Minutes of the regular monthly meeting of the Planning Commission of the County of Henrico, Virginia, held in the Board Room of the County Administration Building in the Government Center at Parham and Hungary Springs Roads, Beginning at 9:00 a.m. Wednesday, April 26, 2000.

Members Present: Mr. Ernest B. Vanarsdall, C.P.C., Chairman (Brookland)
Mr. C. W. Archer, C.P.C. (Fairfield)
Mr. Allen Taylor, P.E. (Three Chopt)
Ms. Elizabeth G. Dwyer, C.P.C. (Tuckahoe)
Mrs. Patricia S. O'Bannon, C.P.C., Board of Supervisors Representative (Tuckahoe)

Member Absent: Mrs. Debra Quesinberry, C.P.C., Vice Chairman (Varina)

Others Present: Mr. John R. Marlles, AICP, Director of Planning, Secretary
Mr. Randall R. Silber, Assistant Director of Planning
Mr. David D. O'Kelly, Jr., Principal Planner
Ms. Leslie A. News, CLA, County Planner
Mr. James P. Strauss, CLA, County Planner
Mr. E. J. (Ted) McGarry, III, County Planner
Mr. Kevin D. Wilhite, County Planner
Mr. Mikel C. Whitney, County Planner
Mr. Michael F. Kennedy, County Planner
Ms. JoAnn Hunter, County Planner
Mr. Eric Lawrence, County Planner
Mr. Todd Eure, Assistant Traffic Engineer
Mr. Jeff Perry, Environmental Engineer
Ms. Diana B. Carver, Recording Secretary

Mrs. Patricia S. O'Bannon, the Board of Supervisors Representative, abstains on all cases unless otherwise noted.

Mr. Vanarsdall - Good morning everybody. The Planning Commission will now come to order. I'll now turn the meeting over to our Secretary, Mr. Silber.

Mr. Silber - Thank you, Mr. Chairman. Good morning everyone. We do have a quorum this morning. We do have a couple of Commission members that are not here. Mrs. Quesinberry will not be here today and Mrs. O'Bannon will be arriving shortly, but we do have a quorum so we can conduct business. The first item of business would be to hear the requests for deferral and withdrawals. Mr. Wilhite.

Mr. Wilhite - Good morning, Mr. Chairman and Commission members, ladies and gentlemen. The first request for deferrals appears on page 7.
SUBDIVISION (Deferred from the March 22, 2000 Meeting)

Four Mile Run
(January 2000 Plan)

TIMMONS for Pendragon Development Company: The 97.53 acre site is located at the eastern terminus of Four Mile Run Drive, approximately 0.33 mile north of New Market Road (U.S. Route 5) on parcels 238-A-31 and part of 249-A-48. The zoning is R-2AC, One-Family Residential District (Conditional) and A-1, Agricultural District and ASO (Airport Safety Overlay District). County water and sewer.

Varina

172 Lots

Mr. Wilhite - The applicant is requesting deferral until May 24, 2000.

Mr. Vanarsdall - Is there anyone in the audience in opposition to the deferment of this case? This is Four Mile Run in the Varina District. No opposition. All right. We need a motion Ms. Dwyer.

Ms. Dwyer - Are we straight on the fee situation for this?

Mr. Wilhite - Yes, we are.

Ms. Dwyer - We are deferring it to when, Mr. Wilhite?

Mr. Wilhite - May 24, 2000.

Ms. Dwyer - I move that the Commission defer Four Mile Run subdivision (January 2000 Plan) to our meeting on May 24, 2000, at the applicant's request.

Mr. Taylor - Second.

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

At the request of the applicant, the Planning Commission deferred Four Mile Run (January 2000 Plan) to its May 24, 2000, meeting. Mrs. O'Bannon was absent.

SUBDIVISION

Pine Creek
(April 2000 Plan)

Engineering Design Associates for Urban Corridor Property, Inc. and H. W. Owens, Inc.: The 35.94 acre site is located on the eastern terminus of Howard Street between Old Williamsburg Road and I-64 on part of parcels 164-A-42 and 165-A-12A and 12B. The zoning is A-1, Agricultural District, R-4AC, One-Family Residence District (Conditional) and ASO (Airport Safety Overlay) District. County water and sewer.

Varina

50 Lots

Mr. Vanarsdall - Is there anyone in the audience in opposition to Pine Creek being deferred to May 24, 2000? This is also in the Varina District. No opposition. Entertain a motion.

Ms. Dwyer - Okay. I move that Pine Creek subdivision (April 2000 Plan) be deferred to May 24, 2000, at the applicant's request.

Mr. Archer - Second.

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

At the request of the applicant, the Planning Commission deferred Pine Creek (April 2000 Plan) to its May 24, 2000, meeting. Mrs. O'Bannon was absent.

**PLAN OF DEVELOPMENT**

Balzer & Associates and RealtiCorp for Retlaw 100 L.L.C. and Katherman & Company: Request for approval of a plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a one-story, 10,305 square foot day care facility in a shopping center. The 1.43 acre site is located along the south line of Old Nuckols Road approximately 600 feet west of Nuckols Road on part of parcel 18-A-22E. The zoning is B-2C, Business District (Conditional). County water and sewer. (Three Chopt)

Mr. Wilhite - On page 16, POD-22-00, The Goddard School - Town Center @ Twin Hickory, the applicant originally requested a deferral to May 24, 2000. Erin Breed from the engineering firm is here. I think they want to make a request to put this to your night meeting, the first meeting in May.

Mr. Vanarsdall - Is there anyone in the audience in opposition to POD-22-00, The Goddard School being deferred to May 11, 2000? This is in the Three Chopt District. No opposition. Mr. Taylor.

Mr. Taylor - The date that that will be deferred to is May 11?

Mr. Wilhite - Staff was recommending May 24. The engineer is here and I think they want to make a request to put it on the night agenda, the first meeting in May.

Mr. Taylor - What day would that be?
Mr. Wilhite - That would be May 11.

Mr. Taylor - Mr. Chairman, I move that POD-22-00, The Goddard School - Town Center @ Twin Hickory, be deferred to May 11, 2000, at the applicant’s request.

Ms. Dwyer - Second.

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

At the request of the applicant, the Planning Commission deferred POD-22-00, The Goddard School - Town Center @ Twin Hickory, to its May 11, 2000, meeting at 7:00 p.m. Mrs. O’Bannon was absent.

PLAN OF DEVELOPMENT - REVISED ARCHITECTURAL ELEVATIONS

POD-80-99 (Revised)
Downtown Short Pump - Silver Diner

Balzer & Associates for Short Pump Entertainment, L.L.C., Bee-Fit, Inc., Skate Nation of Richmond West, LLCC and Menin Development Companies, Inc.: Request for approval of revised architectural elevations as required by Chapter 24, Section 24-106 of the Henrico County Code. The 23.18 acre site is located on the southeast corner of W. Broad Street (U.S. Route 250) and Pouncey Tract Road on parcels 36-A-19G, 19H, 19I, 19J, 21, 22N and 25. The zoning is B-2C, Business District (Conditional), M-1, Light Industrial District, and WBSO (West Broad Street Overlay) District. County water and sewer. (Three Chopt)

Mr. Wilhite - On page 25, POD-80-99 (Revised), Downtown Short Pump, the applicant request deferral to May 24, 2000.

Mr. Vanarsdall - Is there anyone in the audience in opposition to POD-80-99, Downtown Short Pump, being deferred to May 24, 2000? This is in the Three Chopt District. No opposition. Mr. Taylor.

Mr. Taylor - Mr. Chairman, I move that POD-80-99 (Revised) Downtown Short Pump, be deferred to May 24, 2000, meeting, at the applicant’s request.

Ms. Dwyer - Second.

Mr. Vanarsdall - The motion was made by Mr. Taylor and seconded by Ms. Dwyer. All in favor say aye... all opposed say nay. The motion carries.
At the request of the applicant, the Planning Commission deferred POD-80-99 (Revised) Downtown Short Pump - Silver Diner, to its May 24, 2000, meeting. Mrs. O'Bannon was absent.

