in the
3599 file, OK.
3600
3601 I move that it be approved, subject to the annotations on the plan, standard conditions Nos. 9 and
3602 11 Amended, to bring landscaping and lighting back, and Nos. 23 through 28 as they appear on
3603 your agenda.
3604
3605 Mr. Vanarsdall - Second.
3606
3607 Ms. Dwyer - We have a motion by Mrs. Wade, seconded by Mr. Vanarsdall.
3608 All in favor of approval of the POD say aye. All opposed say no. The motion carries.
3609
3610 The Planning Commission voted to approve POD-29-99, Discovery United Methodist Church –
3611 Gayton Road and Lauderdale Drive, subject to the annotations on the plans, the standard
3612 conditions attached to the minutes for developments of this type and the following additional
3613 conditions:
3614

- 3615 9. **AMENDED** – A detailed landscaping plan shall be submitted to the Planning Office for
 3616 review and Planning Commission approval prior to the issuance of any occupancy
 3617 permits.
 3618 11. **AMENDED** – Prior to the installation of the site lighting equipment, a plan including
 3619 depictions of light spread and intensity diagrams and fixture mounting details shall be
 3620 submitted for Planning Office review and Planning Commission approval.
 3621 23. The easements for drainage and utilities as shown on approved plans shall be granted to
 3622 the County in a form acceptable to the County Attorney prior to any occupancy permits
 3623 being issued.
 3624 24. The developer shall provide fire hydrants as required by the Department of Public
 3625 Utilities in its approval of the utility plans and contracts.
 3626 25. Outside storage shall not be permitted.
 3627 26. Deviations from County standards for pavement, curb or curb and gutter design shall be
 3628 approved by the County Engineer prior to final approval of the construction plans by
 3629 the Department of Public Works.
 3630 27. Insurance Services Office (ISO) calculations must be included with the utilities plans
 3631 and contracts and must be approved by the Department of Public Utilities prior to the
 3632 issuance of a building permit.
 3633 28. The commercial trailers currently located on this site shall be removed prior to the
 3634 approval of the construction plans for this development.
 3635

3636 Mrs. Wade - For the Special Exception, I move that it be deferred until the 10th
 3637 of June, at the applicant's request.
 3638

3639 Mr. Vanarsdall - Second.
 3640

3641 Ms. Dwyer - We have a motion by Mrs. Wade and a second by Mr. Vanarsdall
 3642 to defer the Special Exception request to June 10. All in favor say aye. All opposed say no.
 3643 The motion carries. Thank you.
 3644

3645 The Planning Commission voted to defer the Special Exception for POD-29-99, Discovery
 3646 United Methodist Church – Gayton Road and Lauderdale Drive, to its meeting on June 10, 1999.
 3647

3648 **PLAN OF DEVELOPMENT**

POD-32-99 **Hulcher and Associates for David L. Avery:** Request for
St. Paul's Baptist Church – approval of a plan of development as required by Chapter
Creighton Road 24, Section 24-106 of the Henrico County Code to
 construct a 3,000 seat church. The 46.27-acre site is
 located on the south line of Creighton Road, approximately
 1,200 feet east of Cedar Fork Road on parcel 130-A-20.
 The zoning is A-1, Agricultural District and ASO, Airport
 Safety Overlay District. County water and septic
 tank/drainfield. **(Varina)**

3649
3650 Ms. Dwyer - Is anyone in the audience in opposition to POD-32-99, St. Paul's
3651 Baptist Church – Creighton Road? Opposition. OK. Ms. News.

3652
3653 Ms. News - This project is located within the Creighton Road Corridor, Special
3654 Strategy Area of 2010 Land Use Plan. The study identifies this area for potential economic
3655 development. The site, with its current zoning, however, allows the church use as proposed.
3656 During its review, staff evaluated the project in accordance with applicable goals,
3657 recommendations and strategies for the Corridor. In particular, it is recommended that parking
3658 not be visible from Creighton Road and that finished building facades, plazas and extensive
3659 landscaping be prominent. The parking, although in front of the building, has substantial areas
3660 for landscaping around it. Staff believes there is sufficient area, as well as a nice entrance
3661 approach to the building, which provides opportunity for ample landscaping. There are many
3662 large, nursery quality trees and shrubs on the property and staff hopes the engineer will work to
3663 phase construction so that these plants can be relocated and used on site. The building is brick, in
3664 accordance with the recommendations. The applicant has agreed to provide sidewalk as
3665 requested. There is one additional annotation to be added to the plan requiring a right-turn lane
3666 at the easternmost entrance and the applicant is in agreement with that condition. He is also
3667 prepared to address relocation of the historic structure on the site, which staff is very pleased
3668 about. The remaining issue on this site is the proposal for a provision of septic drainfield for a
3669 facility of this size, which is unique in Henrico County. The applicant submitted several
3670 alternatives for sanitary sewer but has been unable to provide an alternative, which is acceptable
3671 to the Department of Public Utilities. The Health Department has evaluated the site and feels the
3672 soil and site area proposed are adequate for septic fields. Additional approvals from the Health
3673 Department will be required on the final engineering prior to final signature per condition No.
3674 29. A representative of the Health Department is available should there be any additional
3675 questions. With that said, staff recommends approval of the plans as annotated. The applicant is
3676 available for questions if there are no further questions of staff.

3677
3678 Ms. Dwyer - Are there any further questions of Ms. News by Commission
3679 members? No questions. Will the applicant come forward, please? Thank you, Mrs. News.

3680
3681 Mr. Bruce Hulcher - Madam Chairman and members of the Commission, my name is
3682 Bruce Hulcher and I am with the firm of Hulcher and Associates and I represent the applicant in
3683 this case, St. Paul's Baptist Church. Also here with me today are the Architect, Mr. John
3684 Chenault, who you know, and Rev. Lance Watson, who is the service minister for the church.
3685 We are in agreement with the staff recommendations as annotated and, just to let you know, that
3686 we have held a meeting in the neighborhood and advertised it, in accordance with the same
3687 criteria that the staff uses to advertise this meeting, and we did do that in order to explain the
3688 project to anyone who was interested as well as to receive any comments or input from the
3689 neighborhood. In regard to the historic structure, the church has agreed to donate that structure
3690 to the Varina Historic Commission. We have given a letter to staff for inclusion into the record
3691 that indicates the status of that, in that the church's board has approved that. The congregation
3692 hasn't really had time to meet, but I believe that this is pretty much a done deal at this point.

3693 There is a packet of information that – has it been handed out – that does include some
3694 renderings of the structure that I think you will find will help explain to you the quality that is
3695 going into this building. We also have some slides and I am going to attempt to have those put
3696 up and ask John to explain the slides. There is a way to advance these things, but....

3697
3698 Mr. John Chenault - Again, Board (sic), Madam Chairman, John Chenault for St.
3699 Paul's Baptist Church. This church is located on approximately 46 acres in eastern Henrico
3700 County off of Creighton Road, as you know. The church facilities are approximately 88,000
3701 square feet and it is a 3,000 seat sanctuary. It is a pretty large structure and that is why we are
3702 situating it on 46 acres. The basic structure is a one-story, or a one and a half story, masonry
3703 building with metal clad roofing. It has synthetic stucco materials for the facades at the entrance
3704 and/or possibly some cast stone, depending on the budget. The main entrance has a covered
3705 portico with a circular drive. There are 650 approximate parking spaces on the site. This is the
3706 site here (referring to the rendering) that we talked about, and I'm going to let Bruce talk about
3707 the buffers, but I want to get to the plan. Here is a copy of the first floor plan, which you can
3708 see the auditorium and the sanctuary in the center, in the yellow. The main entrance being at the
3709 bottom of the drawing there. There's a narthex. To the right of narthex is a 350-seat chapel.
3710 To the left of the narthex are the toilets and a 500-seat fellowship hall with a kitchen facility.
3711 Going to the opposite rear, is a two-story educational wing with an open courtyard. The pulpit
3712 area, the choir area, and on the right hand side in the orange, there is an administration wing.
3713 That completes the first floor of the structure which is about 66,000 square feet, I believe. This
3714 facility will be sprinkled, according to the code, meet all of the Virginia State Uniformed
3715 Building Codes and BOCA.

3716
3717 The second floor includes a proposed future balcony, which seats approximately 750 to 800
3718 people. And the second floor to the educational wing, in the administration area, is in this
3719 phase. Only the balcony may be unfinished at this time, and that's approximately 22,000 square
3720 feet.

3721
3722 Ms. Dwyer - How many seats did you say were in the main sanctuary?

3723
3724 Mr. Chanault - On the main level, approximately 2,200 seats, and in the balcony,
3725 approximately 750 to 800. There will be lots of buffers and landscaping and I will let Bruce
3726 address that on the site plan. We've got a double wide entrance, boulevard concept. We will
3727 meet all of the County standards as far as required lighting and landscaping plans and BMP
3728 management, etc. Bruce.

3729
3730 Mr. Hulcher - Members of the Commission I will be glad to try to address any of
3731 your questions at this point. I don't know about what you might want to know in more detail.

