

1 Minutes of the regular monthly meeting of the Planning Commission of the County of  
2 Henrico, Virginia, held in the Board Room of the County Administration Building in the  
3 Government Center at Parham and Hungary Springs Roads, Beginning at 9:00 a.m.  
4 Wednesday, October 22, 2003.

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

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12 Members Absent: Mr. Richard W. Glover (Brookland) Board of Supervisors  
13 Representative

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15 Others Present: Mr. Randall R. Silber, Assistant Director of Planning,  
16 Secretary  
17 Mr. David D. O'Kelly, Jr., Principal Planner  
18 Ms. Leslie A. News, CLA, County Planner  
19 Mr. James P. Strauss, CLA, County Planner  
20 Mr. E. J. (Ted) McGarry, III, County Planner  
21 Mr. Kevin D. Wilhite, C.P.C., AICP, County Planner  
22 Mr. Michael F. Kennedy, County Planner  
23 Ms. Christina L. Goggin, AICP, County Planner  
24 Mr. Michael P. Cooper, County Planner  
25 Mr. Mike Jennings, Assistant Traffic Engineer  
26 Ms. Diana B. Carver, Recording Secretary  
27

28 **Mr. Richard W. Glover, the Board of Supervisors Representative, abstains on all**  
29 **cases unless otherwise noted.**

30  
31 Mr. Jernigan - I'd like to bring the meeting to order. Good morning everybody.  
32 We have a light crowd today. On behalf of the Planning Commission and the Planning  
33 Department, I'd like to welcome our few visitors here today. Being as it is such a light  
34 crowd, I am going to turn the meeting right over to Mr. Silber.

35  
36 Mr. Silber - Thank you, Mr. Jernigan. I guess we are missing one  
37 Commission member, Mr. Glover, and I presume he is on his way. We do have a  
38 quorum so we can conduct business. First on the agenda would be consideration of  
39 deferrals and withdrawals and I think we have a few of these. Mr. O'Kelly, can you  
40 help us with these, please?

41  
42 Mr. O'Kelly - Yes, Mr. Secretary. Good morning, Mr. Chairman, ladies and  
43 gentlemen. We have two requests for deferrals this morning. The first is on Page 16.  
44

44 **SUBDIVISION**

45

Kingsridge  
(October 2003 Plan)

**Michael E. Doczi & Associates, PLLC for Kingsridge 200, LLC:** The 6.34-acre site proposed for a subdivision of 164 townhouses for sale is located on the west line of South Laburnum Avenue between S. Laburnum Avenue and Dabbs House Road, approximately 1,100 feet north of the intersection of S. Laburnum and Nine Mile Road (State Route 33) on parcels 809-726-1917 and 809-725-8954. The zoning is R-5, General Residence District, R-2A, One-Family Residence District and ASO (Airport Safety Overlay) District. County water and sewer. **(Varina) 164 Residential Townhouses Lots**

46

47 Mr. O’Kelly - The applicant is requesting a deferral until November 19. The  
48 staff is looking forward to an opportunity to work with the applicant on some quality  
49 issues.

50

51 Mr. Jernigan - Is there any opposition to the deferral of Kingsridge Subdivision?  
52 There is no opposition, so I will make a motion to defer Kingsridge Subdivision to  
53 November 19, 2003, by request of the applicant.

54

55 Mr. Vanarsdall - Second.

56

57 Mr. Jernigan - We have a motion by Mr. Jernigan and a second by Mr.  
58 Vanarsdall. All in favor say aye. All opposed say no. The ayes have it. The motion is  
59 passed.

60

61 At the request of the applicant, the Planning Commission deferred Subdivision  
62 Kingsridge to its meeting on November 19, 2003.

63

64 **LANDSCAPE & LIGHTING PLAN**

65

LP/POD-27-03  
Chipotle Mexican Grill

**Barnes & Grogan for Chipolte Mexican Restaurant:** Request for approval of a landscape and lighting plan, as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code. The 1.44-acre site is located along the south line of W. Broad Street (U.S. Route 250) approximately 850 feet east of Cox Road on parcel 749-759-5776. The zoning is B-2C, Business District (Conditional). **(Three Chopt)**

66

67 Mr. O’Kelly - The applicant submitted a very nice landscaping plan, but some  
68 folks believe it is being overly landscaped, so they’d like to study it a little further, and  
69 that is the reason for the request.

70  
71 Mr. Jernigan - All right. Is there any opposition to the deferral of LP/POD-27-  
72 03, Chipotle Mexican Grill? No opposition.

73  
74 Mr. Taylor - Mr. Chairman, I move deferral of LP/POD-27-03, Chipotle  
75 Mexican Grill to November 19, 2003, at the request of the applicant.

76  
77 Mr. Vanarsdall - Second.

78  
79 Mr. Jernigan - We have a motion by Mr. Taylor and a second by Mr.  
80 Vanarsdall. All in favor say aye. All opposed say no. The ayes have it. The motion is  
81 passed.

82  
83 At the applicant’s request, the Planning Commission deferred LP/POD-27-03, Chipotle  
84 Mexican Grill, to its meeting on November 19, 2003.

85  
86 Mr. Silber - Next on the agenda would be the expedited items. These are  
87 items that have no remaining issues. Staff is recommending approval of these. The  
88 Commission member from the district is comfortable with these requests. We know of  
89 no opposition, so they have been placed on an expedited agenda where they can be  
90 handled more quickly. It looks as though on the agenda we have three expedited items.  
91 Mr. O’Kelly.

92  
93 **TRANSFER OF APPROVAL**

94  
POD-160-85 **Stephen Scarce, Esq. for PCM Richmond Hotel**  
Richmond Airport Hilton **Company LLC:** Request for approval of a transfer of  
approval, as required by Chapter 24, Section 24-106 of  
the Henrico County Code from RIC Partners, LP to  
PCM Richmond Hotel Company LLC. The 5.138acre  
site is located at 5501 Eubank Road on parcel 819-711-  
7070. The zoning is M-1, Light Industrial District and  
ASO (Airport Safety Overlay) District. County water  
and sewer. **(Varina)**

95  
96 Mr. O’Kelly- The plan is in order for transfer.

97  
98 Mr. Jernigan - Is there any opposition to POD-160-85, Airport Hilton Hotel?  
99 No opposition? With that, I will move for approval of Transfer of Approval for POD-  
100 160-85, Richmond Airport Hilton, with condition No. 1.

101

102 Mr. Taylor - Second.  
103 Mr. Jernigan - We have a motion by Mr. Jernigan and a second by Mr. Taylor.  
104 All in favor say aye. All opposed say no. The ayes have it. The motion is passed.

105  
106 The Planning Commission approved Transfer of Approval for POD-160-85, Richmond  
107 Airport Hilton, subject to the owner accepting and agreeing to be responsible for  
108 continued compliance with the conditions of the original approval and the following  
109 additional condition:

- 110  
111 1. The site improvements, as identified on the plan dated **September 22, 2003**,  
112 shall be completed by **November 19, 2003**.

113  
114 **TRANSFER OF APPROVAL**

115  
POD-128-77 **Newbridge Associates, LLC:** Request for approval of  
Newbridge Village a transfer of approval, as required by Chapter 24,  
Apartments Section 24-106 of the Henrico County Code from  
Newbridge Village Ltd. Partnership to Newbridge  
Associates, LLC. The 12.03-acre site is located at the  
intersection of Newbridge Road and Hawkes Lane on  
parcels 818-724-0028 and 4934. The zoning is R-5,  
General Residence District. County water and sewer.  
**(Varina)**

116  
117 Mr. O’Kelly - The new owner is planning a one and a half million dollar  
118 renovation of the apartments, approximately \$11,000 per unit, and a lot of site  
119 improvements are also planned. The request is in order with the condition on Page 1 of  
120 your addendum.

121  
122 Mr. Jernigan - Is there any opposition to the Transfer of Approval of POD-128-  
123 77, Newbridge Village Apartments? There is no opposition.

124  
125 With that, I will move for approval of Transfer of Approval POD-128-77, Newbridge  
126 Village Apartments, with the new owner accepting and agreeing to be responsible for  
127 continued compliance with the conditions of the original approval, and with the  
128 following condition:

- 129  
130 1. The site improvements as identified in the letter to the Director of Planning  
131 dated **October 21, 2002**, shall be completed upon final approval of the  
132 landscape and lighting and site improvements plans.

133  
134 Mr. Silber - Mr. O’Kelly, on that item on the addendum No. 1 says, “The site  
135 improvements as identified in the letter to the Director of Planning dated October 21,  
136 2002. Is that the right year? Last year’s letter?”

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Mr. O’Kelly - Yes, it is.  
Mr. Silber - OK.

Mr. Jernigan - We have a motion by Mr. Jernigan and a second by Mr. Vanarsdall. All in favor say aye. All opposed say no. The ayes have it. The motion is passed.

The Planning Commission approved Transfer of Approval of POD-128-77, Newbridge Village Apartments, subject to the new owner accepting and agreeing to be responsible for continued compliance with the conditions of the original approval. The staff recommends approval of this transfer request with the following condition:

2. The site improvements as identified in the letter to the Director of Planning dated **October 21, 2002**, shall be completed upon final approval of the landscape and lighting and site improvements plans.

**TRANSFER OF APPROVAL (Deferred from the September 24, 2003, Meeting)**

POD-20-93 Service Merchandise @ Circuit City Plaza	<b>Troutman Sanders, LLP for Sledd Properties LLC:</b> Request for approval of a transfer of approval, as required by Chapter 24, Section 24-106 of the Henrico County Code from J M Newco Glen Allen, LLC to Sledd properties, LLC. The 5.3-acre site is located at 9860 W. Broad Street (U.S. Route 250) on parcel 753-759-5245. The zoning is B-2C, Business District (Conditional). County water and sewer. <b>(Three Chopt)</b>
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Mr. O’Kelly - Staff has inspected the site and the request is in order with Condition No. 1 listed on Page 4 of your agenda.

Mr. Jernigan - Is there any opposition to POD-20-93, Service Merchandise – Circuit City Plaza? No opposition. Mr. Taylor.

Mr. Taylor - Mr. Chairman, I move approval of POD-20-93, Service Merchandise – Circuit City Plaza, subject to Condition No. 1 and standard conditions.

Mr. Vanarsdall - Second.

Mr. Jernigan - We have a motion by Mr. Taylor and a second by Mr. Vanarsdall. All in favor say aye. All opposed say no. The ayes have it. The motion is passed.

172 The Planning Commission approved POD-20-93, Service Merchandise – Circuit City,  
 173 subject to the new owner accepting and agreeing to be responsible for continued  
 174 compliance with the conditions of the original approval, and the following condition:  
 175

- 176 1. A bond shall be posted to cover the site deficiencies as identified in the  
 177 inspection report, dated **September 12, 2003**, and such deficiencies shall be  
 178 corrected by **November 19, 2003**.