LANDSCAPE PLAN (Deferred from the March 22, 2000, Meeting)

LP/POD-124-98 Crown, Cork & Seal - Expansion - Lewis Road

Hourigan Martone and James River Nurseries: Request for approval of a landscape plan as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code. The 8.8 acre site is located at the south east corner of Lewis and Norman Roads on parcel 173-A-14. The zoning is M-1, Light Industrial District and ASO (Airport Safety Overlay District). (Varina)

Mr. Wilhite - Finally, on page 26, landscape plan, LP/POD-124-98, Crown, Cork & Seal, the applicant request deferral to May 24, 2000.

Mr. Vanarsdall - Is there anyone in the audience in opposition to the deferment of LP/POD-124-98, this would be the landscape plan for Crown, Cork, & Seal Expansion? No opposition. Entertain a motion.

Ms. Dwyer - I move the Commission defer LP/POD-124-98, Crown, Cork & Seal to May 24, 2000, meeting, at the applicant's request.

Mr. Archer - Second.

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

At the request of the applicant, the Planning Commission deferred the landscape plan for LP/POD-124-98, Crown, Cork & Seal Expansion, to its May 24, 2000, meeting. Mrs. O'Bannon was absent.

AT THIS TIME MR. MARLLES ENTERS AND REPLACE MR. SILBER WHO WAS STANDING IN FOR HIM.

Mr. Vanarsdall - That's it, isn't it, Mr. Wilhite for the deferrals and withdrawals?

Mr. Wilhite - Yes, sir.

Mr. Vanarsdall - All right. Now we will start on the Expedited Agenda. Right, Mr. Secretary?

Mr. Marlles - Good morning, Mr. Chairman, members of the Commission. The Expedited Agenda will be presented also by Mr. Wilhite.
Mr. Wilhite - Mr. Chairman, of 32 items that we have scheduled 17 are up for expedited approval. The first one is on page 2.

TRANSFER OF APPROVAL

POD-118-98 Springfield Office Park

LeClair Ryan for RAS, LLC: Request for a transfer of approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, from HBR Associates and Barton Real Estate to RAS, LLC. The 1.945 acre site is located along the west line of Springfield Road (State Route 157), approximately 300 feet north of Gaskins Road on parcels 48-A-15A and 16. The zoning is O-2C, Office District (Conditional). (Three Chopt)

Mr. Wilhite - The staff is recommending approval.

Mr. Vanarsdall - Is there anyone in the audience in opposition to the transfer of approval for POD-118-98, Springfield Office Park? No opposition. Mr. Taylor.

Mr. Taylor - I would move, Mr. Chairman that POD-118-98, the transfer of approval, be approved, at the applicant's request.

Mr. Vanarsdall - With the conditions and the annotations on the plan. Do we have a second?

Mr. Archer - Second, Mr. Chairman.

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

The Planning Commission approved the transfer of approval request for POD-118-98, Springfield Office Park. Mrs. O'Bannon was absent.

SUBDIVISION FOR RECONSIDERATION

Bowman Acres (September 1999 Plan)

E. D. Lewis & Associates, P.C. for Allison L. Kite and Darrell Bowman: The 4.996 acre site is located on the west line of Pouncey Tract Road (State Route 271) approximately 400 feet north of Perrywinkle Road on parcel 17-A-21A. The zoning is A-1, Agricultural District. County water and septic tank/drainfield. (Three Chopt) 3 Lots

Mr. Wilhite - On page 3, Bowman Acres Reconsideration, staff recommends approval.

Mr. Vanarsdall - Is there anyone in the audience in opposition to Bowman Acres in Three Chopt?
Mr. Taylor - Mr. Chairman, I move that the subdivision plan for Bowman Acres (September 1999 Plan) amended by the Commission be substituted and the revised condition No. 13 is offered and other conditions as attached to the original conditional approval would remain unchanged.

Ms. Dwyer - Second.

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

The Planning Commission granted conditional approval to subdivision Bowman Acres (September 1999 Plan) Reconsideration subject to the standard conditions attached to these minutes for subdivision served by public water and septic tank/drainfield, the annotations on the plans and the following revised condition. Mrs. O'Bannon was absent.

13. **REVISED** - The record plat shall show the recorded easement at the southern boundary of the subdivision, and the subdivider shall submit a copy of the recorded quitclaim deed executed by the owner of Section B, Block C, Lot 9 of Shady Grove Estates. The plat shall also show the deed book and page numbers of the recorded easement and quitclaim deed.

**PLAN OF DEVELOPMENT (Deferred from the March 22, 2000, Meeting)**

POD-14-00 Health South Medical Center MRI Addition & Master Plan (POD-88-93 Revised) TIMMONS for HealthSouth of Virginia and Health Care Realty Trust, Inc.: Request for approval of a revised plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a one-story, 6,500 square foot MRI addition, a master plan for future dining area, emergency room and lobby additions. The 23.35 acre site is located on the north line of Parham Road 1,100 feet east of Shrader Road on parcel 60-A-24 and 22. The zoning is O-3, Office District. County water and sewer. (Brookland)

Mr. Wilhite - On page 5, POD-14-00, Health South Medical Center MRI Addition & Master Plan, staff recommends approval.

Mr. Vanarsdall - Is there anyone in the audience in opposition to POD-14-00, Health South Medical Center Addition? No opposition. I move that POD-14-00, Health South Medical Center, be approved on the expedited agenda on the staff’s recommendation, the annotations on the plans, the standard conditions and additional conditions Nos. 23 through 34 and I would like to add No. 9 amended.
Ms. Dwyer - Second.

Mr. Vanarsdall - The motion was made by Mr. Vanarsdall and seconded by Ms. Dwyer.

All in favor say aye... all opposed say nay. The motion carries.

The Planning Commission approved POD-14-00, Health South Medical Center MRI Addition & Master Plan (POD-88-93 Revised) subject to the standard conditions attached to these minutes, the annotations on the plan and the following additional conditions. Mrs. O’Bannon was absent.

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

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

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

A standard concrete sidewalk shall be provided along the north side of Parham Road.

Outside storage shall not be permitted.

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

The certification of building permits, occupancy permits and change of occupancy permits for individual units shall be based on the number of parking spaces required for the proposed uses and the amount of parking available according to approved plans.

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

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

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

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

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

The conceptual master plan, as submitted with this application, is for planning and information purposes only. All subsequent detailed plans of development and construction plans needed to implement this conceptual plan may be administratively...
reviewed and approved and shall be subject to all regulations in effect at the time such subsequent plans are submitted for review/approval.

**PLAN OF DEVELOPMENT & MASTER PLAN**

**POD-32-00**

Crestview Apartments, Phase 1

**E. D. Lewis & Associates for New Apartments, LLC:**

Request for approval of a plan of development and master plan as required by Chapter 24, Section 24-106 of the Henrico County Code to construct 18, two-story, apartment buildings totaling 131 units. The 9.34 acre site is located on the northwest corner of Horsepen Road and Miami Avenue on parcels 102-9-D-1 thru 15. The zoning is R-5, General Residence District and R-5C, General Residence District (Conditional). County water and Sewer. (Three Chopt)

**Mr. Wilhite** - On page 8, POD-32-00, Crestview Apartments, Phase 1, staff recommends approval.

**Mr. Vanarsdall** - Is there anyone in the audience in opposition to POD-32-00, Crestview Apartments, Phase 1? This is a Three Chopt case. No opposition. Entertain a motion, Mr. Taylor.

**Mr. Taylor** - Mr. Chairman, I move the Commission approve POD-32-00, Crestview Apartments, Phase 1, subject to the annotations on the plan, the standard conditions for developments of this type and conditions Nos. 23 through 31.

**Mr. Archer** - Second, Mr. Chairman.

**Mr. Vanarsdall** - The motion was made by Mr. Taylor and seconded by Mr. Archer. All in favor say aye...all opposed say nay. The motion carries.

The Planning Commission approved POD-32-00, Crestview Apartments, Phase 1, subject to the standard conditions attached to these minutes, the annotations on the plan and the following additional conditions. Mrs. O'Bannon was absent.