3732
3733 Mrs. Quesinberry - Mr. Hulcher, would you just go over briefly the buffering around
3734 the property, especially the Creighton Road area since that is the overlay area where we are
3735 trying to shield parking from Creighton Road.

3736

3737 Mr. Hulcher - We will be setting back anything, at least 50 feet, before you hit
3738 any parking or anything, and that area will be landscaped and the landscaping plan will come to
3739 the Commission. On the rear, which.... On this side there will be a BMP, in this area right here
3740 (referring to screen) and we are going to design that to maximize the amount of trees we can
3741 save along this property line. This property to the south, here, is Mrs. Walters as well as to the
3742 east. There is another historic structure on her property, and we are going to save every tree we
3743 can, in here. Should that not be sufficient, we would then, of course, in the landscaping phase
3744 add additional plantings as required to make that as adequate as possible. It's hard to say exactly
3745 how many feet until the final grading is done for the BMP. But, we have some ability to shift
3746 that BMP and we can shift it away from that property line. On the east, the drainfields will be in
3747 this area and there will still be 100 feet or more between there and the property line. Then on
3748 this side, we are maintaining probably, say, 25 to 50 feet in that area. I'm not sure exactly what
3749 that dimension is right now. But, again, that gets landscaped. Sewage disposal, sanitary sewer
3750 is just too far away. We wanted to put in a temporary pump station and pump to the nearest
3751 sewer but that wasn't an acceptable approach. Fortunately, this site has extremely good soils for
3752 the type of drainfield disposal we'd like to use. We have reviewed this with the Health
3753 Department and I think we are all comfortable that this is an acceptable and safe way to dispose
3754 of the sewage from this site. The other advantages we have were sort of over-designing the
3755 drainfields because the first phase will not have the full 3000 seats. But, we are designing the
3756 drainfield for that. In addition, we are having a reserve drainfield for every active drainfield so
3757 that if we have any problems there is additional land available and reserved and set aside for
3758 additional drainfields. That's about all I'd like to cover. We have normal BMP drainage. We
3759 are putting in turning lanes, two of them are on Creighton Road to facilitate, to beat traffic, even
3760 though the peak from the church will probably occur on Sunday mornings when it's off peak to
3761 other types of traffic. Are there any other questions or points that I can address?

3762
3763 Mrs. Quesinberry - Are you going to talk a little bit about the septic system? I know
3764 that you are working out some of that. I think the last time we spoke, the idea was some kind of
3765 a holding facility and then you time wise pump out into the field, as I understand.

3766
3767 Mr. Hulcher - Exactly, yes. And that concept is still what we plan to do. As you
3768 can imagine, the church receives a peak load on Sunday during services. What we've done is
3769 calculated the load over a period of a week and we have enough holding capacity so that we can
3770 hold the waste from the Sunday and discharge it into the drainfields over the entire period of the
3771 week so that come Saturday the holding tanks are empty again and we don't have a problem with
3772 overflow of any kind. The State does have guidelines on these and we are in accordance with
3773 those guidelines in terms of holding times and tank sizes. Then we pump out and measure into
3774 each drainfield.

3775
3776 Mrs. Quesinberry - I just want to ask you a couple of questions because I don't know
3777 that much about a septic system this large. But, could there ever be a possibility where your
3778 drainfield was saturated and even though you had time pumping going on, perhaps you couldn't
3779 empty your tanks within a week. Could that happen?

3780

3781 Mr. Hulcher - Not realistically. I can't imagine a condition where that would
3782 happen. We have alarms, of course, that indicate high level in these tanks and should that level
3783 ever be reached the alarm will go off in the church in the maintenance facility that would indicate
3784 that we need to do something. The alarm may go off for unknown reasons but it will require
3785 somebody to physically attend to the system.

3786
3787 Mrs. Quesinberry - Does that means that you could actually have the tanks pumped out
3788 when that happens, like the way you have septic tanks pumped?

3789
3790 Mr. Hulcher - Yes. That could happen if it became a set of conditions that
3791 required it, certainly that's an option to do on some basis on some interval until the problem can
3792 be corrected.

3793
3794 Mrs. Quesinberry - OK.

3795
3796 Mr. Hulcher - We have a lot of redundancy built into it. We have two pumps
3797 that alternate. Either one can take the load. We also have an additional system that allows us,
3798 say, for some reason we lost power, we can put a suction line from another pump in and use an
3799 engine driven pump for a period time. We have tried to build in a lot of redundancy in addition
3800 to having twice the drainfield area that we really need.

3801
3802 Mrs. Quesinberry - What does the drainfield look like after construction? And, is
3803 there ever a situation where you would have a smell nuisance going on?

3804
3805 Mr. Hulcher - No. That has not been a problem in drainfields. These things are
3806 probably four or five feet in the ground. They consist of a trench maybe three feet wide. We
3807 have stone in the bottom. We have the perforated pipe and then we have stone above it to about
3808 13 to 15 inches deep. Then there is soil from there up for about three to four feet, depending on
3809 where the good soils are. Odors have not been a problem from the drainfields.

3810
3811 Mrs. Quesinberry - What does it look like, just visually, when construction is
3812 complete?

3813
3814 Mr. Hulcher - You won't know that they are there.

3815
3816 Mrs. Quesinberry - Will it just look like a grassed field?

3817
3818 Mr. Hulcher - Just grass, yes. The only time you will be able to tell is when it
3819 snows.

3820
3821 Ms. Dwyer- Was there a representative from the Health Department there?

3822
3823 Mrs. Quesinberry - Is there still a representative from the Health Department here?
3824 Would you come forward please?

3825
3826 Mr. Walker - I'm Lewis Walker. I'm the Environmental Health supervisor for
3827 Henrico County.
3828
3829 Mrs. Quesinberry - We appreciate you coming out here this morning for this meeting.
3830 We have a little need for some more comfort on this drainage situation with the septic system,
3831 simply because we haven't seen anything quite this large in this County.
3832
3833 Mr. Walker - Neither, have we, thank goodness.
3834
3835 Mrs. Quesinberry - We want to make sure that you are satisfied with what you are
3836 seeing, also.
3837
3838 Mr. Walker - We have reviewed the soils with the soils consultant, Dr.
3839 Matthews, and found that the soils are quite suitable. The soil is excellent for the proposed
3840 usage, and there are lots of them on that same side slope where they... one of the earlier slides
3841 show the drainfield areas as shaded areas. These areas have been tested and meet all of the
3842 qualifications of State regulations, but there are more soils available on that same slope if that
3843 becomes necessary. We have approved the sewage flows based on their proposal of this size
3844 facility and the types of usage that they have. Just so we are assured that there is an adequate
3845 available amount of area for this type of use. The questions that we are still dealing with, and
3846 we've already had one meeting to review the draft plans for this sewage system, has to do with a
3847 couple of technical questions. And, in talking with our engineers downtown, we don't perceive
3848 any problem with eventually coming to some resolution that will allow for the installation of the
3849 system.
3850
3851 Ms. Dwyer - Are there any other questions by Commission members? Thank
3852 you.
3853
3854 Mr. Hulcher - We understand, Mrs. Quesinberry, that the POD will be
3855 conditioned upon receiving a permit from the Health Department.
3856
3857 Mrs. Wade - Did they ask you about the Parks and Recreation comments on
3858 here?
3859
3860 Mr. Hulcher - Tell me what that is again, I don't remember that one.
3861
3862 Mrs. Wade - I believe it said if you have to take the old house down, which I'm
3863 sure you do because it is right in the middle of things, is that.
3864
3865 Mr. Archer - I believe they said they were going to donate it.
3866
3867 Mr. Hulcher - Yes, I don't know if you remember what we said, but the church
3868 has agreed to donate it to the Varina Historic Society, and they will move it to another site.

3869
3870 Mrs. Wade - Oh, OK. Thank you, sorry.
3871
3872 Mrs. Quesinberry - Will it be Dorey Park?
3873
3874 Mr. Hulcher - I don't know. It's kind of up to them and I'm not sure exactly sure
3875 where they want to put it. It might be a good idea though.
3876
3877 Mrs. Wade - The only note they had there was that if it couldn't be preserved
3878 that you'd let them measure and photograph it and everything. But, you've gone beyond that
3879 apparently.
3880
3881 Mr. Hulcher - Yes.
3882
3883 Mr. Chenault - Just one thing. I believe Mr. Nelson is working with David Avery
3884 of the church, and they are in communication on how to take the building down and where they
3885 are going to put it. So, that's still being done between church and Mr. Nelson.
3886
3887 Mrs. Wade - Did you say take it down?
3888
3889 Mr. Chenault - I think they are going to relocate it.
3890
3891 Mrs. Wade - Are they going to take it down piece by piece or whole.
3892
3893 Mr. Hulcher - Basically, this has a fairly old brick basement. I'm not sure you
3894 can move that. You may have to lift the top structure and move it and then maybe rebuild the
3895 basement under it.
3896
3897 Mrs. Wade - They did that to one on Three Chopt Road, I think.
3898
3899 Ms. Dwyer - Are there any other questions by Commission members? Is there
3900 anyone to speak in favor of the case? Okay.
3901
3902 Rev. Watson - Good afternoon. I am Lance Watson and I am the senior pastor of
3903 St. Paul's Baptist Church and I want to speak in favor of our project. I think we have worked
3904 with the architects and all of the County people in trying to plan a facility that would be an asset
3905 in eastern Henrico County. And I think that our vision in what we are trying to present is
3906 compatible with the County plans for that area. And, we have indicated a willingness to work
3907 with our neighbors. We are a very neighbor-friendly kind of group. We have a facility on
3908 Church Hill in Richmond now. We outgrew that facility and we have been meeting in J. F.
3909 Kennedy High School and have indicated a willingness to work with them as neighbors and been
3910 an asset and a blessing wherever we have gone. So, we are excited about the plan and we are
3911 hopeful that whatever the issues are, we can work through them and move ahead.
3912