179  
 180 Mr. Silber - That concludes the expedited items. We are moving on to the  
 181 Subdivision Extension of Conditional Approval. There are two. One requires Planning  
 182 Commission approval and one is for informational purposes only.  
 183

Subdivision	Magisterial District	Original No. of Lots	Remaining Lots	Previous Extensions	Year(s) Extended
Magnolia Ridge Cluster Lot (Oct. 1994 Plan) (Formerly Stuarts Ridge)	Fairfield	389	21	7	1 Year 10/27/04

**FOR INFORMATIONAL PURPOSES ONLY**

Old Williamsburg Rd. (A Ded. of a portion of Old Williamsburg Rd.) (October 1999 Plan)	Varina	0	0	3	1 Year 10/27/04
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 185 Mr. O’Kelly- The first request, Mr. Chairman, does require, as the Secretary  
 186 mentioned, approval of the Planning Commission. It is for the extension of the last  
 187 section of Magnolia Ridge Subdivision. The request is in order for approval.  
 188

189 Mr. Jernigan - Is there any opposition to the extension of Magnolia Ridge  
 190 Subdivision? No opposition.

191  
 192 Mr. Archer - Mr. Chairman, I move approval of the Extension.

193  
 194 Mr. Vanarsdall - Second.

195  
 196 Mr. Jernigan - I have a motion by Mr. Archer and a second by Mr. Vanarsdall.  
 197 All in favor say aye. All opposed say no. The ayes have it. The motion is passed.  
 198

199 The Planning Commission approved Extensions of Conditional Approval for Magnolia  
 200 Ridge Cluster Lot (October 1994 Plan) (Formerly Stuarts Ridge) to October 27, 2004.  
 201

202 Mr. O’Kelly - The next request is for the Commission’s information. It is a  
203 subdivision extension request for the Dedication of a portion of Old Williamsburg  
204 Road. The request is in order.

205  
206 Mr. Jernigan - We don’t have to take any action.

207 Mr. O’Kelly - No, sir.

208

209 **ALTERNATIVE FENCE HEIGHT PLAN**  
210 **(Deferred from the September 24, 2003, Meeting)**

211

Central Gardens, Section A **Eunice Hunter:** Request for approval of an alternative  
Subdivision fence height plan, as required by Chapter 24, Sections  
1804 Carneal Street 24-106 and 24-106.2 of the Henrico County Code.  
Applicant requests a fence 48 inches in height in the  
front yard, whereas Section 24-95(7) permits 42  
inches. The 9800 sq. ft. lot is located on the north line  
of Carneal Street between Beau Lane and Apollo Road  
at 1804 Carneal Street on parcel 799-727-8165. The  
zoning is R-4 One-Family Residence District, and ASO  
(Airport Safety Overlay District). **(Fairfield)**

212

213 Mr. Jernigan - Is there any opposition to the Alternate Fence Height Plan,  
214 Central Gardens, Section A Subdivision, 1804 Carneal Street?

215

216 Mr. Vanarsdall - I know that Mr. Archer has done a good job because the  
217 applicant is not here.

218

219 Mr. Jernigan - Mr. Archer has done a good job.

220

221 Mr. Vanarsdall - That is always a good indication.

222

223 Mr. Archer - We will see what we will see.

224

225 Mr. Jernigan - Mr. Archer, you don’t have any opposition.

226

227 Mr. Archer - No, but I think Mr. McGarry has a couple of things he probably  
228 should explain to the Commission, and you can be as brief as you like, Ted.

229

230 Mr. Jernigan - Good morning, Mr. McGarry.

231

232 Mr. McGarry - Good morning, Mr. Chairman, and members of the Commission.  
233 I have given you a hand out and it is also shown up on the screen for the audience.

234 Since the Commission’s last meeting, the Fairfield Planning Commissioner has met  
235 numerous times with Ms. Hunter, the applicant, and the corner property owner, Ms.

236 Marsha Johnson, regarding the screen wall in the front yard for Ms. Hunter. The  
237 compromise was achieved and Ms. Hunter has salvaged several fence sections,  
238 currently on the ground after the hurricane, to use and she is going to be allowed to  
239 construct a 48-inch fence in the front yard instead of the 6-foot that was originally  
240 constructed. The alternate fence height approval is still necessary, because the County  
241 Code limits the front yard fences to 42-inches. Staff can recommend approval subject  
242 to the following four conditions on your addendum, and No. 4 is the only one that is  
243 not standard. It graphically describes what you have on the screen in front of you. It  
244 asks for a solid fence, 48 inches in height, in the front yard, connection to a 6-foot  
245 fence on the common property line between the two dwellings, which would connect to  
246 the existing fence in her rear yard. This was something that was negotiated primarily,  
247 because of security concerns by the corner property owner. She did not want a gaped  
248 fence. She wanted the fences connected along her property line, if it was going to be  
249 there. I'd be happy to answer any questions.

250

251 Mr. Jernigan - Are there any questions of Mr. McGarry from the Commission?  
252 Well, Mr. McGarry, my hat is off to you, also, with Mr. Archer, because I know this  
253 was a pretty tough case.

254

255 Mr. McGarry- Even yesterday I called the applicant to make sure that everything  
256 was OK, and she said, "Yes, I guess so. I don't see any need to come to the meeting."  
257 You should be there in case there are questions, but she said, "No." She didn't want to  
258 come.

259

260 Mr. Jernigan - Thank you, Mr. McGarry.

261

262 Mr. McGarry - You are welcome.

263

264 Mr. Taylor - She just has faith in the Commission.

265

266 Mr. Archer - Well, as I said, the day is not over with yet, but in any event if I  
267 could summarize a little bit. Mr. McGarry has pretty well summarized everything and  
268 the conditions that were drawn, and what we literally agreed to do was to take the  
269 existing fence and, I guess she'd have to dig a trench so that it could be brought down  
270 to the height of 48 inches, which is six inches above what the requirement is, but the  
271 neighbor did agree to it, and we met, probably a total of four hours on the telephone. I  
272 couldn't get a three-way conversation going, but the agreement was reached, and with  
273 that I will move approval of the Alternate Fence Height Plan subject to the four  
274 conditions listed on the addendum.

275

276 Mr. Vanarsdall - Second.

277



278 Mr. Jernigan - We have a motion by Mr. Archer and a second by Mr.  
279 Vanarsdall. All in favor say aye. All opposed say no. The ayes have it. The motion is  
280 passed.

281

282 The Planning Commission approved Alternate Fence Height Plan for Central Gardens,  
283 Section A Subdivision – 1804 Carneal Street, subject to the following conditions:

284

- 285 1. Applicant shall apply for any necessary permits for construction of the fence.
- 286 2. The owner shall have a set of approved plans available at the site at all times  
287 when work is being performed.
- 288 3. The property shall be developed as shown on the annotated plan filed with the  
289 case and no changes or additions to the layout shall be made without the  
290 approval of this Commission.
- 291 4. This approval is for construction of a vinyl fence not exceeding 48 inches in  
292 height in the front yard. Further, the 48-inch fence shall connect to a six-foot  
293 solid fence which shall connect to the existing fence in the rear yard. The fence  
294 shall be constructed to the extent shown on the site plan dated **October 22,**  
295 **2003.**

296

297 **PLAN OF DEVELOPMENT (Deferred from the September 24, 2003, Meeting)**

298

POD-54-03 Woodland Center Flex Condos – Eastpark Court	<b>Resource International, Ltd. And Empire Development for Liberty Property Development Corporation and Mid-Atlantic Entry Systems, Inc.:</b> Request for approval of a plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code to construct five, one-story, 6,000 square foot office/warehouse buildings. The 5.47-acre site is located on the south line of Eastpark Court approximately 600 feet west from Airport Drive on parcel 822-719-6631. The zoning is M-1, Light Industrial District and ASO (Airport Safety Overlay) District. County water and sewer. <b>(Varina)</b>
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300 Mr. Jernigan - Is there any opposition to POD-54-03, Woodland Center Flex  
301 Condos? No opposition. Good morning, Mr. Wilhite.

302

303 Mr. Wilhite - Good morning, Mr. Chairman, and everyone on the Commission.  
304 You just received a handout that includes a revised site plan. You already received it in  
305 your packet. This one includes the staff's annotations on it. Also, the revised  
306 architectural plans are included in the packet, as well. The major changes on the  
307 revised site plan is that the three middle buildings, which are buildings 2 through 4,  
308 have been shifted back in the property towards Interstate 64 and away from Eastpark  
309 Court. Building No. 5, which is on the east end of the site, is to be reoriented to be in

310 line with those three middle buildings. Also, the number of entrances onto the site  
311 have been reduced from four to two, which is something staff had recommended, plus  
312 38 additional parking spaces have been provided on the site, to meet staff's concerns on  
313 providing sufficient parking. The revised elevations in your packet changed the look of  
314 the buildings. The buildings are being constructed of tilt-up concrete construction.  
315 Staff has also recommended that the dumpsters on the site be of masonry construction  
316 to match the building. The applicant has agreed to this, as well. On Page 3 of your  
317 addendum there is a revised recommendation for approval, and I'd be happy to answer  
318 any questions that you would have.

319

320 Mr. Jernigan - Are there any questions for Mr. Wilhite from the Commission?  
321 Well, Mr. Wilhite, I see in here also that through redesigning this they picked up 38  
322 parking places.

323

324 Mr. Wilhite - Yes, sir. The parking lot has been moved from behind the site,  
325 between the buildings, and Interstate 64, the other side facing, or right next to Eastpark  
326 Court, and I would also add that the loading doors to the building are no longer facing  
327 Interstate 64, at least for buildings 2 through 5. They are now facing the sides of the  
328 individual buildings and not facing towards the interstate. Building 1 still has the doors  
329 facing Interstate 64.

330

331 Mr. Jernigan - Well, you probably did them a favor, picking up those 38 parking  
332 places, because probably some buildings require different parking specifications and by  
333 you all diligence in this, holding them to two driveways, you did pick up, you helped  
334 them out.

335

336 Mr. Wilhite - We appreciate the applicant working with us on that, too.

337

338 Mr. Jernigan - Any questions for Mr. Wilhite? Thank you, Mr. Wilhite. Is the  
339 applicant here? Unless you want to say something, we are OK. I know you probably  
340 felt like you have said enough.