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

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

**25.** The required building setback shall be measured from the proposed right-of-way line...
328. and the parking shall be located behind the proposed right-of-way line.
329. 26. The developer shall provide fire hydrants as required by the Department of Public
330. Utilities in its approval of the utility plans and contracts.
331. 27. Any necessary off-site drainage easements must be obtained in a form acceptable to the
332. County Attorney prior to final approval of the construction plans by the Department of
333. Public Works.
334. 28. Deviations from County standards for pavement, curb or curb and gutter design shall
335. be approved by the County Engineer prior to final approval of the construction plans by
336. the Department of Public Works.
337. 29. Storm water retention, based on the 50-10 concept, shall be incorporated into the
338. drainage plans.
339. 30. Insurance Services Office (ISO) calculations must be included with the utilities plans
340. and contracts and must be approved by the Department of Public Utilities prior to the
341. issuance of a building permit.
342. 31. The conceptual master plan, as submitted with this application, is for planning and
343. information purposes only. All subsequent detailed plans of development and
344. construction plans needed to implement this conceptual plan may be administratively
345. reviewed and approved and shall be subject to all regulations in effect at the time such
346. subsequent plans are submitted for review/approval.

347. **PLAN OF DEVELOPMENT**

348

POD-33-00
Varina Veterinary Clinic -
New Market Road
(POD-99-88 Revised)

Engineering Design Associates for New Market Property, LLC: Request for approval of a revised plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code to convert a one-story, 2,930 square foot bank to a veterinary clinic and to enclosed existing drive-thru for a kennel. The 7.29 acre site is located at 1312 New Market Road (State Route 5) at Herman Street on part of parcel 202-A-23. The zoning B-1C, Business District (Conditional). County water and Sewer. (Varina)

350

Mr. Wilhite - On page 12, POD-33-00, Varina Veterinary Clinic. On page 2 of your
351. addendum there is a revised recommendation. Staff is recommending approval. There is an
352. added condition listed on the addendum and there are revised plans.

354

Mr. Vanarsdall - Is there anyone in the audience in opposition to POD-33-00, Varina
355. Veterinary Clinic? This is in the Varina District. No opposition. Ms. Dwyer.

357

Ms. Dwyer - All right. Let me make sure I understand the revised plan. Has that
358. been given to us this morning?

360

Mr. Wilhite - Yes.

362

Ms. Dwyer - I've got eight piles of paper up here. Just give me a minute to go
Mr. Kennedy - The revision to the plan is to delete an animal exercise area, which is not permitted in the district. And there is an added condition that basically states they would not use the enclosed yard for animal exercise area or outdoor kennel until at such time as the property is properly zoned. The property is surrounded by A-1 zoning. If they rezone it to A-1, it's a seven acre parcel and it would meet the five-acre requirement and they could have an outdoor kennel in that case.

Ms. Dwyer - And the zoning now is?

Mr. Kennedy - It's now B-1.

Ms. Dwyer - All right. Thank you for explaining that. All right. I move the approval of POD-33-00, Varina Veterinary Clinic - New Market Road, which is a revision of the POD-99-88 plan. This would include the standard conditions for this type of development, additional conditions Nos. 23 through 30 and the additional condition No. 31 which appears in our addendum.

Mr. Archer - Second, Mr. Chairman.

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

The Planning Commission approved POD-33-00, Varina Veterinary Clinic - New Market Road (POD-99-88 Revised), subject to the standard conditions attached to these minutes for developments of this type, the annotations on the plan and the following additional conditions. Mrs. O'Bannon was absent.

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

24. Outside storage shall not be permitted.

25. All exterior lighting fixtures shall be designed and arranged so the source of light is not visible from the roadways or adjacent residential properties. The lighting shall be low intensity, residential in character, and the height or standards shall not exceed 15 feet.

26. This business shall not remain in operation after midnight and no exterior signs shall remain lighted after (12:00 midnight - B-1 zone).

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

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

29. Approval of the construction plans by the Department of Public Works does not establish the curb and gutter elevations along the Virginia Department of Transportation.
maintained right-of-way. The elevations will be set by the contractor and approved by the Virginia Department of Transportation.

The building shall be constructed of red brick and the brick shall not be painted at any time.

The area identified as “Phase III - New Enclosed Yard” shall not be used as an exercise yard, run or outdoor kennel, unless the property is rezoned to a district which permits such use.

SUBDIVISION

Turkey Island Bluffs (March 2000 Plan)

Engineering Design Associates for G & G Ltd.: The 145.8 acre site is suited on the south line of Warriner Road, approximately 0.4 mile south of Charles City Road on parcel 254-A-2. The zoning is A-1, Agricultural District. Individual Well and Septic Tank/Drainfield. (Varina) 32 Lots

Mr. Wilhite - The next item appears on page 14, Turkey Island Bluffs (March 2000 Plan)? Staff is recommending approval.

Mr. Vanarsdall - Is there anyone in the audience in opposition to Turkey Island Bluffs (March 2000 Plan) subdivision. No opposition. All right, we need a motion.

Ms. Dwyer - All right. I move for the approval of subdivision Turkey Island Bluffs (March 2000 Plan) including standard conditions for this type of development and additional conditions Nos. 11 and 12.

Mr. Taylor - Second.

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

The Planning Commission granted conditional approval to subdivision Turkey Island Bluffs (March 2000 Plan), subject to the standard conditions for subdivisions not served by public utilities, the annotations on the plan and the following additional conditions. Mrs. O’Bannon was absent.

The detailed plant list and specifications for the landscaping to be provided within the 25-foot-wide planting strip easement along Warriner Road shall be submitted to the Planning Office for review and approval prior to recordation of the plat.

Prior to final approval, the engineer shall furnish the Planning Staff a plan showing the existing dwelling situated on Lot 3, Block A to determine if the lot design is adequate to meet the requirements of Chapter 24, of the Henrico County Code.
April 26, 2000

**SUBDIVISION**

Ackley Commerce Center (March 2000 Plan) (A dedication of a 310 foot portion of Ackley Avenue)

Bay Design Group, P.C. for Wilhook, LLC and Wilton Development Corporation: The site is located at the northeast terminus of Ackley Avenue approximately 1,300 feet north of its intersection with Parham Road on part of parcel 61-A-75. The zoning is M-1, Light Industrial District. County water and sewer. (Brookland) 0 Lot

Mr. Wilhite - On page 15, another subdivision, Ackley Commerce Center (March 2000 Plan). Staff is recommending approval.

Mr. Vanarsdall - Is there anyone in the audience in opposition to Ackley Commerce Center (March 2000 Plan) subdivision? No opposition. I move that Ackley Commerce Center (March 2000 Plan) (A dedication of a 310 foot portion of Ackley Avenue) be approved on the expedited agenda from the staff's recommendation, the annotations on the plan and No. 12 on the agenda.

Mr. Archer - Second.

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

The Planning Commission granted conditional approval to subdivision Ackley Commerce Center (March 2000 Plan) (A dedication of a 310 foot portion of Ackley Avenue), subject to the standard conditions for subdivisions served by public utilities, the annotations on the plan and the following additional condition. Mrs. O'Bannon was absent.

12. The final plat shall be submitted for final approval and recorded prior to issuance of an occupancy permit for POD-36-00.

**PLAN OF DEVELOPMENT**

POD-27-00
AAMCO - Laburnum Green Shopping Center - 5271 Laburnum Avenue (POD-32-90 Revised)

Balzer & Associates, P.C. for Millmont Limited Partnership and Robert C. King Jr.: Request for approval of a revised plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a one-story, 1,950 square foot quick lube, a one-story, 4,000 square foot transmission shop and a one-story 1,600 square foot future transmission shop. The 1.29 acre site is located at 5271 Laburnum Avenue on parcel 172-7-A-3. The zoning is B-3, Business District. County water and Sewer. (Varina)
Mr. Wilhite - On page 18, POD-27-00, AAMCO - Laburnum Green Shopping Center. On page 3 of your addendum there is a revised staff recommendation of approval. There is also revised plans.

Mr. Vanarsdall - Is there anyone in the audience in opposition to POD-27-00, AAMCO. No opposition.

Ms. Dwyer - I would like to ask Michael, again, if he could just briefly tell me the content of the revised plan.

Mr. Kennedy - The plan would call for a later addition to the AAMCO transmission shop. The original plan, actually, encroached into a yard for the addition. They had to revise the plans so the building addition would not be within the 50-foot yard. They moved the building and then it was approvable.