3913 Mr. Vanarsdall - You have a pretty long way to travel, don't you, if you live in
3914 Wellesley?
3915
3916 Rev. Watson - Yes, I do. And during my time in Virginia, I have lived all over
3917 Henrico County. I've tried the west out and now I'm ready to move east.
3918
3919 Ms. Dwyer - It's a good thing we had these church cases back to back.
3920
3921 Mrs. Wade - And how tall is his steeple?
3922
3923 Ms. Dwyer - I was going to ask that. How tall is your tower in the front?
3924
3925 Mr. Chenault - It's structure about 110 feet. They run about the same.
3926 Fortunately, this one is another 600 feet back from any adjacent property and it's very open. So,
3927 hopefully, that won't be a problem.
3928
3929 Ms. Dwyer - Do you want to say something, Ms. News?
3930
3931 Ms. News - The drawing scales about 85 feet and we are limited to 100 feet in
3932 A-1.
3933
3934 Ms. Dwyer- OK. We do have opposition for the case. Would the opposition
3935 please come forward please?
3936
3937 Ms. Walters - I'm Betty L. Walters and I own the property to the east and part to
3938 the south of this area here. Let me say first that I am not opposed to the church but I've learned
3939 that in order to be heard and to express any concerns I had to raise my hand and say I was in
3940 opposition. My great concern was about that septic system, since I'm down grade from it.
3941 Actually, that piece of property that I own there on Creighton Road, which really will be the
3942 closest usable property, since it's right next to the floodplain and the interstate, is probably the
3943 most valuable piece that I have, and I was concerned about what effect this might have on it.
3944 When I met with the group Thursday evening, the buffer was presented to me as 25 feet, now
3945 I'm hearing 50 feet. I would hope that it could be a 50-foot buffer there. It's already an
3946 overgrown nursery stock, so you almost have it established. To the north, which is the back of
3947 my house, and going up to the portion of their property which they don't plan to develop right at
3948 this time, I would like also to see a good buffer there. Now a part of those trees that you see are
3949 my trees and they should not be included in the buffer. I had an unfortunate experience, my
3950 family did, some years ago before this building here was even built, with a landfill directly in
3951 front of my home. They got a permit for that and they were to leave a buffer, but we had trees
3952 too in that area, and the next thing that I knew all of their trees were gone. When my trees
3953 dropped the leaves you could look through and view a dump and that's really what it was. I just
3954 would hope that something like this could not happen. What they are doing here now is
3955 acceptable but after all they are the fourth owners of this property that I've known and one never

3956 knows what might happen at some future time. So, I'm really concerned about a good buffer
3957 between mine and this area.

3958
3959 Ms. Dwyer- Would you point your house out for us, Ms. Walters?

3960
3961 Ms. Walters - That's my house, there (referring to house on the screen). And, I
3962 might add this. You are talking about being a historic structure, this is Old Creighton Road. It
3963 came all the way out that way to Cedar Fork and my property line is down under here
3964 somewhere and it comes up.

3965
3966 Mrs. Quesinberry - Ms. Walters, do you access your property from Old Creighton
3967 Road, is that how you get in?

3968
3969 Ms. Walters - Yes. This part to my home, I come this way until I come here and
3970 then we access out Creighton. I'm seven tenths of a mile off the highway.

3971
3972 Mrs. Quesinberry - And, when you talk about buffers, where are you most concerned?
3973 Are you concerned along the property line right behind your house?

3974
3975 Ms. Walters - Right back in here and I would hope that they would leave a
3976 buffer, I understand that they are not going to do anything right in here at this time, but I would
3977 hope that the buffer would be all along there. Now, see these trees, here, I assume they mean
3978 are mine. This property that they bought was surveyed just before they purchased it and then it
3979 has been done afterwards. The surveyor came to my house and showed me his survey. I had a
3980 plat too and he borrowed that. He showed a tree somewhere down in here. It didn't say what
3981 species the tree was. Mine showed a stake and he used that stake as the point. I told him that
3982 once he got into it, to go over one day and go with him as he did this line. When the County
3983 widened Creighton Road, they removed my stake over there. I really should have seen to it that
3984 they did a setback point, which they had not done. Actually, when the road crews first surveyed
3985 they couldn't find the point because it was under the power line and VEPCO had run over it so
3986 much with the bushhog, it built up such a deep mulch there that they couldn't find that point. I
3987 got someone that relics there some times to come with me and we did find it and what the
3988 County had picked out and what was really the point was not the same. And they came back and
3989 gave us I think \$400 and some dollars more or something. So, I just don't know how that runs
3990 there. When the second crew came, I wanted to meet with them and follow this line across.
3991 They told me they would tell me when they came back but they never did. All I know is that
3992 this point right, here, and this point right, here. And, all of this is growing up, I would like to
3993 see just where it is going. I would like to see a good buffer maintained there and apparently I
3994 can't see that there would be any particular problem because it's not where you plan to build
3995 anything anyway.

3996
3997 Ms. Dwyer - Thank you, Ms. Walters. Are there any questions of Ms. Walters
3998 by Commission members?

3999

4000 Mr. Archer - Ms. Walters, you have a very steady hand.
4001
4002 Ms. Walters - I'm a good shot.
4003
4004 Mr. Vanarsdall - That's a warning to stay off her property.
4005
4006 Mr. Marko - Mr. Chairman, members of the Commission, my name is J. J.
4007 Marko and I'm the representative for the owner for the property to the west of the church
4008 property and also to the south. Again, I guess, I would ditto Ms. Walter's comments. We are
4009 not opposed to the church but it's the only way to come before you and express some concerns is
4010 to speak as an opponent. But, I'm not an opponent. My concern, along this line here (referring
4011 to map on screen) Mr. Hulcher commented about that that would be landscaped but as the staff
4012 and some of the Commissioners have expressed, since this is an overlay, that we worked very
4013 hard on a few years ago, of screening of the parking lots on Creighton Road, I also want
4014 screening along my boundary. And, when you say landscaping that can mean shrubs and
4015 flowers and I'm more interested in earth berms and trees. This is a massive structure we are
4016 talking about and it would (unintelligible) anything else around it for a mile or more. We would
4017 like to have some screening there. I would prefer some earth berms with some trees on top
4018 along here. And, I would like to know what the plans are for here. It's wooded now, will it
4019 remain wooded? And my last concern is the one I just learned from the conversation. Also this
4020 tower, I had no idea, and the renderings doesn't show it to be that tall but I would like the
4021 balloon test as well so that the neighbors and property owners can have some idea and would
4022 appreciate a deferment so we can take a look at how tall that tower is. Thank you.
4023
4024 Ms. Dwyer - Thank you. Are there any questions for Mr. Marko?
4025
4026 Mrs. Wade- They don't need a special exception here, do they?
4027
4028 Ms. Dwyer - No, they don't. This is zoned agricultural.
4029
4030 Mr. Archer - Did we establish exactly the height of the tower? I think we had a
4031 discrepancy.
4032
4033 Ms. Dwyer - It wouldn't be more than 100 feet.
4034
4035 Ms. News - Scaling the architectural plans, it looks like about 85-86 feet and
4036 they have committed to keeping it under 100, which is the maximum that the code allows. They
4037 are also in the Airport Overlay District so they are going to have any heights reviewed by the
4038 Airport.
4039
4040 Mr. Hulcher - To address one of Mr. Marko's concerns along that western
4041 property line, we do not plan to get within 45 feet of that line. It is fairly heavily wooded along
4042 there and we don't plan to even touch that. When we come back to the Commission with a plan,
4043 we would have then probably cleared the site and will be able to see if there are any holes in

4044 there that could be filled in with additional landscaping. I don't see any reason why we should
4045 touch anything within 45 feet of that property line which is already pretty heavily wooded.

4046
4047 Ms. Dwyer - Are you talking about the entire property line along Ms. Walter's
4048 property?

4049
4050 Mr. Hulcher - No, I'm talking about what would be the western property line
4051 next to that A-1 there.

4052
4053 Ms. Dwyer- What about the rest of the perimeter?
4054

4055 Mr. Hulcher - The rest of the perimeter, we are not going to go past here with
4056 our construction, so that's buffered at this point. We are going to stay right in here. The only
4057 place we even get close to the property line, and I'm still thinking 25 to 50 feet, it might be right
4058 in here, because our BMP is going to go right here. There is already a stream that runs down
4059 through here like this. Here, until you actually do a final grading plan, it's hard to give you an
4060 exact width of buffer but we certainly don't plan to take out any more trees than we have to.
4061 When we finish, the BMP gets landscaped. This will be down low. You will not be able to see
4062 it from this direction. So, if you are looking from here over to here you will probably just see
4063 this road and this church because this is a low area anyway and you will be looking right over
4064 top of that.