341

342 Ms. Goggin did do a lot of work on this, and originally they wanted four entrances in  
343 here for various reasons, but through staff negotiation, which did a great job, and  
344 actually I think that they did you all a favor picking up these parking places and the  
345 design now, with having masonry around the dumpsters will bring it up to what we  
346 need. So, with that, I will move for approval of POD-54-03, Woodland Center Flex  
347 Condos - Eastport Court, subject to the annotations on the plan, the standard conditions  
348 for developments of this type, and additional conditions Nos. 23 through 35 on the  
349 addendum.

350

351 Mr. Taylor - Second.

352

353 Mr. Jernigan - We have a motion by Mr. Jernigan and a second by Mr. Taylor.  
354 All in favor say aye. All opposed say no. The ayes have it. The motion is passed.

355

356 The Planning Commission approved Plan of Development POD-54-03, Woodland  
357 Center Flex Condos – Eastpark Court, subject to the standard conditions for  
358 developments of this type and the following additional conditions:

359

- 360 23. The easements for drainage and utilities as shown on approved plans shall be  
361 granted to the County in a form acceptable to the County Attorney prior to any  
362 occupancy permits being issued. The easement plats and any other required  
363 information shall be submitted to the County Real Property Agent at least sixty  
364 (60) days prior to requesting occupancy permits.
- 365 24. The developer shall provide fire hydrants as required by the Department of  
366 Public Utilities and Division of Fire.
- 367 25. All repair work shall be conducted entirely within the enclosed building.
- 368 26. Outside storage shall not be permitted.
- 369 27. The certification of building permits, occupancy permits and change of  
370 occupancy permits for individual units shall be based on the number of parking  
371 spaces required for the proposed uses and the amount of parking available  
372 according to approved plans.
- 373 28. Any necessary off-site drainage and/or water and sewer easements must be  
374 obtained in a form acceptable to the County Attorney prior to final approval of  
375 the construction plans.
- 376 29. Deviations from County standards for pavement, curb or curb and gutter design  
377 shall be approved by the County Engineer prior to final approval of the  
378 construction plans by the Department of Public Works.
- 379 30. The loading areas shall be subject to the requirements of Chapter 24, Section  
380 24-97(b) of the Henrico County Code.
- 381 31. Storm water retention, based on the 50-10 concept, shall be incorporated into  
382 the drainage plans.
- 383 32. Insurance Services Office (ISO) calculations must be included with the plans and  
384 contracts and must be approved by the Department of Public Utilities prior to  
385 the issuance of a building permit.
- 386 33. Approval of the construction plans by the Department of Public Works does not  
387 establish the curb and gutter elevations along the Henrico County maintained  
388 right-of-way. The elevations will be set by Henrico County.
- 389 34. Evidence of a joint ingress/egress and maintenance agreement must be submitted  
390 to the Planning Office and approved prior to issuance of a certificate of  
391 occupancy for this development.
- 392 35. The location of all existing and proposed utility and mechanical equipment  
393 (including HVAC units, electric meters, junction and accessory boxes,  
394 transformers, and generators) shall be identified on the landscape plans. All  
395 equipment shall be screened by such measures as determined appropriate by the  
396 Director of Planning or the Planning Commission at the time of plan approval.

397

398 Mr. Silber -

The next item is on Page 8 of the agenda.

399

399 **PLAN OF DEVELOPMENT (Deferred from the September 24, 2003, Meeting)**  
400

POD-61-03  
3005 Mechanicsville  
Turnpike – Parking Lot

**Jeffrey S. Tyler for William Kemp:** Request for approval of a plan of development and transitional buffer deviation, as required by Chapter 24, Section 24-106 and 24-106.2 of the Henrico County Code, to construct a 14-space, parking lot. The 1.54-acre site is located at 3005 Mechanicsville Turnpike, on the southeast corner of the intersection of Mechanicsville Turnpike and Oak Hill Lane on parcel 800-731-8336. The zoning is O-2, Office District and R-4, General, Residential District. **(Fairfield)**

401

402 Mr. Jernigan - Is there any opposition to POD-61-03, 3005 Mechanicsville  
403 Turnpike? No opposition. Mr. O’Kelly, you may proceed.

404

405 Mr. O’Kelly - Thank you, Mr. Chairman. As the Secretary mentioned, this  
406 plan of development is for a parking lot addition to a family-owned business, a  
407 remodeling company, and the building was formerly a residence in the past and is being  
408 converted to a commercial building. The request was deferred from your September  
409 meeting in order for the applicant to seek assistance from the commercial assistance  
410 team, and in the last few weeks there has been correspondence with the Director of  
411 Planning, the Building Official, the Department of Public Utilities, and the Department  
412 of Public Works and a compromise has been reached on delaying some of the  
413 improvements that were originally recommended for this development to a later date,  
414 when future development occurs on the property. There is also a transitional buffer  
415 requirement for this property. It is partially zoned R-4. The majority of it is zoned O-  
416 2 Office and the transitional buffer would be along the R-4 zoning line through the  
417 middle of the property and the staff is recommending that a buffer deviation be  
418 approved by the Commission that would relocate that buffer to a more appropriate  
419 location along the eastern property line.

420

421 In general, the applicant and his engineer worked diligently to address the staff’s  
422 comments and concerns; however, there is one issue remaining to be resolved. That  
423 involves the recommendation from the Traffic Engineer to relocate the entrance in a  
424 easterly direction to line up with the center line of Doron Road. This would create  
425 some zoning problems and in addition be a costly effort for the applicant and they are  
426 in disagreement with this recommendation.

427

428 I will be happy to answer any questions, Mr. Chairman. Mr. Bill Kemp, the applicant,  
429 and his engineer are here to address the Commission.

430

431 Mr. Jernigan - Are there any questions from Mr. O’Kelly from the Commission?

432

433 Mr. Archer - Mr. O’Kelly, can you show us on the map that is on the screen  
434 where the recommended driveway would be?

435  
436 Mr. O’Kelly - This is the area where the applicant proposes, and that is over  
437 100 feet from the intersection of Mechanicsville Turnpike. The Traffic Engineer is  
438 recommending that this entrance and the parking area be relocated to approximately this  
439 location. And that would require that some of the parking be in the R-4 area which is  
440 not permitted by Code.

441  
442 Mr. Archer - Has traffic indicated that this is a severe problem? I am really  
443 familiar with this area and neither Doron Lane or Oak Hill Lane are heavily traveled,  
444 and as you can see, they both come together in that little wide portion down there, and  
445 also, if you defer to the fact that this type of business does not really engender a lot of  
446 traffic either coming or going. Do you think it would be a terrific imposition on traffic  
447 if we did not move it?

448  
449 Mr. O’Kelly - I’d have to defer that to the Traffic Engineer, Mr. Archer. He is  
450 here to represent the Department of Public Works.

451  
452 Mr. Archer - OK.

453  
454 Mr. Taylor - Mr. Archer, one other possibility, just looking at the geometry,  
455 we might be able to accomplish both objectives if we rotate that entrance, just rotate it  
456 in place clockwise, so that it kind of lines up with Doron Lane, but it doesn’t encroach  
457 into that natural area to the right. Just a thought. Just looking at the geometry.

458  
459 Mr. Archer - I appreciate the thought. Well, one of the things that Mr.  
460 O’Kelly mentioned is some additional construction that would have to be that would be  
461 quite costly, and, in looking at this site, and I travel this way quite often, the applicant  
462 has taken what was an old rundown residence that has been vacant for a long time and  
463 improved it to the point that it is much more pleasant to look at, including the lot that  
464 used to be unkept and all grown up. So, somebody is here from Traffic?

465  
466 Mr. O’Kelly - Yes, sir.

467  
468 Mr. Archer - OK. Could I get someone to address that issue?

469  
470 Mr. O’Kelly - Mike Jennings is here.

471  
472 Mr. Archer - Good morning, Mr. Jennings.

473  
474 Mr. Jennings - Good morning, Mr. Chairman, Commission members. The  
475 major thing is the traffic safety concern of being close to 360 and offset of Doron Lane.  
476 Yes, I agree with the cost of moving it and the fact that it is just this little home

477 remodeling business for now. The biggest concern is a permanent entrance, that this  
478 1.5 acre site to go from something much bigger, it is going to be a really big traffic  
479 concern. While they are operating in this capacity, I don't see it being a problem, but  
480 if this develops into anything that, you know, this is probably going to be an expensive  
481 piece of property, and we don't want a lot of traffic with being about 110 feet off of  
482 360 and also a concern with being offset from Doron Lane.

483  
484 Mr. Archer - OK. I hear you. Is there a way that we could condition this case  
485 to state that if the use changed from other than what is here now, at that point in time,  
486 the construction would have to be done. Mr. Secretary, can you help me with that?

487  
488 Mr. Silber - Mr. Archer, I think that might be a good alternative. One of the  
489 challenges is we are working within the confines of the zoning that we have in place,  
490 and if you begin to move the parking or the access off of the current zoned property,  
491 you can see that the split part of it is O-2 and part of it is R-4. You can't put that  
492 access for the parking on the R-4, so you have to deal with that from a zoning  
493 standpoint.

494  
495 Mr. Jennings - Another consideration that Public Works is willing to do is, this  
496 is proposed a permanent curb and guttered entrance. What is the possibility of making  
497 it a gravel pad for now, because we really don't want to see a permanent entrance at  
498 that location. What if they did it in stages? And if they ever developed bigger and they  
499 wanted to make it a permanent curb and gutter developing all along Oak Hill Road,  
500 with curb and gutter and proper drainage, then we would enforce the moving of the  
501 permanent entrance.

502  
503 Mr. Archer - And I understand the concern. I am not trying to minimize it at  
504 all. I guess I was just thinking about it in terms of this particular case.

505  
506 Mr. Jennings - Right. And at staff/developer we asked if there was a stage of  
507 development, but he said it wasn't going to develop further. And I can understand it at  
508 this business use at the time.

509  
510 Mr. Archer - Right, and yet we have to look toward the future. We probably  
511 should try to work out one of those two alternatives, and I guess we need to ask the  
512 applicant if the last alternative he just mentioned is one that he thinks is feasible.

513  
514 Mr. O'Kelly - Mr. Archer, could I speak to that?

515  
516 Mr. Archer - Yes, sir. Please.

517  
518 Mr. O'Kelly - We certainly appreciate Mike's suggestion, but it does create a  
519 zoning problem, and when you have a parking area but 200 feet of an R District, the  
520 Ordinance requires that it be paved.