Ms. Dwyer - Okay.

Mr. Vanarsdall - Thank you, Mr. Kennedy. All right.

Ms. Dwyer - All right. I move for approval of POD-27-00, AAMCO at Laburnum Green Shopping Center. This motion is to include the standard conditions for this type of development, additional conditions Nos. 23 through 36 and it is an approval of the revised plan dated on April 20, 2000. Including the revised plans submitted April 20, 2000.

Mr. Wilhite - It's April 26, 2000.

Ms. Dwyer - April 26?

Mr. Wilhite - Yes.

Ms. Dwyer - Correct that. Including the revisions on the revised plans submitted April 26, 2000.

Mr. Archer - Second.

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

The Planning Commission approved POD-27-00, AAMCO - Laburnum Green Shopping Center - 5271 Laburnum Avenue (POD-32-90 Revised), subject to the standard conditions attached to these minutes for developments of this type, the annotations on the plan and the following additional conditions. Mrs. O'Bannon was absent.

23. The ground area covered by all the buildings shall not exceed in the aggregate 25 percent of the total site area.
24. No merchandise shall be displayed or stored outside of the building(s) or on sidewalk(s).

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

26. All repair work shall be conducted entirely within the enclosed building.

27. Outside storage shall not be permitted.

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

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

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

31. In the event of any traffic backup which blocks the public right-of-way as a result of congestion caused by the drive-up facilities, the owner/occupant shall close the drive-up facilities until a solution can be designed to prevent traffic backup.

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

33. The owners shall not begin clearing of the site until the following conditions have been met:

   (a) The site engineer shall conspicuously illustrate on the plan of development or subdivision construction plan and the Erosion and Sediment Control Plan, the limits of the areas to be cleared and the methods of protecting the required buffer areas. The location of utility lines, drainage structures and easements shall be shown.

   (b) After the Erosion and Sediment Control Plan has been approved but prior to any clearing or grading operations of the site, the owner shall have the limits of clearing delineated with approved methods such as flagging, silt fencing or temporary fencing.

   (c) The site engineer shall certify in writing to the owner that the limits of clearing have been staked in accordance with the approved plans. A copy of this letter shall be sent to the Planning Office and the Department of Public Works.

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

34. The conceptual master plan, as submitted with this application, is for planning and information purposes only. All Subsequent detailed plans of development and construction plans needed to implement this conceptual plan may be administratively...
reviewed and approved and shall be subject to all regulations in effect at the time such subsequent plans are submitted for review/approval.

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

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

**PLAN OF DEVELOPMENT**

POD-23-00
Daniels Office Building - Brook Road and Maryland Avenue

*Michael E. Doczi & Associates, PLLC for Kenneth N. & Janet Daniels:* Request for approval of a plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code to convert a one and a half story, 2,000 square foot single-family dwelling to an office. The 0.69 acre site is located at the intersection of Brook Road (U.S. Route 1) and Maryland Avenue on parcel 53-1-21-1. The zoning is O-1C, Office District (Conditional). County water and sewer. *(Fairfield)*

Mr. Wilhite - The next item is on page 20, POD-20-00, Daniels Office Building. On page 3 of your addendum there is also a revised recommendation and revised plans for this project as well.

Mr. Vanarsdall - Is there anyone in the audience in opposition to POD-23-00, Daniels Office Building on Brook Road and Maryland Avenue in the Fairfield district? No opposition.

Mr. Archer.

Mr. Archer - Mr. Chairman, I move approval of POD-23-00, Daniels Office Building, subject to the standard conditions, the annotations on the plan, conditions Nos. 23 through 29 and the additional recommendation in the addendum.

Ms. Dwyer - Do we have a new revised plan on that?

Mr. Kennedy - Yes, there is a revised plan with that as well.

Mr. Archer - What's the date of that?

Mr. Kennedy - April 19.

Mr. Archer - April 19?

Mr. Kennedy - Yes.

April 26, 2000
Mr. Archer - And subject to the April 19 revision.
Ms. Dwyer - Second.
Mr. Vanarsdall - The motion was made by Mr. Archer and seconded by Ms. Dwyer. All in favor say aye...all opposed say nay. The motion carries.

The Planning Commission approved POD-23-00, Daniels Office Building Brook Road and Maryland Avenue, subject to the standard conditions attached to these minutes for developments of this type, the annotations on the plan and the following additional conditions.

Mrs. O'Bannon was absent.

23. The entrances and drainage facilities on Brook Road (State Route 1) shall be approved by the Virginia Department of Transportation and the County.
24. A notice of completion form, certifying that the requirements of the Virginia Department of Transportation entrances permit have been completed, shall be submitted to the Planning Office prior to any occupancy permits being issued.
25. All exterior lighting fixtures shall be designed and arranged so the source of light is not visible from the roadways or adjacent residential properties. The lighting shall be low intensity, residential in character, and the height or standards shall not exceed 15 feet.
26. Deviations from County standards for pavement, curb or curb and gutter design shall be approved by the County Engineer prior to final approval of the construction plans by the Department of Public Works.
27. Approval of the construction plans by the Department of Public Works does not establish the curb and gutter elevations along the Virginia Department of Transportation maintained right-of-way. The elevations will be set by the contractor and approved by the Virginia Department of Transportation.
28. Approval of the construction plans by the Department of Public Works does not establish the curb and gutter elevations along the Henrico County maintained right-of-way. The elevations will be set by Henrico County.
29. Any necessary off-site drainage easements must be obtained in a form acceptable to the County Attorney prior to final approval of the construction plans by the Department of Public Works.

PLAN OF DEVELOPMENT

POD-28-00 Twin Hickory Office Building

Jordan Consulting Engineers, P.C. for Brandywine Operating Partnership, L. P.: Request for approval of a plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a three-story, 74,500 square foot office building. The 6.97 acre site is located on the southeast corner of Nuckols Road and Twin Hickory Lane on parcels 18-A-25 and 25A. The zoning is O-2C, Office District. County water and Sewer. (Three Chopt)
Mr. Wilhite - On page 23, POD-28-00, Twin Hickory Office Building. On page 4 of your addendum there is a revised recommendation. Staff recommends approval.

Mr. Vanarsdall - Is there anyone in the audience in opposition to POD-28-00, Twin Hickory Office Building in the Three Chopt District? No opposition. Mr. Taylor.

Mr. Taylor - Mr. Chairman, I move that the Commission approve POD-28-00, Twin Hickory Office Building, subject to the standard conditions for developments of this type, and additional conditions Nos. 23 through 32.

Mr. Archer - Second, Mr. Chairman.

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

The Planning Commission approved POD-28-00, Twin Hickory Office Building, subject to the standard conditions attached to these minutes for developments of this type, the annotations on the plan and the following additional conditions. Mrs. O'Bannon was absent.

23. The right-of-way for widening of Nuckols Road and Twin Hickory Lane as shown on approved plans shall be dedicated to the County prior to any occupancy permits being issued. The right-of-way dedication plat and any other required information shall be submitted to the County Real Property Agent at least sixty (60) days prior to requesting occupancy permits.

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

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

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

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

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

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

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

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

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

LANDSCAPE PLAN

LP/POD-85-99
Crestar Bank @ Virginia Center Marketplace

Architects Dayton Thompson & Associates: Request for approval of a landscape plan as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code. The 1.01 acre site is located on an outparcel of Virginia Center Market Place Shopping Center along the west line of Brook Road (U. S. Route 1) approximately 900 feet north of its intersection with J.E.B. Stuart Parkway on part of parcel 24-A-9D. The zoning is B-3C, Business District (Conditional). (Fairfield)

Mr. Wilhite - On page 27, a landscape plan LP/POD-85-99, Crestar Bank @ Virginia Center Marketplace. Staff is recommending approval.

Mr. Vanarsdall - Is there anyone in the audience in opposition to the landscape plan for LP/POD-85-99, Crestar Bank @ Virginia Center Marketplace? No opposition. Mr. Archer.

Mr. Archer - Was there anything on the addendum with regard to that?

Mr. Wilhite - No, sir.