4065
4066 Mrs. Wade - Where on there is the house?
4067

4068 Mr. Hulcher - Ms. Walter's house is...
4069

4070 Mrs. Wade- No, not Ms. Walter's, I know where she is. The old house.
4071

4072 Mr. Hulcher - The old house is about right here.
4073

4074 Mrs. Wade - That seems to be a slight knoll right there.
4075

4076 Mr. Hulcher - There is. It's right in here, it's right in the middle of where we
4077 need to build.
4078

4079 Ms. Dwyer - Are there any other questions of Mr. Hulcher?
4080

4081 Mrs. Quesinberry - Mr. Hulcher, when we come back to work on the landscaping, you
4082 are committed to doing what we need to do to make sure that that property line and on the side
4083 here, after you have done your initial grading, that we plug this up where we need to
4084 appropriately.
4085

4086 Mr. Hulcher - We are committing to that, yes, ma'am.
4087

4088 Mrs. Quesinberry - Because, even though this is going to be developed out here,
4089 office/service and so forth, is not developed now and you've got A-1 all around you, it's very
4090 rural and wooded and natural. So, we want to be conscious of that and the people that are living
4091 around there right now.

4092
4093 Ms. Dwyer - Would you be willing to commit to a specified buffer around the
4094 perimeter?

4095
4096 Mr. Hulcher - I would prefer not to specify an exact width because of grading
4097 concerns. We will be aware of it as we do our final grading and try as best we can to stay away
4098 from that area. But, in our initial grading we didn't get within 25 feet of that property line.

4099
4100 Ms. Dwyer- Forty-six acres, you have plenty, except for this rear portion where
4101 you want to put the BMP you should be able to meet that.

4102
4103 Mr. Hulcher - Right. And we can shift that BMP to some extent. We could
4104 constrict it a little bit by where the stream is and a little bit about where the drainfields are, but
4105 we do have a great deal of flexibility with that.

4106
4107 Ms. Dwyer - You don't think you could commit, say, to a 50-foot perimeter
4108 buffer?

4109
4110 Mr. Hulcher - I would hate to have to say 50 because it could be 45. We will
4111 commit to landscaping or filling in a natural buffer to a 50-foot limit. Some of the BMP has to
4112 be landscaped anyway. So, there will be plantings for the full 50 feet from the property line. In
4113 other words, if we do have to get in there and grade, we will come back and replant.

4114
4115 Ms. Dwyer- So, there will be a 50-foot buffer but if you have to... that is space.

4116
4117 Mr. Hulcher - Right.

4118
4119 Ms. Dwyer - Because we have discussed before, on the Commission, a buffer
4120 doesn't mean a visual barrier necessarily, it means space on a map. So, what you are saying, is
4121 if there are existing trees that you have to take down for grading purposes you will replace that
4122 with landscaping.

4123
4124 Mr. Hulcher - We will come back within that 50 feet and replant.

4125
4126 Ms. Dwyer - Are there any other questions of Mr. Hulcher?

4127
4128 Mrs. Quesinberry - You did have a request by Mr. Marko for a balloon after he sat
4129 through the previous tower case. We did point out in the same one area that you are in that as
4130 long as your tower is under 100 feet you don't require a special use permit and you don't

4131 necessarily need to do anything further about that. But, I'm just inquiring, are you interested in
4132 floating balloons?

4133
4134 Mr. Hulcher- I think I might go into the balloon floating business. I certainly
4135 don't think that would be a problem. We will be glad to explore that with Mr. Marko. I'm not
4136 even sure of what all is involved or who does it right now, but we will explore that with him
4137 further, if you like.

4138
4139 Mrs. Quesinberry - You all can talk about that later and see if there is interest in the
4140 community.

4141
4142 Mrs. Wade - You can ask Mr. Theobald, he's done balloons.

4143
4144 Mr. Hulcher - As long as I don't have to pay lawyer rates for it.

4145
4146 Ms. Dwyer - Are there any more questions for Mr. Hulcher or anyone else?
4147 Mrs. Quesinberry, are you ready for a motion?

4148
4149 Mrs. Quesinberry - Yes. I would like to make a motion to recommend approval of
4150 POD-32-99, subject to the annotations on the plans, the standard conditions for developments of
4151 this type and the following conditions. I would like to have No. 9 amended. Ms. Walters that
4152 mean that we are going to come back and look at landscaping at another time, and further
4153 conditions. Nos. 23 through 31.

4154
4155 Mr. Vanarsdall - Second.

4156
4157 Ms. Dwyer - The motion was made by Mrs. Quesinberry and seconded by Mr.
4158 Vanarsdall. All in favor say aye...all opposed say nay. The motion passes.

4159
4160 The Planning Commission approved POD-32-99, St. Paul's Baptist Church - Creighton Road,
4161 subject to the standard conditions attached to these minutes, the annotations on the plans and the
4162 following additional conditions. Mr. Donati was absent.

4163
4164 **9. AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for
4165 review and Planning Commission approval prior to the issuance of any occupancy
4166 permits.

4167 23. The right-of-way for widening of Creighton Road as shown on approved plans shall be
4168 dedicated to the County prior to any occupancy permits being issued. The right-of-way
4169 dedication plat and any other required information shall be submitted to the County
4170 Real Property Agent at least 60 days prior to requesting occupancy permits.

4171 24. The easements for drainage and utilities as shown on approved plans shall be granted to
4172 the County in a form acceptable to the County Attorney prior to any occupancy permits
4173 being issued.

- 4174 25. The developer shall provide fire hydrants as required by the Department of Public
 4175 Utilities in its approval of the utility plans and contracts.
 4176 26. A standard concrete sidewalk shall be provided along the south side of Creighton Road,
 4177 west of the primary vehicular entrance to the site.
 4178 27. Any necessary off-site drainage easements must be obtained in a form acceptable to the
 4179 County Attorney prior to final approval of the construction plans by the Department of
 4180 Public Works.
 4181 28. Deviations from County standards for pavement, curb or curb and gutter design shall be
 4182 approved by the County Engineer prior to final approval of the construction plans by
 4183 the Department of Public Works.
 4184 29. The applicant shall furnish proof to the Planning Office that conditions satisfactory to
 4185 the Health Department have been met that insure the proposed septic tank drainfield
 4186 system is suitable for this project prior to signature of construction plans.
 4187 30. Insurance Services Office (ISO) calculations must be included with the utilities plans
 4188 and contracts and must be approved by the Department of Public Utilities prior to the
 4189 issuance of a building permit.
 4190 31. Approval of the construction plans by the Department of Public Works does not establish
 4191 the curb and gutter elevations along the Henrico County maintained right-of-way. The
 4192 elevations will be set by Henrico County.
 4193

4194 Ms. Dwyer - We will now go back to page 26, POD-43-99. Are we ready?
 4195 Will this take long?

4196 Mr. Whitney - No, this should not take long.
 4197
 4198

4199 **PLAN OF DEVELOPMENT**

**POD-43-99
 Stillman Place III - Steel
 Services, Inc. -
 Pemberton Road and
 Mayland Drive**

**Engineering Design Associates for The Harvard Co.,
 L.L.C., R&M, L.L.C. and Steel Services, Inc.:** Request for
 approval of a plan of development as required by Chapter 24,
 Section 24-106 of the Henrico Code to construct a two-story,
 6,039 square foot office building. The .95-acre site is located
 at the northwest corner of Pemberton Road (State Route 157)
 and Mayland Drive on parcel 58-A-21. The zoning is 0-2C,
 Office District (Conditional). County water and sewer. **(Three
 Chopt)**

4200
 4201 Mr. Whitney - Everything seems to have been worked out. We discussed it in
 4202 the lobby. If there are any further questions from the Commission, we can try to answer them.
 4203 Mr. Silber had some discussions regarding the proffers on the case. I believe everything is in
 4204 order as far as the architecture.
 4205

4206 Ms. Dwyer - Are you satisfied, Mrs. Wade?
 4207

4208 Mrs. Wade - Yes. The zoning there is a little complicated but we have record
4209 with all the records.

4210
4211 Ms. Dwyer - Are there any questions by Commission members?
4212

4213 Mrs. Wade - And the building will be different, but this was a separate zoning
4214 case. Actually, it's not a very big building. They said they might work on the roof slope a bit
4215 to minimize that somewhat and will work hard to preserve the trees. So, I would move that
4216 POD-43-99, Stillman Place III, be approved subject to the annotations, the standard conditions
4217 for developments of this type, the following conditions, and No. 9 amended to bring the
4218 landscape plan back and Nos. 23 through 30.

4219
4220 Mr. Vanarsdall - Second.