521  
522 Mr. Archer - OK, so that kills that.  
523 Mr. O'Kelly - As far as future development of the property, perhaps the  
524 condition would be in order that would in essence allow the staff to reevaluate the  
525 entrance on Oak Hill Road with future development of the property.  
526  
527 Mr. Archer - OK. Can we craft that condition today?  
528  
529 Mr. O'Kelly - Yes, sir. OK. But you may still want to hear from the applicant.  
530  
531 Mr. Archer - Well, I do, but I'd like to find out if that is OK, but can you  
532 scribble up something while I am talking to him?  
533  
534 Mr. O'Kelly - Yes, sir.  
535  
536 Mr. Archer - OK. Thank you. Would the applicant come forward, please?  
537  
538 Mr. Kemp - Good morning. My name is William E. Kemp, III.  
539  
540 Mr. Archer - Mr. Kemp, you have heard everything we've been discussing.  
541 What we are trying to see is if we can include a condition in the approval, if we allow  
542 this, that would, if the condition of this property changes and development is further,  
543 that at that point in time you would have to be responsible for doing whatever the  
544 requirements are at that time. For now, I think if we can get the condition worded  
545 right, since you indicate you don't anticipate any further development, we could do it to  
546 the point where we could get an approval, but you would have to have that condition in  
547 there that should things change, and the site should grow, because traffic makes a very  
548 good point about what it is they are trying to do and why, and we can't ignore that.  
549 But, would you be agreeable to that if we can come up with a condition for it?  
550  
551 Mr. Kemp - Yes, because I think one of the issues is if there is further  
552 improvement or developments to this lot, that it would have to be rezoned anyway, so  
553 in that case, I think, you know, I don't have a problem with that condition being made,  
554 as long as, you know, it is under advisement that the property is rezoned, that is when  
555 we are making that change.  
556  
557 Mr. Archer - Well, the rezoning would probably changes anyway, if the zoning  
558 is granted. It doesn't necessarily mean that it would have to be granted. But I just  
559 want to make sure that you are in agreement with the condition that we are trying to  
560 craft here so that we can go forward with this.  
561  
562 Mr. Kemp - Yes.  
563  
564 Mr. Archer - OK.



565  
566 Mr. Kemp - Thank you.  
567  
568 Mr. Archer - OK. Mr. O’Kelly, do you have anything yet?  
569  
570 Mr. O’Kelly - Yes, sir. This would be condition No. 33. The location of the  
571 proposed entrance on Oak Hill Avenue shall be reevaluated by staff with any future  
572 development of the property.  
573  
574 Mr. Archer - OK.  
575  
576 Mr. Jernigan - Sounds good to me.  
577  
578 Mr. O’Kelly - We have two motions that would be in order, Mr. Chairman, one  
579 for the transitional buffer deviation and the other for the case.  
580  
581 Mr. Jernigan - OK. Thank you, Mr. O’Kelly. All right, Mr. Archer, we need  
582 the transitional buffer deviation first.  
583  
584 Mr. Archer - All right, I move for the transitional buffer deviation.  
585  
586 Mr. Vanarsdall - Second.  
587  
588 Mr. Jernigan - We have a motion by Mr. Archer and a second by Mr.  
589 Vanarsdall. All in favor say aye. All opposed say no. The ayes have it. The motion is  
590 passed.  
591  
592 The Planning Commission approved the transitional buffer deviation for POD-61-03,  
593 3005 Mechanicsville Turnpike – Parking Lot.  
594  
595 Mr. Archer - OK, and as for POD-61-03, 3005 Mechanicsville Turnpike –  
596 Parking Lot, I move approval subject to the standard conditions for developments of  
597 this type and the additional conditions Nos. 23 through 32 and the added condition No.  
598 33 that was made this morning.  
599  
600 Mr. Vanarsdall - Second.  
601  
602 Mr. Jernigan - We have a motion by Mr. Archer and a second by Mr.  
603 Vanarsdall. All in favor say aye. All opposed say no. The ayes have it. The motion  
604 is passed.  
605  
606 The Planning Commission approved POD-61-03, 3005 Mechanicsville Turnpike –  
607 Parking Lot, subject to the standard conditions for developments of this type and added  
608 conditions Nos. 23 through 33 shown below:

- 609  
610 23. The easements for drainage and utilities as shown on approved plans shall be  
611 granted to the County in a form acceptable to the County Attorney prior to any  
612 occupancy permits being issued. The easement plats and any other required  
613 information shall be submitted to the County Real Property Agent at least sixty  
614 (60) days prior to requesting occupancy permits.  
615 24. The developer shall provide fire hydrants as required by the Department of  
616 Public Utilities and Division of Fire.  
617 25. Outside storage shall not be permitted.  
618 26. Any necessary off-site drainage and/or water and sewer easements must be  
619 obtained in a form acceptable to the County Attorney prior to final approval of  
620 the construction plans.  
621 27. Deviations from County standards for pavement, curb or curb and gutter design  
622 shall be approved by the County Engineer prior to final approval of the  
623 construction plans by the Department of Public Works.  
624 28. Insurance Services Office (ISO) calculations must be included with the plans and  
625 contracts and must be approved by the Department of Public Utilities prior to  
626 the issuance of a building permit.  
627 29. Approval of the construction plans by the Department of Public Works does not  
628 establish the curb and gutter elevations along the Henrico County maintained  
629 right-of-way. The elevations will be set by Henrico County.  
630 30. Approval of the construction plans by the Department of Public Works does not  
631 establish the curb and gutter elevations along the Virginia Department of  
632 Transportation maintained right-of-way. The elevations will be set by the  
633 contractor and approved by the Virginia Department of Transportation.  
634 31. The location of all existing and proposed utility and mechanical equipment  
635 (including HVAC units, electric meters, junction and accessory boxes,  
636 transformers, and generators) shall be identified on the landscape plans. All  
637 equipment shall be screened by such measures as determined appropriate by the  
638 Director of Planning or the Planning Commission at the time of plan approval.  
639 32. If not connecting to the public sewer system, the applicant shall furnish proof to  
640 the Planning Office that conditions satisfactory to the Health Department have  
641 been met that ensure the existing septic tank drainfield system is suitable for this  
642 project prior to the issuance of a building permit.  
643 33. The location of the proposed entrance on Oak Hill Avenue shall be reevaluated  
644 by staff with any future development of the property.  
645

646 Mr. Silber- The next item on the agenda actually is a companion case, so I'd  
647 like to call both of these plans of development at the same time.  
648

648 **PLAN OF DEVELOPMENT**  
649

POD-51-03  
Swift Transportation Trailer  
Parking Addition  
(POD-6-98 Revised)  
Miller Road

**Balzer & Associates, Inc. for Swift Transportation Company, Inc.:** Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a proposed trailer parking lot and modification to an existing lot to add employee parking. The 26.26-acre site is located on the west line of Miller Road approximately 600 feet south of Charles City Road on parcels 817-707-1322 and 3268. The current zoning is M-2, General Industrial District (Proposed M-2C, General Industrial District Conditional). **(Varina)**

650  
651 **PLAN OF DEVELOPMENT**  
652

POD-63-03  
Swift Transportation Office  
Addition  
2841 Charles City Road

**Balzer & Associates, Inc. for Swift Transportation Company, Inc.:** 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, 22,120 square foot building addition. The 5.00-acre site is located at 2841 Charles City Road on parcel 818-707-0077. The zoning is M-2, General Industrial District (Proposed M-2C, General Industrial District Conditional). County water and sewer. **(Varina)**

653  
654 Mr. Jernigan - Is there any opposition to POD-51-03, Swift Transportation  
655 Trailer Parking Addition? No opposition. Is there any opposition to POD-63-03,  
656 Swift Transportation Office Addition? No opposition. Mr. McGarry, how are you?  
657

658 Mr. McGarry - Just fine. As the Secretary indicated, there are two cases. One  
659 has to do with trailer parking. The other one has to do with an office. I would like to  
660 point out there was a rezoning case that was adopted by the Board of Supervisors last  
661 week, October 14, which consolidated all of the parcels under one rezoning case, rather  
662 than having multiple zoning cases. The plan does meet the proffers of that rezoning  
663 case. The existing BMP is supposed to be enlarged to handle the development on all  
664 three parcels. Public Works has reviewed the BMP expansion, the calculations and the  
665 design and can recommend approval now. Works does not need a revised site plan.  
666 Staff is in a position to recommend approval, subject to standard conditions for  
667 developments of this type, and the additional conditions Nos. 23 through 28. I'd be  
668 happy to answer any questions on the trailer parking expansion.  
669

670 Mr. Jernigan - All right. I have a question. You all didn't give it the OK before  
671 because of the water quality calculations? That is what is in the staff report.

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715

Mr. McGarry - Correct.

Mr. Jernigan - But we are OK on that now.

Mr. McGarry - Yes.

Mr. Jernigan - OK. Are there any questions for Mr. McGarry from the Commission? Thank you, Mr. McGarry. Oh, I am sorry, you've got to do the second one. I apologize. You may proceed. Thank you.

Mr. McGarry - This second case is for the Swift Transportation Office Addition. There are no issues and staff can recommend approval, subject to the standard conditions for developments of this type plus Nos. 23 through 28.

Mr. Jernigan - Are there any questions for Mr. McGarry on this one? Thank you, Mr. McGarry. I don't often do those companion cases. Mr. Weinberger is here from Swift Transportation, but at this point, unless he wants to say something, I don't have any questions. I do think it was good we rezoned everything under the M-2C rather than M-2, and we do need to get that parking lot in there so we can get these trucks off of the road. Did you want to say something else? OK. We do not have any opposition.

With that I would like to move for approval of POD-51-03, Swift Transportation Trailer Parking Addition, subject to the standard conditions for developments of this type and the following additional conditions Nos. 23 through 28.

Mr. Vanarsdall - Second.

Mr. Jernigan - We have a motion by Mr. Jernigan and a second by Mr. Vanarsdall. All in favor say aye. All opposed say no. The ayes have it. The motion passes.

The Planning Commission approved POD-51-03, Swift Transportation Trailer Parking Addition (POD-6-98 Revised) Miller Road, subject to the standard conditions for developments of this type and the following additional conditions:

23. The developer shall provide fire hydrants as required by the Department of Public Utilities and Division of Fire.
24. The proffers approved as a part of zoning case C-35C-03 shall be incorporated in this approval.
25. Any necessary off-site drainage and/or water and sewer easements must be obtained in a form acceptable to the County Attorney prior to final approval of the construction plans.