Mr. Archer - Okay. Mr. Chairman, I recommend approval for LP/POD-85-99, Crestar Bank at Virginia Center Marketplace, subject to the annotations on the plan and the standard conditions for landscape plans.

Mr. Taylor - Second.

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

The Planning Commission approved the landscape plan for LP/POD-85-99, Crestar Bank @ Virginia Center Marketplace, subject to the annotations on the plan and the standard conditions for landscape plans. Mrs. O’Bannon was absent.
LIGHTING PLAN

LP/POD-13-99  
Banks Brothers First Health II  

DPR Construction Inc.: Request for approval of a lighting plan as required by Chapter 24, Section 24-106 of the Henrico County Code. The 7.88 acre site is located on the west line of Cox Road, approximately 900 feet south of Waterfront Place on parcel 38-3-B-7. The zoning is O-3C, Office District (Conditional). (Three Chopt)

Mr. Wilhite - Also on page 27, lighting plan, LP/POD-POD-13-99, Banks Brothers First Health II. Staff is recommending approval.

Mr. Vanarsdall - Is there anyone in the audience in opposition to the lighting plan for LP/POD-13-99, Banks Brothers First Health II in the Three Chopt District? No opposition.

Mr. Taylor.

Mr. Taylor - Mr. Chairman, I move that the Commission approve LP/POD-13-99, Banks Brothers First Health II subject to the annotations on the plans and the standard conditions for lighting plans.

Ms. Dwyer - Second.

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

The Planning Commission approved the lighting plan for LP/POD-13-99, Banks Brothers First Health II, subject to the annotations on the plan and the standard conditions for lighting plans.

LANDSCAPE & LIGHTING PLAN

LP/POD-58-99  
KBS Inc., Office Warehouse  

Burgess & Niple, Inc.: Request for a 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 9.3 acre site is located along the north line of Technology Park Drive, approximately 600 feet west of J.E.B. Stuart Parkway on parcel 33-A-64E. The zoning is M-1C, Light Industrial District (Conditional). (Fairfield)

Mr. Wilhite - Page 28. We have a landscape and lighting plan for LP/POD-58-99, KBS Inc., Office Warehouse. On page 5 of your addendum there is a revised recommendation and there is also revised plans. Staff is recommending approval.

Mr. Vanarsdall - Is there anyone in the audience in opposition to the landscape and lighting plan for LP/POD-58-99, KBS Inc., Office Warehouse in the Fairfield District? No
Mr. Archer - Mr. Chairman, I recommend approval of landscape and lighting plan LP/POD-58-99, KBS Ins., Office Warehouse, subject to the annotations on the plan, the standard conditions and the revised plans for April 26, 2000.

Mr. Taylor - Second.

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

The Planning Commission approved the landscape and lighting plan for LP/POD-58-99, KBS Inc., Office Warehouse, subject to the annotations on the plan and the standard conditions for landscape and lighting plans. Mrs. O’Bannon was absent.

Mr. Wilhite - Mr. Chairman, that concludes our Expedited Agenda for the nine o’clock agenda. The other four items our scheduled for the ten o’clock agenda.

Mr. Vanarsdall - Would it be in our advantage to announce the ten o’clock cases just in case someone is here?

Mr. Wilhite - Yes. I can tell you which ones are on the ten o’clock agenda for expedited approval.

Mr. Vanarsdall - Of course, we can't take any action on it until ten o’clock.


Mr. Vanarsdall - Thank you, Mr. Wilhite.

Ms. Dwyer - Mr. Wilhite, on that last one KBS, the revised plan, was that a part of our packet?

Mr. Wilhite - Yes. I've been told that's included in your packet.

Ms. Dwyer - Okay. I didn't see that. Does anybody else have that?

Mr. Archer - Yes, I have it.

Ms. Dwyer - Okay.

Mr. Archer - Yes, I have it too.
Mr. Archer - Mr. Chairman, I believe we need a paper break.

Mr. Vanarsdall - Ms. Dwyer, do you want Ms. News to tell you what the revisions are on that?

Ms. News - The revised plan just had an annotation to change some shrubs at the request of an adjacent neighbor who preferred a different shrub adjacent to her home.

Ms. Dwyer - Okay.

Mr. Vanarsdall - Thank you, Ms. News. All right. Mr. Marlies, I think we are starting on page 4.

Mr. Marlies - The next item on the agenda, Mr. Chairman, is subdivision extensions of conditional approval. This information is being presented for informational purposes only. We have three subdivisions that have requested one-year extension: Hunters Run, Hunton Park and White Oak Forest. Staff is recommending a one-year extension on those particular subdivisions.

Mr. Vanarsdall - We don't have to take any actions on those, you do that, right?

Mr. Marlies - That's correct.

Mr. Vanarsdall - Okay. Are you ready.

Mr. Marlies - Yes, sir. The first item on the nine o'clock agenda for the Commission's action is a landscape and lighting plan for LP/POD-122-98. This is for the Steward School.

LANDSCAPE & LIGHTING PLAN (Deferred from the March 22, 2000, Meeting)

LP/POD-122-98 Steward School

Van Yahres/Vince Narron: Request for a 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 35.7 acre site is located at the northwest corner of Gayton Road and Ryandale Road on parcels 77-A-4, 77-A-20 and 77-A-21. The zoning is A-1, Agricultural District. (Tuckahoe)

Mr. Vanarsdall - Is there anyone in the audience in opposition to LP/POD-122-98, Steward School, landscape and lighting plan? All right. We will be right with you, Mr. Haigh. Good morning, Mr. Strauss.

Mr. Strauss - Good morning and thank you, Mr. Chairman. This application was deferred at the applicant's request at our last meeting in order to give the neighborhood on Baypines Lane an opportunity to meet with the applicant and discuss the proposed lighting and
landscaping for the Steward School. Since that time, the school has met with the neighbors on two occasions and a revised plan has been filed, which you have received in your addendum this morning. In the interest of the neighbors, staff has proposed some additional conditions to this application, which the applicant is agreeable to. Those conditions have to do primarily with the height of the light poles, vehicular access on the site and future supplemental landscaping if needed. Since the applicant is agreeable to these additional conditions, staff can now recommend approval and I’ll be happy to answer any additional questions that you may have. Thank you.

Mr. Vanarsdall - Are there any questions for Mr. Strauss? Mr. Archer would you like to hear from the applicant?

Mr. Archer - I don’t believe so, unless some of the others would.

Mrs. O’Bannon enters at this time.

Mr. Vanarsdall - Good morning, Mrs. O’Bannon. I know you had a late hour last night.

Mrs. O’Bannon - You were there also. Yeah, it ran a little late last night. I apologize for being late getting here.

Mr. Vanarsdall - No problem.

Mrs. O’Bannon - Yes. We did have meetings with the citizens and I’m really pleased to see the addition of the 12-foot light poles. I think that’s a good move and I appreciate them doing that.

Mr. Archer - Mr. Strauss, was this all the light poles or just those as indicated in the conditions?

Mr. Strauss - Only the four light poles adjacent to the rear lots of Baypines would be 12 feet in height.

Mr. Archer - Okay. Thank you.

Mr. Vanarsdall - All right. We do have some opposition. Come down, sir.

Mr. Haigh - My name is Dick Haigh and I’m a neighbor. In fact, I live right behind the school. My comments are not in opposition, in fact, it’s the other way. We neighbors behind the school appreciate the Steward School going along with our recommendations and all the work that the Henrico County people have put on this. However, we do hope that the next time that they plan a meeting with the neighbors that they make the meeting later in the evening so that the homeowners that work can attend. We highly recommend the meeting time to be at 7:00 p.m. rather than at 5:00 p.m. And, again, I thank everybody. Thank you very much.
Mr. Vanarsdall - Thank you for your comments, Mr. Haigh. Are there any questions of Mr. Haigh by Commission members? Mr. Archer.

Mr. Archer - Mr. Chairman, with that, I move approval of LP/POD-122-98, Steward School, subject to the annotations on the plans and the standard conditions for landscape and lighting plans and the new conditions Nos. 5, 6, 7 and 8. That's it.

Mr. Taylor - Second.

Mr. Vanarsdall - The motion was made by Mr. Archer and seconded by Mr. Taylor. All in favor way aye...all opposed say nay. The motion carries.