4221
4222 Ms. Dwyer - The motion was made by Mrs. Wade and seconded by Mr.
4223 Vanarsdall. All in favor say aye...all opposed say nay. The motion carries.
4224

4225 The Planning Commission approved POD-43-99, Stillman Place III - Steel Services, Inc. -
4226 Pemberton Road and Mayland Drive, subject to the standard conditions attached to these
4227 minutes, the annotations on the plans and the following additional conditions. Mr. Donati was
4228 absent.

- 4229
4230 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for
4231 review and Planning Commission approval prior to the issuance of any occupancy
4232 permits.
- 4233 23. The right-of-way for widening of Pemberton Road (S.R. 157) as shown on approved
4234 plans shall be dedicated to the County prior to any occupancy permits being issued.
4235 The right-of-way dedication plat and any other required information shall be submitted
4236 to the County Real Property Agent at least 60 days prior to requesting occupancy
4237 permits.
- 4238 24. The easements for drainage and utilities as shown on approved plans shall be granted to
4239 the County in a form acceptable to the County Attorney prior to any occupancy permits
4240 being issued.
- 4241 25. The developer shall provide fire hydrants as required by the Department of Public
4242 Utilities in its approval of the utility plans and contracts.
- 4243 26. Any necessary off-site drainage easements must be obtained in a form acceptable to the
4244 County Attorney prior to final approval of the construction plans by the Department of
4245 Public Works.
- 4246 27. Deviations from County standards for pavement, curb or curb and gutter design shall be
4247 approved by the County Engineer prior to final approval of the construction plans by
4248 the Department of Public Works.
- 4249 28. Insurance Services Office (ISO) calculations must be included with the utilities plans
4250 and contracts and must be approved by the Department of Public Utilities prior to the
4251 issuance of a building permit.

- 4252 29. Approval of the construction plans by the Department of Public Works does not
4253 establish the curb and gutter elevations along the Henrico County maintained right-of-
4254 way. The elevations will be set by Henrico County.
4255 30. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the
4256 Planning Office and approved prior to issuance of a certificate of occupancy for this
4257 development.
4258

4259 Ms. Dwyer- So, we will hear the minutes and then break for lunch. Did
4260 everybody call in their corrections for the minutes? All right. Do we have a motion on the
4261 February 23, 1999, minutes.
4262

4263 Mrs. Wade - I move the February 23, 1999, minutes be approved as corrected.
4264

4265 Mr. Vanarsdall - Second.
4266

4267 Ms. Dwyer- The motion was made by Mrs. Wade and seconded by Mr.
4268 Vanarsdall. All in favor say aye...all opposed say nay. The motion for the minutes carries.
4269

4270 The Planning Commission approved the February 23, 1999, corrected minutes. Mr. Donati
4271 was absent.
4272

4273 Ms. Dwyer - All right. We will take a short break and come back and do the
4274 flag lots.
4275

4276 **AT THIS TIME THE COMMISSION BROKE FOR LUNCH.**
4277

4278 **PUBLIC HEARING BEGINNING AT 1:30 P.M.**
4279

4280 **AN ORDINANCE to amend and reordain Section 24-3 Entitled "Definitions," Section 24-9**
4281 **Entitled "Street frontage required," and Subsection (r) of Section 24-95 Entitled**
4282 **"Additional Requirements, exceptions and modifications," all to regulate cul-de-sac lots,**
4283 **stem lots and flag lots in the County. (Deferred from the April 20, 1999 meeting.)**
4284

4285 **AN ORDINANCE to amend and reordain Section 19-113 of the Code of the County of**
4286 **Henrico Entitled "Lot arrangement" and to add Subsection (c) to Section 19-4 Entitled**
4287 **"Granting of Exceptions," and Subparagraph k. to Subsection 19-52(2) Entitled**
4288 **"Required," all in order to regulate the granting of exceptions for stem lots, cul-de-sac lots,**
4289 **and other lots of unusual design. (Deferred from the April 20, 1999 Meeting.)**
4290

4291 Ms. Dwyer - Do we have a quorum?
4292

4293 Mr. Marlles - Yes, I think we do.
4294

4295 **TAPE DID NOT SWITCH OVER AND STOPPED RECORDING AT THIS POINT,**
4296 **AND BEGAN AGAIN WITH MR. DAVID D. O’KELLY’S PRESENTATION.**
4297
4298

4299 Mr. O’Kelly - I’m here just to let you know that the staff and committee is in
4300 full agreement at this point. You have the latest draft before you dated yesterday, May 25,
4301 and a major change to that draft was adding a definition of double-frontage lots, and that was
4302 at the request of the Assistant County Attorney, Mr. Tom Tokarz.
4303

4304 Also, as the staff pointed out to you, this process has been closely followed by Ms. Katz, who
4305 is here today. She is in agreement with the Ordinance in that it focuses on her concern, which
4306 is the orientation of the homes permitted on stem lots. She also raised the issue about “Can
4307 there be a notice process when these exceptions are requested”. Staff would be willing to look
4308 at that issue between the time of the Commission’s decision today and before the Ordinance
4309 gets to the Board. Yesterday I met with Tom Tokarz and Deputy to the County Manager,
4310 Angela Harper, and we are beginning the process on doing major amendments to the
4311 Subdivision Ordinance for the Development Timetables Project, and we hope those drafts will
4312 be done and available to the Commission perhaps by August. We could include in those
4313 amendments, we could address the issue of these exceptions required for stem lots. So, with
4314 that brief overview, Madam Chairman, Mr. Theobald, Clarke Jones, Webb Tyler, Gordon
4315 Dixon with the Home Builders Association of Richmond are here to answer any questions, and
4316 I will be happy to answer any questions you may have.
4317

4318 Ms. Dwyer - All right. Any questions for Mr. O’Kelly?
4319

4320 Mr. Archer - Mr. O’Kelly, are we talking about flag lots or cul-de-sacs and
4321 everything all in one, or are we going to speak to each as separate issues?
4322

4323 Mr. O’Kelly - Well, you have two separate amendments, one is dealing with the
4324 Zoning Ordinance and one is dealing with the Subdivision, but the cul-de-sacs, flag lots and
4325 stem lots are all.
4326

4327 Mr. Archer - All right, I just had one question under the cul-de-sac lots.
4328 Roman Numeral V, I guess it is. It is a V, Item 4. It says “No more than five cul-de-sac or
4329 stem lots shall be permitted on a street”. Is that an increase over what was submitted
4330 originally?
4331

4332 Mr. O’Kelly - Yes, sir. The Code currently permits four flag lots. The issue
4333 of cul-de-sac lots is not addressed. Any lot left with less than 50 feet of frontage is deemed a
4334 flag lot, whether it is a cul-de-sac or a stem lot, or what have you, but four is the maximum
4335 permitted currently.
4336

4337 Mr. Archer - I am just curious as to why we are increasing it. Are we
4338 somewhat trying to go in the other direction?

4339
4340 Mr. O'Kelly - Well, I guess the compromise, Mr. Archer, is the fact that we
4341 have more control over the design of the lots around the cul-de-sac, and the exception process
4342 for additional stem lots, but no more than five could be permitted.
4343
4344 Mr. Archer - Yes.
4345
4346 Mrs. Wade - Well, I had a question under III, R. I am looking at one dated
4347 the 18th, if I had a 25th I don't know what I did with it. No flag lots shall be approved after the
4348 effective date. What is anticipated as being the effective date of the Ordinance?
4349
4350 Mr. O'Kelly - The date the Board of Supervisors adopts it, unless they
4351 reconsider your recommendation. This is what the staff understood was what the Commission
4352 desired.
4353
4354 Mrs. Wade - Do they have some sort of time table? Well, I say I don't know,
4355 but I've got the old draft here.
4356
4357 Mr. O'Kelly - No. I don't know at this point we don't know when the Board
4358 may take it up. Under current policy, the Manager likes to have work sessions with the Board
4359 before we advertise something for a public hearing so, hopefully, within the next 30 days we
4360 can at least have a work session.
4361
4362 Mrs. Wade - But if they are developed, they would have to be with these
4363 regulations? I mean, if they were approved prior to that date, it would have to be in
4364 accordance with these regulations that are in here.
4365
4366 Mr. O'Kelly - Any flag lots which are currently approved would not be under
4367 the new regulations, they are grandfathered. But they would be under the current regulations.
4368
4369 Ms. Dwyer - Mr. O'Kelly, going back to Mr. Archer's comment, I think when
4370 we started off you mentioned that there were nine cul-de-sac or stem lots would permitted on a
4371 cul-de-sac street, but that was also when we were looking at defining what could be placed on
4372 a cul-de-sac street by this table, and then once we eliminated the table, it seems to me that we
4373 were no longer defining by the dimensions of the table and we were sort of back into the old
4374 process of looking at, I guess, more standard definitions in lieu of a table, so I think Mr.
4375 Archer has raised a question that we may have allowed more, but we have the table as the
4376 defining factor now. And now that we have eliminated this table, maybe we should go back to
4377 four lots as we had before. Is that your suggestion, Mr. Archer?
4378
4379 Mr. Archer - Well, you know, I guess I really wasn't suggesting anything. I
4380 was just curious as to how we got from four to five.
4381