- 716 26. Deviations from County standards for pavement, curb or curb and gutter design  
717 shall be approved by the County Engineer prior to final approval of the  
718 construction plans by the Department of Public Works.
- 719 27. Insurance Services Office (ISO) calculations must be included with the plans and  
720 contracts and must be approved by the Department of Public Utilities prior to  
721 the issuance of a building permit.
- 722 28. Approval of the construction plans by the Department of Public Works does not  
723 establish the curb and gutter elevations along the Henrico County maintained  
724 right-of-way. The elevations will be set by Henrico County.  
725

726 Mr. Jernigan - On POD-63-03, I move for approval of Swift Transportation  
727 Office Addition – 2841 Charles City Road, subject to the annotations on the plan, the  
728 standard conditions for developments of this type and additional conditions Nos. 23  
729 through 28.  
730

731 Mr. Taylor - Second.  
732

733 Mr. Jernigan - We have a motion by Mr. Jernigan and a second by Mr. Taylor.  
734 All in favor say aye. All opposed say no. The ayes have it. The motion is passed.  
735

736 The Planning Commission approved POD-63-03, Swift Transportation Addition - 2941  
737 Charles City Road, subject to the annotations on the plans, the standard conditions for  
738 developments of this type and the following additional conditions:  
739

- 740 23. The developer shall provide fire hydrants as required by the Department of  
741 Public Utilities and Division of Fire.
- 742 24. The proffers approved as a part of zoning case C-35C-03 shall be incorporated  
743 in this approval.
- 744 25. Any necessary off-site drainage and/or water and sewer easements must be  
745 obtained in a form acceptable to the County Attorney prior to final approval of  
746 the construction plans.
- 747 26. Deviations from County standards for pavement, curb or curb and gutter design  
748 shall be approved by the County Engineer prior to final approval of the  
749 construction plans by the Department of Public Works.
- 750 27. Insurance Services Office (ISO) calculations must be included with the plans and  
751 contracts and must be approved by the Department of Public Utilities prior to  
752 the issuance of a building permit.
- 753 28. Approval of the construction plans by the Department of Public Works does not  
754 establish the curb and gutter elevations along the Henrico County maintained  
755 right-of-way. The elevations will be set by Henrico County.  
756

756 **PLAN OF DEVELOPMENT & SPECIAL EXCEPTION**  
757

POD-64-03  
Parham Park Place II –  
Parham Road

**Balzer & Associates, Inc. for Elder Homes – Parham II Seniors Limited Partnership:** Request for approval of a plan of development and special exception for a three-story building as required by Chapter 24, Sections 24-94 and 24-106 of the Henrico County Code to construct a three-story, 57,930 square foot, 50-unit, independent living facility. The 2.57-acre site is located along the north line of E. Parham Road, approximately 550 feet west of Hungary Spring Road on parcel 766-754-1051 and part of parcel 766-754-1287. The zoning is R-6C, General Residence District (Conditional). County water and sewer. **(Brookland)**

758

759 Mr. Jernigan - Do we have any opposition to POD-64-03, Parham Park Place II?  
760 No opposition. Mr. Wilhite, you may proceed.

761

762 Mr. Wilhite - Thank you, Mr. Chairman. The site plan included in your packet  
763 had setback violations on both the rear and side property lines. We have received a  
764 sketch plan from the engineer that in essence moved the building 3-1/2 feet closer to  
765 Parham Road, and 3-1/2 feet closer to the west, which is toward the hospital site. In  
766 addition, there would be a property line adjustment between Phase I and Phase II of 280  
767 sq. ft. These changes together would solve the setback requirements.

768

769 On page 4 of your addendum, staff has a revised recommendation for approval. This is  
770 subject to the Planning Commission's granting the special exception for a three-story  
771 building, which is what was done with Phase 1. Also, two additional conditions have  
772 been added on the addendum. First No. 34 deals with the screening of the utility and  
773 mechanical equipment. No.35 requires the signature from the hospital's owners to  
774 allow for the proposed improvements on their site. We have gotten a letter from the  
775 hospital expressing their general support for the project, but not expressly allowing for  
776 the offsite improvements. With that, staff can recommend approval with the  
777 annotations on the plan and additional conditions under the assumption that the special  
778 exception is granted.

779

780 Mr. Jernigan - Are there any questions for Mr. Wilhite from the Commission?  
781 Thank you, Mr. Wilhite.

782

783 Mr. Vanarsdall - I don't need to hear from the applicant unless somebody else  
784 does. This building is not far from here, the present building, the independent living  
785 facility, and this is going to be more of the same and it has been a very good operation  
786 over there, very nice, and this is going to be the same.

787

788 I will take the special exception first. We need a three-story building because that is  
789 what the other building is, three-story. So, I make a motion that we approve the special  
790 exception for a three-story building.

791

792 Mrs. Ware - Second.

793

794 Mr. Jernigan - We have a motion by Mr. Vanarsdall and a second by Mrs.  
795 Ware. All in favor say aye. All opposed say no. The ayes have it. The motion passes.

796

797 The Planning Commission approved the special exception for POD-64-03, Parham Park  
798 Place II – Parham Road.

799

800 Mr. Vanarsdall - Next I make a motion that we approve POD-64-03, Parham Park  
801 Place II – Parham Road, subject to the annotations on the plans, standard conditions for  
802 developments of this type and conditions 23 through 33 and then we added 34 and 35  
803 on the addendum.

804

805 Mrs. Ware - Second.

806

807 Mr. Jernigan - We have a motion by Mr. Vanarsdall and a second by Mrs.  
808 Ware. All in favor say aye. All opposed say no. The ayes have it. The motion is  
809 passed.

810

811 The Planning Commission approved Plan of Development for POD-64-03, Parham  
812 Park Place II – Parham Road, subject to the annotations on the plans, the standard  
813 conditions for developments of this type and the following additional conditions:

814

815 23. The easements for drainage and utilities as shown on approved plans shall be  
816 granted to the County in a form acceptable to the County Attorney prior to any  
817 occupancy permits being issued. The easement plats and any other required  
818 information shall be submitted to the County Real Property Agent at least sixty  
819 (60) days prior to requesting occupancy permits.

820 24. The developer shall provide fire hydrants as required by the Department of  
821 Public Utilities and Division of Fire.

822 25. A standard concrete sidewalk shall be provided along the north side of E.  
823 Parham Road.

824 26. Outside storage shall not be permitted.

825 27. The proffers approved as a part of zoning case C-24C-97 shall be incorporated  
826 in this approval.

827 28. Any necessary off-site drainage and/or water and sewer easements must be  
828 obtained in a form acceptable to the County Attorney prior to final approval of  
829 the construction plans.

- 830 29. Deviations from County standards for pavement, curb or curb and gutter design  
831 shall be approved by the County Engineer prior to final approval of the  
832 construction plans by the Department of Public Works
- 833 30. Insurance Services Office (ISO) calculations must be included with the plans and  
834 contracts and must be approved by the Department of Public Utilities prior to  
835 the issuance of a building permit.
- 836 31. Approval of the construction plans by the Department of Public Works does not  
837 establish the curb and gutter elevations along the Henrico County maintained  
838 right-of-way. The elevations will be set by Henrico County.
- 839 32. Evidence of a joint ingress/egress and maintenance agreement must be submitted  
840 to the Planning Office and approved prior to issuance of a certificate of  
841 occupancy for this development.
- 842 33. Any portion of the existing drainage and utility easement in conflict with the  
843 building footprint shall be vacated prior to the approval of the building permit  
844 by the Planning Office.
- 845 34. The location of all existing and proposed utility and mechanical equipment  
846 (including HVAC units, electric meters, junction and accessory boxes,  
847 transformers, and generators) shall be identified on the landscape plans. All  
848 equipment shall be screened by such measures as determined appropriate by the  
849 Director of Planning or the Planning Commission at the time of plan approval.
- 850 35. Prior to the Planning Office signing the construction plans, the applicant shall  
851 provide written evidence of the adjacent property owner's approval for the off-  
852 site improvements.

853  
854  
855

**SUBDIVISION**

Brookland Gardens  
Additions  
(October 2003 Plan)

**Landmark Fleet Surveyor, P.C. for Robbie Llewellyn:** The 0.76-acre site proposed for a subdivision of three, single-family homes is located south of Parham Road and along the east side of Sedgemoore Drive on parcel 773-756-4615. The zoning is R-3, One-Family Residence District. County water and sewer. **(Brookland) 3 Lots**

856

857 Mr. Jernigan - Is there any opposition to Subdivision Brookland Gardens  
858 Additions? No opposition. Good morning, Jim.

859

860 Mr. Strauss - Good morning, Mr. Chairman. The Brookland Gardens  
861 Additions is a proposed resubdivision of an existing single-family lot into three lots.  
862 The revised layout, which staff is now handing out this morning, was submitted last  
863 Thursday to address staff concerns regarding the design of 4<sup>th</sup> Avenue, which abuts the  
864 southern property line of the proposed subdivision. The revised plan is annotated so  
865 that it meets both the zoning requirements and Public Works street design requirements  
866 and 4<sup>th</sup> Avenue would be improved to a 24-ft. wide roadway where it abuts the



867 property. A 40-ft. radius offset turnaround would be constructed within the 50-ft.  
868 radius permanent turnaround easement at the proposed eastern terminus of the 4<sup>th</sup>  
869 Avenue. A building line would be established on Lot 3, a minimum of 20 feet from the  
870 permanent easement. All three lots would be connected with public water and sewer.  
871 The existing well on the property would be abandoned. Staff can now recommend  
872 conditional approval of this revised plat in accordance with the revised  
873 recommendations in this morning's addendum. No waiver of the time limits is required  
874 since the revised plan was submitted last Friday. I will be happy to answer any  
875 questions you may have.

876

877 Mr. Jernigan - Are there any questions for Mr. Strauss from the Commission?

878

879 Mr. Silber - I have a question. So Mr. Strauss there is going to be a 20-ft.  
880 building line marked back from this easement. Do we know if there is still a buildable  
881 area there for a house to be located and still meet the rear yard setbacks?

882

883 Mr. Strauss - It is tighter than the other lots, but we feel that they can build  
884 within the area and the applicant has agreed to it.

885

886 Mr. Silber - Would there be a need for a condition that speaks to a buildable  
887 area plan to be submitted for that lot to show that?

888

889 Mr. Strauss - I had not thought it was necessary, but if the Commission feels it  
890 is necessary...

891

892 Mr. Vanarsdall - That would be condition No. 16.

893

894 Mr. Strauss - Apparently there is actually something on the plan that has been  
895 handed out. The staff has drawn it on the drawing.

896

897 Mr. Silber - That shows the location of the front building line and we are  
898 comfortable that a house would fit in there. OK.

899

900 Mr. Jernigan - OK. Anymore questions for Mr. Strauss? Thank you, Mr.  
901 Strauss.

902

903 Mr. Vanarsdall - Mr. Chairman, I am ready for a motion.

904

905 Mr. Jernigan - You can take it.

906

907 Mr. Vanarsdall - I move that we approve Brookland Gardens Additions subject to  
908 the annotations on the plans, the standard conditions for subdivisions of this type, and  
909 added conditions Nos. 12, 13, 14 and 15.

910

911 Mrs. Ware - Second.

912

913 Mr. Jernigan - We have a motion by Mr. Vanarsdall and a second by Mrs.  
914 Ware. All in favor say aye. All opposed say no. The ayes have it. The motion is  
915 passed.