The Planning Commission approved the landscape and lighting plan for LP/POD-122-98, Steward School, subject to the annotations on the plan, the standard conditions for landscape and lighting plans and the following additional conditions:

5. The property shall be developed as shown on the annotated plan filed with the case and no changes or additions to the layout shall be made without the approval of this Commission.
6. The light poles along the rear yards of the lots on Baypines Lane will be limited to a height of twelve (12) feet, as measured from finish grade to the lens of the fixture. After 10:00 p.m. lights in the parking area will be reduced in accordance with the agreement dated April 10, 2000.
7. The exterior building mounted lights on the north side of the gymnasium will be operated by a motion detector.
8. The applicant agrees to restrict vehicular access to the gymnasium from Ryandale Road with a traffic barrier. Access would be restricted after normal hours of operation. Access to the rear of the fine arts building from Gayton Road will be limited to emergency use only. In both cases, the traffic barrier may be either bollards or a gate, as approved by the Fire Marshall.
9. The applicant agrees to meet with the neighbors of Baypines to discuss supplementary planting in the buffer area by the end of May 2000. If mutual agreement regarding supplemental planting is not achieved, the Planning Commission will reconsider the landscape plan for this area.
E. D. Lewis & Associates for Tarmac America, Inc.: Request for approval of a revised plan of development, transitional buffer deviation and special exception for a building exceeding 50 feet in height, as required by Chapter 24, Sections 24-106, 24-106.2 and 24-94(g) of the Henrico County Code to construct a one-story, 1,800 square foot addition to an existing 34,025 square foot concrete block plant that exceeds 50 feet in height. The 5.0 acre site is located at 1650 Darbytown Road, 762 feet north of the CSX Railroad right-of-way, on parcel 181-A-44A. The zoning is M-2, General Industrial District. County water and sewer. (Varina)

Mr. Vanarsdall - Is there anyone in the audience in opposition to POD-13-00, Tarmac Block Plant Addition (POD-47-80 Revised)? No opposition. Mr. Kennedy.

Mr. Kennedy - There is a revised plan, Mr. Chairman. There are several unique circumstances surrounding this. There is a transitional buffer deviation. There is also a special height exception as well. This is required with the approval of this plan. The original POD for this site was approved in 1980. It was for the Darbytown Industrial Park. There was an administrative amendment approved in 1988 that permitted the Tarmac Plant, which was a concrete product plant, to be built in 1988. At that time, they were also given a variance to build the plant within 300 feet of residential property, which was across the street. At that time, there was no transitional buffer requirement. There was a fence required as a part of the POD on the front of the property. The plant was not constructed in accordance with the approved POD and there was a lift for the materials to go into the product, to go into the plant, they are stone and concrete, and that exceeds the height limit. That was built in 1988. That's where the height exception comes in. It's not with the current plan. The current plan is for an addition to enclose a packaging of products, which they already do outside the building right now. So, actually, when they enclose the outdoor process they will be providing additional protection for the neighborhood. As far as the Board of Zoning Appeals, they reviewed this case in March of this year because of the plant addition, again, it's within 300 feet of residential so it needed a variance. A variance was approved subject to POD conditions as may be approved by the Planning Commission. So, it comes back to the Planning Commission as opposed to the BZA approving the site plan. The Board of Zoning Appeals felt that the Planning Commission should be the best place to deal with the transitional buffer issues.

The applicants have submitted a revised plan which is before you. They have come back in and they have agreed to provide a, where the addition is, a 7-foot-high, block wall, 10 feet back. So that is still a variation from the required transitional buffer, it's a deviation as opposed to an approved alternate from the 35-foot transitional buffer. So it does require transitional buffer deviation approval. Staff is recommending that 25 foot, the typical landscaping that
would go into a 25-foot buffer, be put into the 10-foot buffer in that section. And that would extend along the property line and the annotations on the plan require it along the parking lot on the plan to wrap to the 35-foot transitional point on that side. The developer has also agreed to replace the fence that was previously approved along the front of the building to extend to the eastern property line. Basically, what that would do is have a fence along the property line.

Ms. Dwyer - Repeat what you just said, please.

Mr. Kennedy - What they have agreed to is what there was originally on the original 1988 plan, which was a fence along the right-of-way line. And what the applicant has agreed to do is replace that fence along the right-of-way line from the point where the block wall is shown to their eastern property line, to the other building. That would provide buffering. The applicant has indicated that they can't put the block wall 10 foot back at that point because it would restrict their process activity within that area.

Ms. Dwyer - So we have a seven-foot split face block wall and then.…

Mr. Kennedy - A fence will be provided. It would offset to the right-of-way and then extend along the right-of-way line.

Ms. Dwyer - Along Darbytown.

Mr. Kennedy - Yes, along Darbytown Road.

Ms. Dwyer - And what kind of fence would that be?

Mr. Kennedy - They've indicated that it would be a wood fence and would have rolling gates.

Ms. Dwyer - A wood fence with rolling gates?

Mr. Kennedy - Yes, with rolling gates. Staff conditions, the annotations on the plan calls for a structural screen to be approved by staff so that whatever final design... They are contemplating trying to put block at that point. What they are looking at is trying to see where they can build it. A fence could be put right on the property line, block may have to be offset because of the footings and things so there is some sort of concern about that.

Ms. Dwyer - They are concerned about being able to extend the block wall?

Mr. Kennedy - To build a block wall along that section.

Ms. Dwyer - So, that is why they are only commiting to the wood fence.

Mr. Kennedy - Right.
Ms. Dwyer - So, there's a possibility that we may have a consistent block wall along that whole frontage?

Mr. Kennedy - Yes.

Ms. Dwyer - So, we just don't know, yet. What's holding up the decision on that?

Mr. Kennedy - We have just been dealing with Public Works recently on this as far as what can be done. And the Fire Marshall has also expressed concern and now that they have agreed, they are putting in gates anyway along there, so it's not going to be fully consistent anyway. The object was just to give some sort of flexibility to staff to be able to resolve the issue and try to achieve the maneuvering that they need behind the wall to maintain their process. And this plant was approved in 1988. So, it's kind of hard to move. It was forced in that location because it was a former railroad right-of-way behind them. So, it was agreed in 1988 that it was an okay location.

Ms. Dwyer - To push it forward.

Mr. Kennedy - To push to the right-of-way. The problem is, as far as Public Works is concerned, is they want to make sure that there is a fence there so there is no maneuvering back into the right-of-way. Planning's concern is the aesthetics to make sure it is screened. Fire's concern is they don't want a full block wall because they need access. So, it's like we are trying to juggle these issues. And what we have come up with is a way that we can resolve these details at construction plan stage. And the applicant has acted in good faith and we feel that we can resolve it and come up with something which is most appropriate to meet all those needs at the same time.

Ms. Dwyer - Okay. Are there any conditions that address this unanswered question about the extended fence?

Mr. Kennedy - It does have to come back for landscape plan approval. We are recommending that it do come back for No. 9 amended. So, that is an opportunity for it to come back so that the Planning Commission can see how it looks.

Ms. Dwyer - To examine the fence.

Mr. Kennedy - To examine the fence at that point, as a landscape detail.

Ms. Dwyer - Either way there is not going to be space for landscaping between Darbytown and whatever fence or wall is put in that location.

Mr. Kennedy - In that location, no, there won't be.

Ms. Dwyer - But where we show the wall at this plan there will be....
April 26, 2000  

Mr. Kennedy - There will be a place to put landscaping, yes.

Ms. Dwyer - Have they agreed to the transitional buffer 25 landscaping?

Mr. Kennedy - Yes, they have.

Ms. Dwyer - The quantity and quality of materials along there?

Mr. Kennedy - Yes they have. What we did, just so that the Planning Commission could see something (staff was putting pictures on document camera at this time).... Basically, on the lower photo you can see how it kinds of open up to the street. The plan that we have done, we've actually drawn in with Photo Paint a wall showing what it would look like with typical landscaping. We tried to soften it up.

Ms. Dwyer - Could you darken the picture a little bit, on my copy it's wash out?