4382 Ms. Dwyer - We started with eliminating everything and now we have
4383 increased.
4384
4385 Mr. O’Kelly - Right. We have come a long ways since the recommendation in
4386 January.
4387
4388 Mr. Archer - I just want to make sure that we are in a position where we are
4389 not being counter-productive; if I am saying that correctly.
4390
4391 Mr. O’Kelly - Yes, sir. Understood. I just feel like we have the tools that are
4392 necessary to allow this to go forward and focus more on the design aspects, and currently we
4393 don’t have that.
4394
4395 Mr. Vanarsdall - So you don’t have a problem with it. Is that what you are
4396 saying?
4397
4398 Mr. O’Kelly - No, sir.
4399
4400 Mr. Archer - Well, that is comforting. I appreciate that.
4401
4402 Mr. O’Kelly - Now, when we get to the Board level, it may be something we
4403 have got to jump through a lot of hoops to explain to the Board why we are in agreement, but I
4404 think that these gentlemen also have an obligation to help the Commission and the Board
4405 understand what we are trying to do here.
4406
4407 Ms. Dwyer - I have a couple of questions. In Section 19-52, (k), talking about
4408 the proposed building setback lines, buildable area plans and physical house dimensions. I
4409 guess that should be stem or flag lots. Is there any reason why we did not mention cul-de-sac
4410 lots in that list, since now we really have three definitions that we are working on here? My
4411 question is should we add cul-de-sac lots, also, to this?
4412
4413 Mr. O’Kelly - I think if you, as I recall, if we go back to the zoning regulations,
4414 the proposed zoning regulations, that may already be required for cul-de-sac lots.
4415
4416 Ms. Dwyer - Can you point me to that?
4417
4418 Mr. O’Kelly - It is not required under the zoning.
4419
4420 Ms. Dwyer - We should just add cul-de-sac lots then to that list.
4421
4422 Mr. O’Kelly - We could. Right.
4423
4424 Ms. Dwyer - Just to be consistent and to make sure it will be included. My
4425 next question has to do with 19-113. You were talking about providing information for the

4426 stem lots and double-frontage lots with buildable area plans, proposed or existing dwelling
4427 placement and orientation on adjacent lots. Don't we also want the buildable area plans
4428 proposed placement and orientation of the proposed stem lots? Or do we just ask for that
4429 information for adjacent lots? Don't we also want that for the lot we are considering?
4430

4431 Mr. O'Kelly - Wouldn't that be required under subparagraph k. in amendment
4432 No. 2? That is the one we were just talking about by adding cul-de-sac lots.
4433

4434 Ms. Dwyer - All right, you tell me, because I am having trouble keeping up.
4435

4436 Mr. O'Kelly - Subparagraph k. or ...
4437

4438 Ms. Dwyer - Well, that just says setback lines, buildable area. So you have
4439 got the buildable area, house dimensions. Do you have the orientation of the house, because
4440 that becomes very important for the stem lots, not only do we need to know where the adjacent
4441 houses are going to be oriented but also how the stem lot houses are so that we know we don't
4442 have, the odd front to back, front to side combinations. That was what I wanted to make sure
4443 we would get all of that that we needed. Do you have a suggestion about how we - or do we
4444 need that, in your opinion, and how would be do it? How would we get it? Would we add it
4445 to k?
4446

4447 Mr. O'Kelly - It could be added to k. which is a list of requirements in the
4448 subdivision ordinance for all items that need to be shown on a conditional plat, and it is also,
4449 those items become a part of the check list of the conditional subdivision plat application.
4450

4451 Ms. Dwyer - So we could say typical house's dimensions or orientation. It is
4452 not a big change. I just wanted to make sure you would have that. So, we have made two
4453 changes today. Is everyone in agreement with that? That is all I have. Does anybody else
4454 have any questions on 19? OK. On 24. What is the definition of cul-de-sac and stem lots? I
4455 am just trying to get it straight. We can have cul-de-sac lots and stem lots at locations other
4456 than the terminus of the cul-de-sac street, and I guess I was thinking, as we were going along,
4457 that a cul-de-sac lot would only occur around the circular terminus of the cul-de-sac street.
4458

4459 Mr. O'Kelly - That is correct.
4460

4461 Ms. Dwyer - So, shouldn't we specify that maybe?
4462

4463 Mr. O'Kelly - I think that is in the zoning requirements in Subparagraph (b), in
4464 Amendment No. 4.
4465

4466 Ms. Dwyer - I am sorry, B-4. B as in Boy?
4467

4468 Mr. O'Kelly - I think it is in (v).
4469

4470 Ms. Dwyer - V as in Valentine. That just says no more than five cul-de-sac or
4471 stem lots on a street. In cul-de-sac lots, we could define it as a lot which fronts 35 feet along
4472 the terminus of a cul-de-sac street. Would that change anything? My intent is not to change
4473 something, but to be specific about it.

4474
4475 Mr. O’Kelly - Well, I think you have a good point. At some point we had a
4476 regulation in here that only permitted them at the terminus of a cul-de-sac. I don’t know where
4477 that went.

4478
4479 Ms. Dwyer - Otherwise, I don’t know why we’d need the definition of a
4480 terminus. I looked and I couldn’t find it anywhere. I will make a suggestion and if it does not
4481 seem right between now and Board, then it can be changed, but again I am just trying to clarify
4482 what our intent was, which was that a lot that fronts along the terminus of a cul-de-sac. We
4483 could just add, “along the terminus of” in the definition of a cul-de-sac.

4484
4485 Mr. O’Kelly - I think you raised an excellent point, because it has been in other
4486 drafts, and that has been the intent.

4487
4488 Ms. Dwyer - But the stem lots don’t have to be on the terminus?

4489
4490 Mr. O’Kelly - Exactly. It can be anywhere.

4491
4492 Mrs. Wade - You can have five stem lots?

4493
4494 Ms. Dwyer - You could have five stem lots.

4495
4496 Mr. O’Kelly - If they were approved as an exception.

4497
4498 Ms. Dwyer - Mr. O’Kelly, in paragraph 24-9, four lines down, it looks like
4499 there is something missing from the sentence. No lots shall be used in whole or in part for a
4500 dwelling purposes unless the lot above the street for at least 50 feet upon...

4501
4502 Mr. O’Kelly - You are correct. That was pointed out to us yesterday by Gordon
4503 Dixon with the Homebuilders. There should be a period after 50 feet. And strike through
4504 upon.

4505
4506 Ms. Dwyer - That is all I had. Any other issues or questions or comments by
4507 Commission members before we leave this? All right, would anyone in the audience like to
4508 speak to the Commission on this? Ms. Katz, please come forward. I think last time we went
4509 kind of late and you didn’t have a chance to speak.

4510
4511 Ms. Katz - This will be very quickly. I am Pam Katz. I live at 2401
4512 Islandview Court, and I was saying earlier that my husband and I figure we are a victim of a
4513 stem lot situation that has caused us quite a bit of concern, as a matter of fact. And, that is

4514 why I am interested In this and I, first of all, want to thank the members of the Commission
4515 and the staff for all of the work you have done, and for looking at this, because I think it is
4516 important. I hope that the changes that are being proposed will minimize the impact not only
4517 just to folks like us that live on adjacent properties, but to people that are buying these
4518 properties, who often don't know what they are getting and perhaps it is even going to be OK
4519 with the builders and they are happy, also. I am not sure why you can't eliminate stem lots,
4520 not cul-de-sacs, but maybe stem lots totally. But, if that can't be done, perhaps the
4521 compromise is OK and Mr. O'Kelly seems to be comfortable with that. Since I don't know
4522 what was it is hard for me to compare it to what is now. I thought we had five stem lots
4523 behind us. Perhaps we only have three. I am not sure exactly. But, maybe this is something
4524 we have been back and forth on for years. I don't know all of this history on it, but anyway,
4525 again, thank you for looking at this, and I am sure that any change is going to be an
4526 improvement over what was.

4527
4528 Ms. Dwyer - What about the notice idea? Can you talk about that for a
4529 minute?

4530
4531 Ms. Katz - Yes, I don't know. I've only discussed that with Mr. O'Kelly
4532 and you, also. It seems to me that if anytime there is an atypical situation that comes before,
4533 after the subdivision or after the zoning is approved, there is an atypical situation that could
4534 have an affect on adjacent neighbors that it seems to me it would be nice to either require,
4535 either the Planners require it or the builders are required to show these plans to the people that
4536 live there prior to the approval. I don't know if that can be put in place or it can just be
4537 suggested at this point that the builders, maybe that is part of the agreement, they can say they
4538 will be willing to even if they are not required to do so.

4539
4540 Ms. Dwyer - To provide notice to adjacent property owners if they want the
4541 stem lot exception?

4542
4543 Ms. Katz - Yes, to at least let people know so they won't be caught off
4544 guard. The first time we ever saw the situation behind us it had already been approved. We
4545 saw the lot on paper and immediately knew that it was going to be a big problem. I'd even
4546 buy the piece of property, but that didn't work out, so perhaps if builders are proposing
4547 something like that and the owners, they can come up and talk about it and at least it will be
4548 something that is not a surprise and shock to the people who have been living there, like in the
4549 woods that were behind us.