916 The Planning Commission granted conditional approval to Subdivision Brookland  
917 Gardens Additions (October 2003 Plan), subject to the annotations on the plans, the  
918 standard conditions for subdivisions served by public utilities and the following  
919 additional conditions:

920

921 12. Each lot shall contain at least 11,000 square feet.

922 13. Fourth Avenue shall be improved with a 24-foot-wide roadway where it abuts  
923 the property.

924 14. A 40-foot radius offset turnaround shall be constructed within a 50-foot radius  
925 permanent turnaround easement at the proposed eastern terminus of Fourth  
926 Avenue.

927 15. A building line shall be established on Lot 3, a minimum of 20 feet from the  
928 permanent easement.

929

### 930 **SUBDIVISION**

931

Dry Bridge  
(October 2003 Plan)

**Foster & Miller, P.C. for 29564 Associates:** The  
35.726-acre site proposed for a subdivision of 21,  
single-family homes is located north of Williamsburg  
Road between Dry Bridge Road and I-295 on part of  
parcel 838-717-3044. The zoning is A-1, Agricultural  
District. Public water and septic tank/drainfield.  
**(Varina) 21 Lots**

932

933 Mr. Jernigan - Is there any opposition to Subdivision Dry Bridge (October 2003  
934 Plan)? No opposition. Mr. Strauss, you may proceed.

935

936 Mr. Strauss - Thank you, Mr. Chairman. The staff has reviewed this proposal  
937 for conditional approval, the subdivision which proposes private septic fields. The soils  
938 map indicated questionable development potential for standard septic tank drainfield  
939 systems, and for that reason there are two additional conditions on the addendum this  
940 morning. These would include revised conditions 5 and 11 regarding the need for a  
941 detailed soils analysis and other requirements of the Health Department to be submitted  
942 prior to any final approval of these lots. With that, staff can recommend approval and I  
943 will be happy to answer any questions you have.

944

945 Mr. Jernigan - Are there any questions for Mr. Strauss from the Commission?  
946 Thank you, Mr. Strauss.

947

948 Mr. Silber - I might want to just point out, in observation more than anything  
949 else, that a few years ago there was a rezoning case for this M-1C that you see on this  
950 property, at Dry Bridge, and I guess Dry Bridge and Dry Bridge Court, which the  
951 property was zoned M-1C, the Land Use Plan is this area then has been changed to  
952 show this area as industrial. With this subdivision now, this begins to change the  
953 character from a Land Use perspective back into more of a residential character or  
954 setting, so I think we, when we begin to look at the Land Use Plan again and evaluate  
955 this area, I think staff has some concerns about how the shifting land uses here continue  
956 to play a challenge and the direction of which we want this to go. I raise this only as a  
957 point of interest, because this was shown on the plan for industrial purposes. It is  
958 zoned A-1, and the applicant has a right to come in and subdivide this as an A-1  
959 subdivision, but again, just to question the thought processes as to which way we want  
960 the land use to go in this area. I don't know if, Mr. Jernigan, you have any thoughts  
961 on that.

962  
963 Mr. Jernigan - Well, I mean it is the law.  
964

965 Mr. Silber - They have got the right to subdivide this. I just see this now  
966 being more of a residential area. I think we will have to revisit this and look at whether  
967 this is really a viable industrial area. I don't see it being that anymore. I see it being  
968 more residential.  
969

970 Mr. Jernigan - OK. Thank you, Mr. Silber. Is the applicant here? Come on  
971 down, please. State your name.  
972

973 Mr. Chris Sims - I am Chris Sims with Foster and Miller.  
974

975 Mr. Jernigan - Chris, how are you doing?  
976

977 Mr. Sims - Good.  
978

979 Mr. Jernigan - Who owns this property?  
980

981 Mr. Sims - Bill Johnson, I guess, is a party of it. I can't say he is the  
982 complete owner.  
983

984 Mr. Jernigan - Well, I am sure you all looked at the Land Use Map, too.  
985

986 Mr. Sims - We did, and I guess as far as that goes, I thought that that was  
987 done back when this property or the property adjacent to that was being looked at for  
988 the Fairgrounds site, and it fit more with that use, and that would influence that on the  
989 Land Use Plan. That was just my understanding. I don't know that for a fact, but that  
990 was what I was thinking at the time, but we didn't realize that was a major issue since  
991 along Dry Bridge Court there there are other houses of about the same size, one acre

992 plus or minus, on the same street with it. It was already kind of in character with what  
993 was on that street currently.

994  
995 Mr. Jernigan - Well, Mr. Silber is right, you know, in the fact that the Land Use  
996 Map did show for industrial, but the law is the law, as you well know, so we will ask  
997 for approval on this. I thank you for coming up.

998  
999 Mr. Sims - Thank you.

1000  
1001 Mr. Archer - Mr. Chairman, before you vote, is there any physical buffer of  
1002 any type between that and the M-1 piece and the edge of that subdivision?

1003  
1004 Mr. Silber - Mr. Archer, I am not real sure. I may have to ask the staff. It  
1005 looks like on the subdivision plat that has been submitted to us, it looks like there is a  
1006 treed area that runs along that common property line between the M-1 and this subject  
1007 property. I would hope that they would keep that treed area there, so that the backs of  
1008 those homes or the sides of those homes would not be too impacted or exposed to that  
1009 M-1 use.

1010  
1011 Mr. Archer - That is why I had the concern, actually.

1012  
1013 Mr. Taylor - Mr. Archer, another issue to consider here, I guess, is the scale  
1014 of this drawing. This looks to me down in the lower right hand corner like 1 inch  
1015 equals 400 feet, so what we are usually looking at it is a little bit larger scale, and the  
1016 distances may be deceiving. When I first looked at it, the distance setback from  
1017 Interstate 295, I think one concern we all had was a noise buffer, but when you look at  
1018 the fact that that scale is 400 feet just the distance from 295 to the site, is 300 or 400  
1019 feet, so that will ameliorate the noise. I think it will be the same thing with the scale  
1020 between M-1 and this projected one that you are looking at, what looks to be a narrow  
1021 sliver, but it is probably 50 or 60 feet.

1022  
1023 Mr. Archer - Good point, Mr. Taylor. Thank you.

1024  
1025 Mr. Jernigan - Thank you, Mr. Taylor. All right. Any other questions from the  
1026 Commission? With that I will move for approval of Subdivision Dry Bridge (October  
1027 2003 Plan) subject to the annotations on the plans, the standard conditions for  
1028 subdivisions served by public water and added conditional conditions Nos. 5, which  
1029 was revised, and No. 11 was added and amended and No. 12.

1030  
1031 Mr. Vanarsdall - Second.

1032  
1033 Mr. Jernigan - We have a motion by Mr. Jernigan and a second by Mr.  
1034 Vanarsdall. All in favor say aye. All opposed say no. The ayes have it. The motion is  
1035 passed.

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The Planning Commission granted conditional approved to Subdivision Dry Bridge (October 2003 Plan), subject to the annotations on the plans, the standard conditions for subdivisions served by public water and the following conditional conditions:

5. **REVISED** - A detailed soil analysis shall be performed and other requirements of the Health Department met before final plats are recorded. The developer shall have the center lines of all streets and lot corners staked to facilitate the examination of lots by the Health Department Sanitarians prior to filing for final approval and shall notify the Planning Office and Health Department in writing when the staking has been done. The final plat shall conspicuously indicate all lot(s) not receiving Virginia Department of Health approval for sewage disposal and state that there be no construction on lots without such approval. Details of approved sewage disposal systems and reserved areas for such systems shall be included with the final construction plan prior to construction plan approval.
11. **AMENDED** - Prior to a request for final approval, the developer shall provide a buildable area plan showing information for all lots within the subdivision. Such plan shall be a part of the construction plans submitted for review and for signature. The buildable area plan shall be a minimum of 1" to 50' scale or larger and shall show the buildable area for the principal structure, all setback, dimensions, the minimum lot width (front building line), the area of each lot found to be suitable for the location of the septic drainfield system and reserved drainfield area on the lot, or alternative system and if applicable, the 100 year floodplain location and the area of each lot exclusive of floodplain and Chesapeake Bay Act Preservation areas and setback dimensions when applicable.
12. The detailed plant list and specifications for the landscaping to be provided within the 25-foot-wide planting strip easement along I-295 shall be submitted to the Planning Office for review and approval prior to recordation of the plat.

**SUBDIVISION**

Willow Run  
(September 2003 Plan)

**Foster & Miller, P.C. for Atack/Eagle Thorncroft Investments, L.C.:** The 9.732-acre site proposed for a subdivision of 22 single-family homes is located at the southeast intersection of Sadler Road and Thorncroft Drive on parcels 747-764-3839, 7729, 8739 and 9550. The zoning is ~~A-1, Agricultural District (Proposed R-3C, One-Family Residence District Conditional)~~. County water and sewer. **(Three Chopt) 22 Lots**

1067  
1068  
1069  
1070

Mr. Jernigan - Is there any opposition to Subdivision Willow Run (September 2003 Plan)? No opposition. Mr. Wilhite, you may proceed.

1071 Mr. Wilhite - Thank you, sir. On page 6 of your addendum there is a revised  
1072 caption and recommendation for approval. The Board of Supervisors rezoned the  
1073 property on October 14 from A-1 to R-3C. The issues related to street design and lot  
1074 design have been resolved to the satisfaction of staff at this point. After discussion with  
1075 the applicant, they have chosen not to submit a revised plan incorporating the wetlands  
1076 and the common area. The original layout is what is before the Planning Commission  
1077 and staff can recommend approval.

1078  
1079 Mr. Jernigan - Are there any questions for Mr. Wilhite from the Commission?  
1080 Thank you, Mr. Wilhite. All right, Mr. Taylor. Do you want to hear from anybody?

1081  
1082 Mr. Taylor - No, Mr. Chairman, I think we are all set on this particular one. I  
1083 do want to put a few things on the record. One concern that the residents had with this  
1084 was the traffic along Sadler Road and at our last meeting you and I discussed the issue  
1085 of traffic, and the traffic numbers are under study, but they really do not show that  
1086 there is much continued growth and there are plans within the County to improve the  
1087 road, so I think the issue of traffic along Sadler Road will be resolved and is no longer  
1088 a hindrance.

1089  
1090 Mr. Vanarsdall - Mr. Taylor, I talked to a lady that lives in the area not long ago  
1091 and she wouldn't even allow her daughters to have a learner's permit or even ride on  
1092 Sadler Road at certain times of the day because of the traffic, so I don't know where  
1093 the low figure is coming from. It is not coming from going to work and coming home  
1094 from work. Well, that didn't have anything to do with this case. Well it has and it  
1095 hasn't. This is what is happening until it is too late now. And they are not going to  
1096 start on Sadler Road until the end of 2004, and it is not going to be completed until  
1097 2006. That is already in the CIP and we already know about it.