Mr. Kennedy - Sorry, the color document camera is not working so it's hard to make the adjustments. So, basically, what we tried to do is come up with a plan that provides buffering and is an improvement to the actual existing situation and what they are also doing is also improving by containerizing their packaging so their process is now within the building. All those things we think are positive things and we think that this is the best one we can move forward at this time.

Ms. Dwyer - So, the transitional buffer deviation and special exception for height really are because of what's existing.

Mr. Kennedy - Exactly.

Ms. Dwyer - And we are not really approving any additional encroachments to anything, we are just approving what's already there.

Mr. Kennedy - Exactly.

Ms. Dwyer - And then with the wall and the additional landscaping is an attempt to screen somewhat that existing operation.

Mr. Kennedy - Right. And, basically, where they are really responsible for their transitional buffering is really where the new addition is and where the new parking area is.

Ms. Dwyer - Because I look at this picture and I think the transitional buffer 25 call for a certain number of deciduous trees, I'm thinking maybe all evergreens would be better at this location. But, we can deal with that at landscaping time.

Mr. Kennedy - Yes, we can deal with that at landscape time. Part of the problem with
having evergreens is that basically they limit sight distance as well. So it is a combination of
those two things. We need to get sight distance. The wall close to the right-of-way, they still
need to be able to see. So, we are, again, juggling a very tight site.

Ms. Dwyer - Well, we hope it will be better when we are finish with it this time.

Mr. Kennedy - Well, I'm sure it will be better.

Ms. Dwyer - As far as the residents are concern.

Mr. Kennedy - As far as the residents are concern and the appearance along the road. I
think it would be a cleaner site and it would be safer because they won't have that wide, open
space where they can do transitions into the right-of-way and protect the right-of-way.

Ms. Dwyer - Okay. Thank you.

Mr. Vanarsdall - Are there any other questions for Mr. Kennedy? All right. Are you
ready for a motion, Ms. Dwyer?

Ms. Dwyer - Mr. Secretary, do we need a separate motion for transitional buffer
deviation and a special exception for height.

Mr. Marlles - Yes, ma'am.

Mr. Vanarsdall - Yes we do. We need one for POD, one for the deviation and one for the
special exception.

Ms. Dwyer - We need three motions then or just two? How would you like to have
your motions?

Mr. Marlles - My preference is to have them as separate motions.

Ms. Dwyer - All right. For POD-13-00, Tarmac Block Plant, I move that the
transitional buffer deviation be approved as indicated on the plans submitted. Again, this is a
situation which is existing and we are trying to dot all of our I's and cross all of our T's and
try to improve the aesthetics from the roadway. So, I move for the approval of transitional
buffer deviation. I need a second.

Mr. Taylor - Second.

The motion was made by Ms. Dwyer and seconded by Mr. Taylor. All
in favor say aye...all opposed say nay. The motion carries.

The Planning Commission approved the transitional buffer deviation for POD-13-00, Tarmac
Block Plant Addition (POD-47-80 Revised).
Ms. Dwyer - Again, there is an existing building structure that exceeds what is the
limit set forth in the code. I believe the BZA has already approved that height extension, is
that correct?
Mr. Kennedy - No, they approved the separation from the residential property.
Ms. Dwyer - Okay. Sorry. That was a separate issue. We don't have to make a
motion on that one. So, I move that we approve the special exception for building height
exceeding 50 feet in this case.
Mr. Archer - Second, Mr. Chairman.
Mr. Vanarsdall - The motion was made by Ms. Dwyer and seconded by Mr. Archer. All
in favor say aye...all opposed say nay. The motion carries.
The Planning Commission approved the special exception for height limitation for POD-13-00,
Tarmac Block Plant Addition (POD-47-80 Revised).
Ms. Dwyer - Now for approval of POD-13-00, I move for approval including the
standard conditions for this type of development, additional conditions Nos. 23 through 29 and
adding No. 9 amended the landscaping plan to come back so that we can look at the
landscaping along Darbytown roadway. And this is a revised plan dated April 19, 2000.
Mr. Taylor - Second.
Mr. Vanarsdall - The motion was made by Ms. Dwyer and seconded by Mr. Taylor. All
in favor say aye...all opposed say nay. The motion carries.
The Planning Commission approved POD-13-00, Tarmac Block Plant Addition (POD-47-80
Revised) subject to the standard conditions attached to these minutes, the annotations on the
plan and the following additional conditions.
9. AMENDED - A detailed landscaping plan shall be submitted to the Planning Office for
review and Planning Commission approval prior to the issuance of any occupancy
permits.
23. The easements for drainage and utilities as shown on approved plans shall be granted to
the County in a form acceptable to the County Attorney prior to any occupancy permits
being issued. The easement plats and any other required information shall be submitted
to the County Real Property Agent at least sixty (60) days prior to requesting
occupancy permits.
24. The developer shall provide fire hydrants as required by the Department of Public
Utilities in its approval of the utility plans and contracts.
25. Deviations from County standards for pavement, curb or curb and gutter design shall
be approved by the County Engineer prior to final approval of the construction plans by
the Department of Public Works.
26. The loading areas shall be subject to the requirements of Chapter 24, Section 24-97(b)
of the Henrico County Code.

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

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

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

PLAN OF DEVELOPMENT

POD-24-00
Wawa, Inc. - Mountain Rd.
and Brook Road (Rt. 1)

Jordan Consulting Engineers, P.C. for Church Zed J. and Joan A. Wampler, Jr. and Wawa, 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, 4,848 square foot Wawa Food Market with fuel pumps. The 3.10 acre site is located on Brook Road (U.S. Route 1) and Mountain Road on parcels 53-A-40 and 53-A-41. The zoning is B-3, Business District. County water and sewer. (Fairfield)

Mr. Vanarsdall - Is there anyone in the audience in opposition to POD-24-00, Wawa, Inc.? No opposition. Mr. Kennedy. We also have another revised plan dropped out of the ceiling on us.

Mr. Kennedy - I got a lot of revised plans that came in on Friday, late last week. This is actually a conceptual landscape plan, for your benefit. There is a large detention area in the front of the Wawa. And, basically, we wanted to have you take note of that. Wawa is a convenience store. This is a new company entering the Richmond market. They like to themselves as the Ukrop's of convenience stores. They have a very clean look. I do have some photos. These photos doesn't quite do them justice. Wawa has worked diligently with the staff. The one condition that we were concern about with this conceptual plan is there are some very large 100-year-old trees that are there, on the plan, and they have regarded this site and that's one of the things that show on the conceptual plan. It's regraded to save the 100-year-old trees. However, staff is concerned about with regard to conceptual plan that it doesn't meet the guidelines of the stormwater management guidelines as far as screening of the detention areas. So, we would like to recommend that the Planning Commission consider No. 9 amended and because it is a convenience store and because of light levels, No. 11 amended as well.

Ms. Dwyer - Is this the first Wawa store in Henrico?

Mr. Kennedy - This is the first Wawa in Henrico, there's one in Chesterfield County that's under construction.

April 26, 2000
Ms. Dwyer - I remember meeting with the Wawa people some time ago. Are the Wawa folks familiar with our policies regarding lighting fixtures and recess lighting and canopies?

Mr. Kennedy - Yes, they are. And basically what they have shown is that the fixtures are behind the canopy so they would not be exposed.

Ms. Dwyer - This photo seems to show some spot lights below the canopy that's why I asked.

Mr. Kennedy - Right, and they have been advised of that. And as additional assurance, No. 11 amended would have it coming back.

Mr. Vanarsdall - Are there any other questions by Commission members? Mr. Archer, do you have any questions?

Mr. Archer - I don't believe so, Mr. Chairman.

Mr. Vanarsdall - All right. We are ready for a motion.

Mr. Archer - Well, I did receive a call yesterday at home from one of the Wawa personnel who indicated that they are willing to go along with whatever it is we suggest in terms of improving this. And with that, Mr. Chairman, I move approval of POD-24-00, Wawa Inc., subject to the standard conditions for developments of this type, the annotations and the following additional conditions:

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

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

23. Bulk storage of fuel shall be underground.

24. There shall be no exterior display of merchandise except on pump islands and on paved walkway areas within three (3) feet of building.