4550
4551 Ms. Dwyer - Well, we don't normally give notice to adjacent property owners
4552 for subdivisions, although we have a public hearing for subdivisions. A lot of jurisdictions
4553 don't do that. So, it does cause consternation among citizens sometimes when a subdivision is
4554 approved and they were not aware of it.

4555
4556 Ms. Katz - And I suppose it is up to the owners to some extent, you know, to
4557 kind of try to follow what is going on, but zoning hearings are very, very, you know, you get

4558 the notification and if you don't show up at those it is your own fault. But, these other things,
4559 you don't necessarily find out about until it is after the fact.

4560
4561 Ms. Dwyer - Thank you. Any questions for Ms. Katz? Thank you for
4562 participating. Mr. Theobald, would you like to speak?

4563
4564 Mr. Theobald - Madam Chairman and members of the Commission, my name is
4565 Jim Theobald and I am here on behalf of the Home Builders Association of Richmond. First
4566 of all, a thank you to Mr. O'Kelly for working through this process to arrive at what is an
4567 acceptable compromise for the Homebuilders. I do appreciate the time and attention, and to
4568 Mr. Tokarz, as well, and a thank you to you all for working through this. I remember our
4569 first session where all of this was clear as mud for all of us. I think that line by line we have
4570 managed to come up with something that, I think, protects the neighbors and works for the
4571 Homebuilders as well. Two quick comments: Ms. Dwyer, your desire to put back in this
4572 definition and the reference to typical house dimensions I, perhaps, would suggest that if you
4573 wish to put that back in that we qualify that in some fashion, that that is the purpose of house
4574 orientation only; in that, I think it is relevant to provide you with, perhaps, with typical
4575 dimensions so you are able to access the orientation, but I don't know what a typical dimension
4576 is, so if you had a different set of dimensions, I wouldn't want to have to revise a conditional
4577 for that purpose. So, I believe, the typical dimensions are a function of assuring an
4578 appropriate house orientation. You already have a buildable area plan as defined, so I think if
4579 we did that, it would save us all from having to come back in and redo a conditional if house
4580 dimensions changed but the orientation was the same. You are still within the approved
4581 buildable plan area.

4582
4583 Ms. Dwyer - Are you suggesting that we take orientation out?

4584
4585 Mr. Theobald - No, no. Leave orientation in, but I thought you didn't want to
4586 put the notion about providing typical house dimensions back into Section K, where we had
4587 asked that it be deleted?

4588
4589 Ms. Dwyer - It is already in there on my copy.

4590
4591 Mr. Theobald - No.

4592
4593 Mrs. Wade - Mine, too.

4594
4595 Mr. Theobald - You are on a prior draft.

4596
4597 Ms. Dwyer - It wasn't mentioned as a change from the May 18th Draft.

4598
4599 Mr. Theobald - It was done at the request of the Homebuilders the day of our
4600 meeting with Mr. O'Kelly, under 2K, we just eliminated that for the reasons that I just stated.

4601

4602 Ms. Dwyer - In my copy it is already there. It hasn't been removed, so...
4603
4604 Mr. Theobald - We need to make sure that we are approving the May 25 draft,
4605 because there are a couple of other very minor changes.
4606
4607 Ms. Dwyer - The copy that we have doesn't have 19 in it.
4608
4609 Mrs. Wade - Ernie, does yours say the 25th? I had one and it got lost in the
4610 shuffle.
4611
4612 Mr. Vanarsdall - Mine says the 25th.
4613
4614 Ms. Dwyer - No, I just have the 18th. OK. So, you had taken out "typical
4615 house dimensions" and I was putting it back in.
4616
4617 Mr. Theobald - For the reasons stated; correct. That is right, and so out is fine
4618 and in is fine with that qualifier.
4619
4620 Ms. Dwyer - Nothing you said the first time registered with me. I was looking
4621 at a different copy. So, will you run through that again.
4622
4623 Mr. Theobald - Sure. The notion of providing typical house dimensions would be
4624 a mere guess. You already, you do have to show the buildable area now, but the purpose for
4625 requiring typical house dimensions is so that you do understand the orientation, which is also
4626 required. My only concern is that if I show you a house that is 30 x 60 and I end up doing one
4627 that is 20 x 50, I don't want to have to come back in and amend my conditional subdivision
4628 approval.
4629
4630 Ms. Dwyer - So, you are fine with orientation but you'd like to have typical
4631 house dimensions removed?
4632
4633 Mr. Theobald - Either that or have it qualified typical house dimensions as it
4634 relates to orientation.
4635
4636 Ms. Dwyer - Well, it is fine with me. Mr. O'Kelly, are you agreeable to
4637 taking out "typical house dimensions"?
4638
4639 Mr. O'Kelly - I agreed to it last Wednesday.
4640
4641 Ms. Dwyer - OK. But, you were busy with Hewlett-Packard then, so you
4642 would have agreed to anything!
4643
4644 Mr. O'Kelly - Well, we talked about it. Do you remember the sketches that the
4645 Homebuilders provided that had a 25, I think the house dimension was 25 x 50, as a typical.

4646 That was what we were trying to work towards. If they felt it was good enough for design and
4647 coming up with the buildable areas that they wanted us to consider, then why not codify that?
4648 They had an objection and the staff reluctantly...

4649
4650 Ms. Dwyer - Well, what if we had the building setback lines and the buildable
4651 area plan and the house orientation, it seems to me that we have enough. Do you agree?
4652

4653 Mr. O'Kelly - Yes.

4654
4655 Ms. Dwyer - OK, that is fine, as is on the 25th plan anyway.
4656

4657 Mr. Theobald - My only other comment, I think, is to Mr. Archer's query about
4658 the number of 5 lots. I guess in stepping back a moment to put that into context, you currently
4659 can do four flag lots as a matter of right, and that is what we are all here changing. So, you
4660 won't be able to do any as a matter of right when the Board approves this. Flag lots, which
4661 will be known as stem lots, will have to come back to you for an exception under the
4662 Subdivision Ordinance, so we will have none as a matter of right. Cul-de-sac lots we will be
4663 able to do, as a matter of right, because we have taken the time to define what is good and
4664 what is bad about the stuff that has gone on previously, so the cul-de-sac lots as a matter of
4665 right works at the number V, because what we have done is we have increased that distance on
4666 the bulb of the cul-de-sac from the 20 feet previously required for the flag lot up to 35 feet,
4667 and we have said that the orientation on the front building lines can't differ by more than 10
4668 feet from the one next to it.

4669
4670 So, what we have done, Mr. Archer, through better geometry and definition of house
4671 orientation, we have taken away the potential abuses or misalignments that have existed under
4672 the flag lot and what we showed you on those series of drawings, the As, the Bs and the Cs, if
4673 we have used the right geometry, V could work at the end of the cul-de-sac with an orientation
4674 setback and distance on the bulb that was an efficient and acceptable result. So, the way we
4675 came back to the V after this purpose was the way the two ordinances were tied together the
4676 last time we met. We could have done four flag lots as a matter of right and up to five cul-de-
4677 sac lots, and I think you all were then adding the two together and coming up with nine, at
4678 which point I think the hearing ended when we said "We really can live with five in the
4679 aggregate" and we all left. Five is a critically important part of this compromise line between
4680 the Homebuilders and we think we have addressed it through the other language in here, and
4681 that is really the genesis, and I wanted to take a moment to reiterate that. I appreciate
4682 everybody's attention to this matter

4683
4684 Ms. Dwyer - Any questions for Mr. Theobald? Mr. O'Kelly, could you
4685 review the changes, all of the changes between the May 18 and the May 25 revision. I think
4686 you've reviewed, but there is an additional definition for frontage lots and then we have just
4687 talked about the fact that some language had been taken out on k. What other changes were
4688 made?
4689

4690 Mr. O’Kelly - In the definition of cul-de-sac lots, we added in language that
4691 indicates it is a lot which fronts at least 35 feet, but we added “but less than 50 feet” in the
4692 definition of cul-de-sac lot.
4693
4694 Ms. Dwyer - Anything else?
4695
4696 Mr. O’Kelly - No.
4697
4698 Ms. Dwyer - Well, today, what we have done is add “in building orientation to
4699 k” and also added “cul-de-sac” to the width of lot in k, and then added “along the terminus of”
4700 in the definition of cul-de-sac, and then in 24-9, just made that typo correction. And that is it.
4701 What would the Commission like to do about Ms. Katz’s suggestion about providing notice to
4702 adjacent property owners when there is a stem lot exception that is requested?
4703
4704 Mrs. Quesinberry - Well, a stem lot comes back to us for exception, and can we
4705 decide that on a case by case basis? I think it looks like it is a necessary thing to do. I would
4706 hate to say blanket, that we are going to do it all of the time, because it puts an extra burden on
4707 the staff that they may not need.
4708
4709 Ms. Dwyer - Well, the BZA requires the applicant to provide notice, and the
4710 applicant has to demonstrate notice is provided for their cases, so that is another option. I
4711 think if we are going to require notice it needs to be for all or none. Personally, I think it
4712 would be too hard administratively to figure out on a case by case basis.
4713
4714 Mrs. Quesinberry - I could live with notice for all if it were the applicant’s
4715 responsibility.
4716
4717 Ms. Dwyer - Any other thoughts on that issue?
4718
4719 Mr. Archer - Well, with all the (unintelligible) and the instances where we are
4720 building next to an existing neighborhood, or existing houses,
4721
4722 Mrs. Wade - Somebody has to own the property next door.
4723
4724 Ms. Dwyer - I think it would only apply if there is a stem lot that is requested.
4725
4726 Mr. Archer - That is what I am talking about. But it is next to something that
4727 already exists, because if they were going in a new subdivision, for example, wouldn’t, in
4728 essence, be anybody to notify.
4729
4730 Ms. Dwyer - Oh, I see what you mean. If it is a large type development and a
4731 cul-de-sac is within that developer’s property, there would be no one to notify. Well, that is a
4732 question, maybe?
4733