1098  
1099 You told me the traffic said 400 vehicles is unbelievable.

1100  
1101 Mr. Jernigan - Well, I think they have revised that now. It is about 1,400.

1102  
1103 Mr. Taylor - I can't speak for the lady in issue, but Mr. Jennings is here from  
1104 Transportation and it might be wise before we even go further if we could ask him to  
1105 address the issue of traffic on Sadler. Would that be possible?

1106  
1107 Mr. Jennings - Good morning, again. Yes, Mr. Vanarsdall is correct. There are  
1108 some peak times and that is why we are doing the road plans in the future. With the  
1109 development out there, it will increase, but we are doing those plans. Currently there  
1110 are about 1,400 vehicles per day, which is a low number, and we are looking at road  
1111 improvements along the current section, plus the road widening in the future.

1112  
1113 Mr. Vanarsdall - It might be a low number for you all. It is not a low number for  
1114 the people that live there.

1115  
1116 Mr. Jennings - There are some peak times that are concerns.  
1117  
1118 Mr. Vanarsdall - We run into this all the time. I am not taking it out on you or  
1119 anyone else. Traffic, I've always said, traffic has never seen a road, drive, street or  
1120 anything that wouldn't handle it if there were a million cars a day, they will handle a  
1121 million tomorrow. Never built a road yet that wouldn't handle it. And that is why  
1122 we've got the jam up there. That is why we are having cash proffers and that is why  
1123 we are having 600 homes built right along there and it is too bad somebody couldn't  
1124 move to take this Sadler Road off this back burner and put it on the front burner. I  
1125 imagine the Manager could get that done.  
1126 Mr. Jennings - I am not sure. It is not my call.  
1127  
1128 Mr. Vanarsdall - I am not going to ask him. Thank you, Mike.  
1129  
1130 Mr. Jernigan - We won't ask you to commit to that one.  
1131  
1132 Mr. Taylor - Mr. Vanarsdall does raise a good point and, perhaps, the County,  
1133 that is something that the County could consider.  
1134  
1135 Mr. Vanarsdall - That doesn't hold up this case, Mr. Taylor.  
1136  
1137 Mr. Taylor - The other issue was the issue of whether or not we would have a  
1138 common area here and after the County study that the overall thought that they had was  
1139 that those are not as desirable to just incorporate them because they are so small in  
1140 terms of scale in terms for the number of lots that that could become an economic  
1141 burden for the neighbors. So that was revised on the plan and those were the two  
1142 things we had discussed the last time. I am satisfied that both of those have been  
1143 resolved.  
1144  
1145 So, with that I will move for approval of Subdivision Willow Run (September 2003  
1146 Plan), subject to the standard conditions for subdivisions served by public utilities and  
1147 additional conditions Nos. 12, 13 and 14.  
1148  
1149 Mr. Vanarsdall - Second.  
1150  
1151 Mr. Jernigan - We have a motion by Mr. Taylor and a second by Mr.  
1152 Vanarsdall. All in favor say aye. All opposed say no. The ayes have it. The motion is  
1153 passed.  
1154  
1155 The Planning Commission approved Subdivision Willow Run (September 2003) Plan,  
1156 subject to the standard conditions for subdivisions served by public utilities and the  
1157 following additional conditions:  
1158

- 1159 12. The detailed plant list and specifications for the landscaping to be provided within  
1160 the 25-foot-wide planting strip easement along Sadler Road shall be submitted to  
1161 the Planning Office for review and approval prior to recordation of the plat.  
1162 13. The proffers approved as part of zoning case C-23C-03 shall be incorporated in  
1163 this approval.  
1164 14. Prior to requesting the final approval, a draft of the covenants and deed  
1165 restrictions for the maintenance of the common area by a homeowners association  
1166 shall be submitted to the Planning Office for review. Such covenants and  
1167 restrictions shall be in form and substance satisfactory to the County Attorney and  
1168 shall be recorded prior to recordation of the subdivision plat.  
1169  
1170

1171 **Approval of Minutes: September 24, 2003**  
1172

1173 Mr. Silber - Next on the agenda would be the approval of the minutes for the  
1174 September 24, 2003 meeting. However, a portion of those were not completed so I don't  
1175 believe they were sent to you, so we will need to ask for the Commission to consider  
1176 deferral of those to the November 19, 2003 meeting.  
1177

1178 Mr. Jernigan - Do we have a motion to defer the minutes?  
1179

1180 Mr. Vanarsdall - So moved.  
1181

1182 Mrs. Ware - Second.  
1183

1184 Mr. Jernigan - We have a motion by Mr. Vanarsdall and a second by Mrs. Ware  
1185 to defer the Minutes of September 24, 2003 to November 19, 2003.  
1186

1187 Mr. Silber - Thank you. The next item is a public hearing on the Amendment to  
1188 the Major Thoroughfare Plan of the Comprehensive Plan: MTP-1-03 – Concept Plan  
1189 140-3.  
1190

1191 You may recall there was a zoning case that came up recently out off of Creighton Road  
1192 that was impacted by a Concept Road, that being 140-3. The zoning case was approved  
1193 with the understanding that this Concept Road would be considered and if deleted it  
1194 would be so shown on the subdivision plan, but if it was not deleted, the applicant would  
1195 have to construct the Concept Road in accordance with the Major Thoroughfare Plan, but  
1196 this is a public hearing on this proposed amendment.  
1197

1198 Mr. Jernigan - Good morning, Ms. Moore.  
1199

1200 Mr. Vanarsdall - I noticed when I called Mr. O'Kelly and asked, I noticed that there  
1201 was no recommendation from the staff on this. So...  
1202



1203 Mr. Silber - There is no recommendation from staff?  
1204

1205 Mr. Vanarsdall - Right. Should it be?  
1206

1207 Mr. Silber - Typically, there is a recommendation. I believe the staff is  
1208 supporting this deletion.  
1209

1210 Mr. Vanarsdall - It says that Public Works endorses it, but it didn't say anything  
1211 about staff.  
1212

1213 Ms. Moore - Staff concurs with that recommendation and it is part of my  
1214 presentation.  
1215

1216 Mr. Jernigan - Ms. Moore, you may proceed.  
1217

1218 Ms. Moore - Thank you, Mr. Chairman, and Mr. Secretary. Concept Road  
1219 140-3 is a minor collector on the Major Thoroughfare Plan. Although the exact  
1220 alignment has not been planned, the road would intersect North Laburnum Avenue at the  
1221 south property line of Fairfield Library, and would transverse east to Cedar Fork Road  
1222 across from Meadows Run. A portion of the Concept Road exists as Mitcheltree  
1223 Boulevard. The designated land uses adjacent to the Concept Road include office,  
1224 government and suburban residential 2. Rezoning case C-40C-03, which consists of the  
1225 R-3C property adjacent to Mitcheltree Subdivision to the east has provisions to construct  
1226 a portion of the road, which would connect to Mitcheltree Boulevard.  
1227

1228 The Board of Supervisors initiated a study to consider the removal of Concept Road 140-  
1229 3 from the Major Thoroughfare Plan on October 14, 2003. The study was prompted by  
1230 recent rezoning approvals within the vicinity and by the adjacent Mitcheltree residents  
1231 who voiced their opposition to the construction of the Concept Road. The adjacent  
1232 residents oppose the construction of the roads due to the impact of a potential cut-through  
1233 traffic on their neighborhood.  
1234

1235 The Transportation Engineering Division has reviewed the proposed MTP Amendment  
1236 and concurs with the residents concerns. The design of the road would encourage cut-  
1237 through traffic and there is concern additional traffic generated from potential office  
1238 development would travel through the established and proposed neighborhoods to gain  
1239 access to Cedar Fork Road. The Transportation Engineering Division states the existing  
1240 road network, including Creighton Road to the north, could support the deletion of this  
1241 Concept Road. The proposed amendment would not adversely affect the intent or  
1242 implementation of the Major Thoroughfare Plan or the Land Use Plan. The proposed  
1243 deletion of the plan would support the plan's goals to protect residential areas from  
1244 encroachment of incompatible land uses.  
1245

1246 Staff concurs with the recommendation from Public Works, and, therefore, supports this  
1247 amendment. This concludes my presentation. I will be happy to try to answer any  
1248 questions you may have.

1249  
1250 Mr. Jernigan - Are there any questions for Ms. Moore from the Commission?  
1251 Thank you, Ms. Moore. This is a public hearing. Is anybody here who would like to  
1252 speak on this? No takers. OK. Mr. Archer.

1253  
1254 Mr. Archer - I think we have discussed this and rehashed it enough when we  
1255 were going through those zoning cases and I guess the major impact of this is to delete  
1256 the cut-through that could be created down Mitcheltree Boulevard. In that regard, I think  
1257 that it is a good thing, so I will move to recommend MTP-1-03 removal of Concept Road  
1258 140-3.

1259  
1260 Mr. Vanarsdall - Second.

1261 Mr. Jernigan - We have a motion by Mr. Archer and a second by Mr. Vanarsdall.  
1262 All in favor say aye. All opposed say no. The ayes have it. The motion is passed.

1263  
1264 The Planning Commission approved recommending removing Concept Road 140-3 from  
1265 MTP-1-03.

1266  
1267 Mr. Silber - I do have two or three additional items I wanted to discuss with the  
1268 Commission that are not shown on your agenda. The first involves a Resolution. I  
1269 believe each of you have a copy of the Resolution. It has been placed in front of you, but  
1270 basically what this Resolution involves is to initiate an amendment to the zoning and  
1271 subdivision regulations relative to allowing private roads in A-1 and single-family zoning  
1272 classifications, likely with a Provisional Use Permit. This speaks to an issue that has  
1273 been around for a number of years relative to the developers who have interest in doing a  
1274 single-family subdivision on private roads. The zoning ordinance and subdivision  
1275 regulations do not allow that to occur. Under current regulations, you have to do these  
1276 subdivisions on public roads. So this would allow consideration of an ordinance  
1277 amendment to permit subdivisions on private roads and allow these to have gates or be  
1278 permitted in a gated community environment. So, this would initiate the zoning and  
1279 subdivision ordinance amendment. We would then bring back to the Commission this  
1280 proposed amendment and hold a public hearing in the near future, which you would  
1281 consider and then send on to the Board of Supervisors. So, this simply gets the process  
1282 started. With that, I can read the resolution, if you would like, and action would be  
1283 necessary. Mr. O'Kelly, did you have anything you wanted to add ?

1284  
1285 Mr. O'Kelly - No, Mr. Secretary, not at this time.

1286  
1287 Mr. Vanarsdall - Mr. Secretary and Mr. Chairman, I think we should discuss it if  
1288 you like, because I know Mrs. Ware had some good questions this morning on the  
1289 maintenance of the roads. One good thing about this is it is using a PUP, a revocable

1290 PUP, but I don't know... let's say 10 years from now, I had one, a gated R-2  
1291 community. And I think you told me, Mr. Silber, the secret would be that it would have  
1292 to be built according to County standards, and it wasn't. What says it would have to be?  
1293  
1294 Mrs. Ware - What insures that?  
1295  
1296 Mr. Silber - Mr. Vanarsdall, that is a very good question.  
1297  
1298 Mr. Vanarsdall - Would that be a condition that we usually put on PUPs?  
1299  
1300 Mr. Silber - There are a number of ways that can be handled. What we are  
1301 thinking at this point, and, of course, we have not begun to draft this ordinance, so it is  
1302 still in the consideration stage, but what we would likely do is draft an amendment and  
1303 the amendment would include a set of guidelines. The guidelines would be established  
1304 for the Planning Commission and the Board of Supervisors to use in giving  
1305 consideration to granting a PUP.  
1306 Mr. Vanarsdall - Like we do with other PUPs?  
1307  
1308 Mr. Silber - Like we do with what?  
1309  
1310 Mr. Vanarsdall - Like we do with the other type PUPs.  
1311  
1312 Mr. Silber - Yes, that is correct. So, when a proposal comes forward like this  
1313 then you would review the proposal against these policies or guidelines and one of the  
1314 guidelines would be that these roads be constructed to County standards. The PUP then  
1315 allows you to add whatever conditions you want and one of the conditions we would  
1316 always be recommending is that these roads be built to County standards, so they would  
1317 be quality roads. Now, Mrs. Ware's point is well taken, because these roads then  
1318 would be under the control and maintenance of a homeowner's association, so they  
1319 would be held responsible for maintaining these roads. There lies the importance of  
1320 making sure that these roads are constructed in a quality fashion. Did that answer your  
1321 question?  
1322  
1323 Mr. Vanarsdall - For now, it answered mine.  
1324  
1325 Mr. Jernigan - I want to bring up something that Randy and I discussed  
1326 yesterday. You see R-5A has this already. We just can't do it in the other zoning  
1327 classifications.  
1328  
1329 Mr. Vanarsdall - And we didn't want to go through the R-5 route.  
1330  
1331 Mr. Jernigan - Right, the R-5A route.  
1332

1333 Mr. Vanarsdall - Anytime you have a PUP, you can control something. A PUP  
1334 doesn't go with the land like something else.

1335  
1336 Mr. O'Kelly - That is a debatable question, Mr. Vanarsdall.

1337  
1338 Mr. Vanarsdall - I know it is. Isn't this similar to what we did down near the  
1339 City?

1340  
1341 Mr. Silber - Similar to Rockett's Landing? To a certain extent. Rockett's  
1342 Landing required a Land Use Plan Amendment and there is a zoning ordinance in place  
1343 for urban mixed use, so that property was zoned for urban mixed use.

1344  
1345 Mr. Vanarsdall - But we actually put that in the ordinance. We didn't use a PUP  
1346 for that.

1347  
1348 Mr. O'Kelly - They haven't applied for anything yet.

1349  
1350 Mr. Silber - It will require a PUP, Mr. Vanarsdall, when they come forward.  
1351 It will require zoning and a provisional use permit. Now, that ordinance does not allow  
1352 single-family.

1353  
1354 Mr. O'Kelly - Correct.

1355  
1356 Mr. Silber - But they can do those on private roads. This is somewhat  
1357 different. This is something that would deal with single-family developments. We are  
1358 looking at primarily using these in situations where there would be larger lots, maybe  
1359 like an R-2 type of development, with 18,000 sq. ft. lots, 100 ft. of lot width, built on  
1360 private roads in a gated community.

1361  
1362 Mr. Vanarsdall - I understand in the country there is a need for this now because  
1363 we've always had it in everything but single-family, and that the people who would  
1364 move in there would not mind a fee, no matter what it was, because they are moving in  
1365 there for a different reason. Because it is going to be gated.

1366  
1367 Mr. Silber - That is the thought process, that these would be expensive homes,  
1368 exclusive community, and the association fee would be somewhat high because there  
1369 would be a lot of maintenance that would be a part of this.

1370  
1371 Mrs. Ware - Would that tend to insure higher quality in these developments?

1372  
1373 Mr. Silber - Yes, I think what we would be looking for is approval of the  
1374 subdivisions that brought forward higher quality design concepts. I don't think we  
1375 would want to get into a situation of zoning maybe a small subdivision that was R-3 and  
1376 didn't come forward with a lot of proposals or design concepts for quality.

1377  
1378 Mrs. Ware - What happens is the provisional use permit would give some  
1379 control.  
1380  
1381 Mr. Silber - We hope it would give us a lot of control.  
1382  
1383 Mr. Vanarsdall - I don't have any more questions.  
1384  
1385 Mr. Archer - Mr. Chairman, I think maybe looking at the 4<sup>th</sup> Whereas, I think  
1386 we left a word out. Security for single-family subdivisions has recently become more  
1387 desirable and found to enhance – shouldn't that be "has been found" or "been found"  
1388 or something in there before the word "found."  
1389  
1390 Mr. Silber - Mr. Archer, I think it could work either way.  
1391  
1392 Mr. Archer - OK.  
1393  
1394 Mr. Silber - But I am not an English teacher either.  
1395 Mr. Archer - Nor was I a good English student.  
1396  
1397 Mr. Vanarsdall - You have to proofread what people sign on these insurance  
1398 policies and things, don't you?  
1399  
1400 Mr. Archer - No. I stay away from that stuff.  
1401  
1402 Mr. Silber - With your permission I'd like to read this into the record. Would  
1403 you allow me to?  
1404  
1405 Commissioners - Yes.  
1406  
1407 The intent of this Resolution is to initiate a zoning and subdivision ordinance  
1408 amendment. It reads:  
1409  
1410 **WHEREAS**, the Zoning Ordinance requires that no lot shall be used in whole or in  
1411 part for dwelling purposes unless such lot abuts a street for at least 50 feet, and  
1412  
1413 **WHEREAS**, the Subdivision Ordinance requires all lots shall front on a public street  
1414 that connects to an existing public street, and  
1415  
1416 **WHEREAS**, Section 18-3 of the County Code prohibits the obstruction of public  
1417 streets by any means, and  
1418

1419 **WHEREAS**, security for single-family subdivisions has recently become more  
1420 desirable and found to enhance living conditions and promote more desirable upscale  
1421 neighborhoods, and

1422

1423 **WHEREAS**, the Code of Virginia authorizes the Board of Supervisors to amend the  
1424 Zoning and Subdivision Ordinances whenever the public necessity, convenience,  
1425 general welfare or good zoning practices require, and

1426

1427 **WHEREAS**, the general welfare and good zoning practice may be better served by  
1428 permitting single-family subdivisions on private roads with secured entrances and exits;

1429

1430 **NOW THEREFORE, BE IT RESOLVED** that the Planning Commission requests the  
1431 Director of Planning to prepare amendments to the County Code that will permit single-  
1432 family subdivisions on private roads with secured entrances and exits for a future work  
1433 session and public hearing.

1434

1435 Mr. Jernigan - That last Whereas, you said subdivisions on public roads but you  
1436 meant private roads?

1437

1438 Mr. Silber - I should have said on private roads. Yes. I am sorry.

1439

1440 Mr. Vanarsdall - Mr. Chairman, I make a motion that we proceed with that.

1441

1442 Mr. Taylor - I will second that.

1443

1444 Mr. Jernigan - We have a motion by Mr. Vanarsdall and a second by Mr.  
1445 Taylor. All in favor say aye. All opposed say no. The ayes have it. The motion is  
1446 passed.

1447

1448 Mr. Silber - Thank you. The next item is just for your information. You may  
1449 recall back in 2001, the Board of Supervisors passed a resolution to recognize  
1450 Community Planning Day. This is a worldwide recognition of community planning  
1451 throughout the world. This resolution is being presented again on October 28 at the  
1452 next Board of Supervisor's meeting at 7:00 p.m. The Board would like to present this  
1453 to a member or all of the members, whoever would like to come, from the Planning  
1454 Commission. Mr. Jernigan has volunteered to come to the Board meeting on the 28<sup>th</sup> to  
1455 accept this. I would encourage any other Commission members who have the time and  
1456 would like to attend to please attend. We will have several staff there that evening.  
1457 We have to be there anyway, but we, of course, will be here to accept the resolution,  
1458 but if anyone is interested in attending, we would welcome you, and Mr. Jernigan,  
1459 thank you for volunteering to come that night.

1460

1461 Mr. Jernigan - You are welcome, sir.

1462

1463 Mr. Archer - Do you have to make a speech, Mr. Chairman?  
1464  
1465 Mr. Jernigan - Well, I thought maybe a couple of you all wanted to come  
1466 together and we could all go up there together.  
1467  
1468 Mr. Archer - No.  
1469  
1470 Mr. Vanarsdall - I am going to put off my trip up North to the next day to do that,  
1471 because I want to, after we had that that year, I wondered why we never had it  
1472 anymore.  
1473  
1474 Mr. Silber - I don't know why we didn't do it last year.  
1475  
1476 Mr. Archer - It is not so bad. We will applaud anything you say.  
1477  
1478 Mr. Silber - I am sure Mr. Jernigan will be working on his speech.  
1479  
1480 Mr. Jernigan - I will wing it.  
1481  
1482 Mr. Silber - The last item I wanted just to remind you of is that we have a  
1483 Special Planning Commission meeting scheduled for November 5. That would be the  
1484 next meeting of the Commission. That starts at 6:00 p.m. That is to hear the  
1485 Church/Pump Public Hearing. We also have another Major Thoroughfare Plan  
1486 Amendment on that agenda, as well. So, at 6:00 p.m. on November 5<sup>th</sup>. I just wanted  
1487 to remind you because that is not a normally scheduled meeting. We will have three  
1488 meetings in November, all sort of back to back, with the third one being on November  
1489 19. That concludes my comments.  
1490  
1491 Mr. Jernigan - Well done, Mr. Silber. With that, if no other Commission  
1492 member has anything, we can adjourn the meeting.  
1493  
1494 Mr. Archer - So moved.  
1495  
1496 Mr. Vanarsdall - Second.  
1497  
1498 On a motion by Mr. Archer and a seconded by Mr. Vanarsdall, the Planning  
1499 Commission adjourned its October 22, 2003, meeting at 10:20 a.m.  
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E. Ray Jernigan, C.P.C., Chairperson  
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Randall R. Silber, Acting Secretary