4734 Mr. O'Kelly - This requires further study, and I could see the notice
4735 requirement working very similar to the POD notice requirement, and if the applicant owns the
4736 adjoining property, and we go beyond that, but...
4737
4738 Ms. Dwyer - You would go beyond that?
4739
4740 Mr. O'Kelly - I think we would have to, to cover all situations. We have not
4741 thought through this a whole lot in the last 30 days, and that is why, it will require some
4742 further study, but I think we can come up with something that hopefully everyone could live
4743 with.
4744
4745 Ms. Dwyer - Well, we could agree in principal what we would like, if we
4746 could agree in principal what we would like to do, we can just direct the staff to make a
4747 proposal or include that with what the Board reviews, the specific language. That would be
4748 one way to do this.
4749
4750 Mr. O'Kelly - With the direction that it be the applicant's responsibility for
4751 notice?
4752
4753 Ms. Dwyer - What does the Commission think?
4754
4755 Mr. Vanarsdall - It would not be very often.
4756
4757 Mr. O'Kelly - It would be more often than you might think, Mr. Vanarsdall.
4758
4759 Ms. Dwyer - I think it is a good idea. I think that part of the concern with
4760 stem lots is how it affects the adjoining property, and that is the big issue, and that is why we
4761 have had the complaints we have had from home owners, Ms. Katz being one. So I think it is
4762 a good idea to have notice provided when there is a stem lot exception request to adjoining
4763 property owners. It sounds like the Commission is interested in having that notice be
4764 accomplished by the applicant with proof either to staff or to review by the Commission. Mr.
4765 O'Kelly, is that enough direction? You will need to go ahead and draft something to be
4766 included with and presented to the Board.
4767
4768 Mr. O'Kelly - Yes, ma'am.
4769
4770 Mrs. Wade - What kind of proof of notification?
4771
4772 Mr. O'Kelly - I am sure we'd be looking at Certified mail.
4773
4774 Ms. Dwyer - We do that with the BZA?
4775
4776 Mr. O'Kelly - Yes.
4777

4778 Mr. Vanarsdall - Oh, you'd have to do that.
4779

4780 Mr. O'Kelly - Or, Jim bought up a good point. With the BZA notice, also, you
4781 can get the signatures of the adjoining property owners that they have been contacted and are
4782 aware of the public hearing.
4783

4784 Ms. Dwyer - Well, something similar perhaps to what the BZA uses as a
4785 process.
4786

4787 Mr. O'Kelly - I am not sure that we want to have the Sheriff serve notice, but
4788 that is another option.
4789

4790 Ms. Dwyer - No, I don't think so. The Sheriff has other things to do. All
4791 right, do we have a motion on the May 25 draft as we have amended it today?
4792

4793 Mr. Vanarsdall - Well, I have a motion, but I don't know how to word it, but I
4794 move that we do it.
4795

4796 Mrs. Wade - I move approval of the planning of the official draft of May 25th
4797 as amended today, what you added under 2 (k.) orientation, I think that is the word there?
4798 Was there anything else?
4799

4800 Ms. Dwyer - The notice provision.
4801

4802 Mrs. Wade - And the notice provision.
4803

4804 Ms. Dwyer - And terminus added to the cul-de-sac. So this will be, the motion
4805 is to approve it, to recommend approval to the Board?
4806

4807 Mrs. Wade - Yes.
4808

4809 Mr. Vanarsdall - Second.
4810

4811 Ms. Dwyer - Do we need to say anything else, Mr. Secretary, in the motion?
4812

4813 Mr. Marlles - Not unless the Commission wants to make some comments to go
4814 along with the amendment to the Board.
4815

4816 Mrs. Quesinberry - No, I think that they can read our minutes. Something like,
4817 "Speed this along" or "Vote tonight".
4818

4819 Ms. Dwyer - OK. We have a motion by Mrs. Wade and a second by Mr.
4820 Vanarsdall. All in favor of the motion say aye. All opposed say no. The motion carries.
4821

4822 I would like to thank Ms. Katz, members of the Homebuilders Association for your work on
4823 this. All right, is there any other business? Yes. Mrs. Quesinberry has something to share
4824 with us.

4825
4826 Mrs. Quesinberry - As you all know, I just finished up the Certified Planning
4827 Commissioners Program. And one of the things I had talked about as some of our previous
4828 meetings; in particular, I brought it up when the CIP was presented to us a couple of months
4829 ago, that there's some interesting things going on in Chesapeake with level of service as a
4830 criteria for zoning approval.

4831
4832 And, I asked the staff is they would get a copy from Chesapeake of the Ordinance that they put
4833 in place that addresses level of service. It's a very interesting concept. And they did get
4834 copies and I'd like for all of you; I know you read a lot of stuff. If you'll take a copy and read
4835 it and consider this. It may or may not be something for us to consider at a later date. I've
4836 asked the Chairman to look at this and read it and to consider, at a later time, if its something
4837 we can do as a Commission or may be appoint a subcommittee with staff and Council and look
4838 and see if there's something that we might consider in our discussions and in our deliberations
4839 as we're looking at residential strategies and trying to struggle with the issues of zoning
4840 approval in tandem with services that are available to our citizens, be it roads, or schools, or
4841 what have you.

4842
4843 When those services are not clearly available through our CIP, or not currently physically
4844 available, what so we do? It's been quite a dilemma. And this, may or may not, shed some
4845 light on that issue for us. So, I would just appreciate your attention with that.

4846
4847 Ms. Dwyer - We'll look at it; we'll read it and we'll discuss it, if it's not too
4848 late at our zoning meeting.

4849
4850 Mrs. Wade - Do we have any information on implementation?

4851
4852 Mrs. Quesinberry - They do this now.

4853
4854 Mrs. Wade - Okay. And it's working satisfactorily?

4855
4856 Mrs. Quesinberry - It is currently utilized, and currently very successfully, from what
4857 the Planning Commissioner, that I was in class with, related to me. They seemed to like this
4858 very much there.

4859
4860 Mr. Archer - Thank you, Mrs. Quesinberry.

4861
4862 Mrs. Quesinberry - It's just a suggestion for your consideration.

4863
4864 Mr. Marlles - Madam Chairman, I would add that there has been interest and
4865 asked for work sessions in determining physical impacts that large proposed projects have on

4866 County services. So, this probably takes it a little bit further than that, but I think, at least
4867 among some Board members, there is a similar interest in this area.

4868
4869 Ms. Dwyer - A quick point. We've had a number of work sessions, I'm not
4870 sure what we call it anymore.

4871
4872 Mr. Marlles - "Residential Strategies."

4873
4874 Ms. Dwyer - Residential Strategies and there were some other proposals, other
4875 than flag lots that the Board had on its list. Maybe if we could have that list presented to us
4876 again, just the list, and the Commission may want to look at another one of those items now
4877 that we have dealt with the flag lot issue. There may be some other items that we may choose
4878 to take us, and move forward with. So, if we could have an updated list for our next meeting
4879 and just mail it to us and have it in our packets.

4880
4881 Mr. Marlles - And staff certainly has some thoughts about what the priorities
4882 should be. So, we would share that at the same time.

4883
4884 Ms. Dwyer - Do we need to put this on the agenda, or, I mean I was just
4885 thinking we could have an updated list to consider how to...

4886
4887 Mr. Marlles - Put it on the next agenda of the Commission?

4888
4889 Ms. Dwyer - Probably the next POD because our zoning meetings usually...

4890
4891 Mr. Archer - If it runs to 3:00 o'clock in the morning, we probably don't want
4892 it.

4893
4894 Ms. Dwyer - We'll put it on zoning, and if we have time to do it, if not, we'll
4895 bump it over to POD, if we finish by 9:00 o'clock.

4896
4897 Mr. Archer - Make it a moveable agenda item.

4898
4899 Ms. Dwyer - That's right.

4900
4901 Mr. Silber - Did we do the minutes?

4902
4903 Mrs. Quesinberry - Yes, we did.

4904
4905 There being no further business, acting on a motion by Mr. Archer, seconded by Mrs. Wade,
4906 the Plan of Development meeting adjourned its meeting at 2:45 p.m. on May 26, 1999.

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Ms. Elizabeth G. Dwyer, C.P.C., Chairman

John R. Marles, Director of Planning, Secretary