April 26, 2000
25. Lighting fixtures shall not exceed a height greater than twenty (20) feet.
26. No temporary storage of wrecked or inoperative vehicles or rental of vehicles, trailer campers, vans or similar equipment shall be permitted.
27. Not more than two (2) electronic amusement games shall be permitted.
28. Not more than two (2) vending machines for food and beverage and similar merchandise shall be permitted on the premises outside of an enclosed building.
29. The right-of-way for widening of Rook Road (U.S. Route 1) as shown on approved plans shall be dedicated to the County prior to any occupancy permits being issued.
30. The right-of-way dedication plat and any other required information shall be submitted to the County Real Property Agent at least sixty (60) days prior to requesting occupancy permits.
31. Not more than two (2) vending machines for food and beverage and similar merchandise shall be permitted on the premises outside of an enclosed building.
32. A notice of completion form, certifying that the requirements of the Virginia Department of Transportation entrances permit have been completed, shall be submitted to the Planning Office prior to any occupancy permits being issued.
33. The developer shall provide fire hydrants as required by the Department of Public Utilities in its approval of the utility plans and contracts.
34. A standard concrete sidewalk shall be provided along the west side of Brook Road (U.S. Route 1).
35. Outside storage shall not be permitted.
36. Deviations from County standards for pavement, curb or curb and gutter design shall be approved by the County Engineer prior to final approval of the construction plans by the Department of Public Works.
37. Insurance Services Office (ISO) calculations must be included with the utilities plans and contracts and must be approved by the Department of Public Utilities prior to the issuance of a building permit.
38. Approval of the construction plans by the Department of Public Works does not establish the curb and gutter elevations along the Henrico County maintained right-of-way. The elevations will be set by Henrico County.
39. Approval of the construction plans by the Department of Public Works does not establish the curb and gutter elevations along the Virginia Department of Transportation maintained right-of-way. The elevations will be set by the contractor and approved by the Virginia Department of Transportation.
40. The owners shall not begin clearing of the site until the following conditions have been met:

(a) The site engineer shall conspicuously illustrate on the plan of development or subdivision construction plan and the Erosion and Sediment Control Plan, the limits of the areas to be cleared and the methods of protecting the required
buffer areas. The location of utility lines, drainage structures and easements shall be shown.

(b) After the Erosion and Sediment Control Plan has been approved but prior to any clearing or grading operations of the site, the owner shall have the limits of clearing delineated with approved methods such as flagging, silt fencing or temporary fencing.

(c) The site engineer shall certify in writing to the owner that the limits of clearing have been staked in accordance with the approved plans. A copy of this letter shall be sent to the Planning Office and the Department of Public Works.

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

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

**PLAN OF DEVELOPMENT**

POD-26-00

New Bridge Baptist Church

Master Plan, Phase 1 - Old Williamsburg Road & Elko Road

Draper Aden Associates for New Bridge Baptist Church:

Request for approval of a plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code to construct in Phase I a two-story, 43,200 square foot church and in Phase II a two-story, 36,000 square foot church. The 51.466 acre site is located at the corner of Elko Road (State Rt. 156) and Old Williamsburg Road on parcel 177-A-40B. The zoning is A-1, Agricultural District. County water and Septic Tank/Drainfield. (Varina)

Mr. Vanarsdall - Is there anyone in the audience in opposition to POD-26-00, New Bridge Baptist Church Master Plan, Phase 1? No opposition. I wouldn't think anybody would be opposing New Bridge Baptist Church but I have to ask that. And we do have a distinguish guest here, I think, on behalf of that, and that's Mr. James Nunnally, member of the BZA. Jim, are you here in behalf of the church or are you spying on us?

Mr. Nunnally - I'm spying on you.

Mr. Vanarsdall - Ha ha. No opposition to this case. Mr. Kennedy.

Mr. Kennedy - We need a waiver for time limit because they submitted a revised plan, which is on the document screen now, which addresses some of the Fire Marshall’s conditions about having fire lanes around the building. We have gotten some calls from one of the neighbors, Mr. Campbell. I don’t know if he’s in the audience or not. He’s spoken to the engineer and staff about concerns about drainage, and these concerns have been addressed by annotations on the plans.

April 26, 2000
Mr. Vanarsdall - So, they have been addressed?

Mr. Kennedy - Yes, by annotations on the plans.

Ms. Dwyer - Which annotations address the drainage concerns?

Mr. Kennedy - Well there’s an annotation that refer… well, it’s not directly on the plan it’s referring back to the comments which there is a comment by Public Works that they have to provide stormwater routing that show channels through the property and show adequacy of those channels or require adequate easements. And the easements are standard conditions but the adequacy of channels is a condition by Public Works. The applicant has agreed to do that because they need to do that in order to meet our standards. Basically, it’s a two-phase plan. Phase one being basically a school building, which is here, and then an auditorium here. They will later add a sanctuary building here and then the parking and the future parking and a future access.

Mr. Vanarsdall - Are there any other questions for Mr. Kennedy?

Mr. Kennedy - We need to waive the time limits for the revised plans.

Ms. Dwyer - All right. I move that we waive the time limits required for POD submittals for POD-26-00.

Mr. Archer - Second, Mr. Chairman.

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

The Planning Commission approved to waive the limits of time to accept the revised plans.

Ms. Dwyer - I move for approval of POD-26-00, New Bridge Baptist Church Master Plan, Phase I, including standard conditions for this type of development and additional conditions Nos. 23 through 36 and adding Nos. 9 and 11 amended.

Mr. Taylor - Second.

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

The Planning Commission approved POD-26-00, New Bridge Baptist Church Master Plan, Phase 1, subject to the standard conditions attached to these minutes for developments of this type, the annotations on the plans and the following additional conditions:

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

April 26, 2000 -35-
review and Planning Commission approval prior to the issuance of any occupancy permits.

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

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

24. The limits and elevations of the 100-year frequency flood shall be conspicuously noted on the plan “Limits of 100 Year Floodplain.” In addition, the delineated 100-year floodplain must be labeled “Variable Width Drainage and Utility Easement.” The easement shall be granted to the County prior to the issuance of any occupancy permits.

25. The entrances and drainage facilities on State Route 156 shall be approved by the Virginia Department of Transportation and the County.

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

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

28. All exterior lighting fixtures shall be designed and arranged so the source of light is not visible from the roadways or adjacent residential properties. The lighting shall be low intensity, residential in character, and the height or standards shall not exceed 15 feet.

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

30. The applicant shall furnish proof to the Planning Office that conditions satisfactory to the Health Department have been met that insure the proposed septic tank drainfield system is suitable for this project prior to the issuance of a building permit.

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

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

33. The conceptual master plan, as submitted with this application, is for planning and information purposes only. All Subsequent detailed plans of development and construction plans needed to implement this conceptual plan may be administratively reviewed and approved and shall be subject to all regulations in effect at the time such subsequent plans are submitted for review/approval.

34. The owners shall not begin clearing of the site until the following conditions have been met:

(a) The site engineer shall conspicuously illustrate on the plan of development or
subdivision construction plan and the Erosion and Sediment Control Plan, the
limits of the areas to be cleared and the methods of protecting the required
buffer areas. The location of utility lines, drainage structures and easements
shall be shown.

(b) After the Erosion and Sediment Control Plan has been approved but prior to any
clearing or grading operations of the site, the owner shall have the limits of
clearing delineated with approved methods such as flagging, silt fencing or
temporary fencing.

(c) The site engineer shall certify in writing to the owner that the limits of clearing
have been staked in accordance with the approved plans. A copy of this letter
shall be sent to the Planning Office and the Department of Public Works.

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

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

36. Approval of the construction plans by the Department of Public Works does not
establish the curb and gutter elevations along the Virginia Department of Transportation
maintained right-of-way. The elevations will be set by the contractor and approved by
the Virginia Department of Transportation.

Mr. Vanarsdall - All right, Mr. Secretary, I believe we are now on the ten o'clock
agenda, aren't we?

Mr. Marlles - Yes. But, however, there are two late additions to your addendum on
page 8 that could be handled now by the Planning Commission.

Mr. Vanarsdall - If you don't mind, I would like to take those after we take a break.

Mr. Marlles - Yes, sir.

Mr. Vanarsdall - The Commission will now take a break.

AT THIS TIME THE COMMISSION TOOK A BREAK

The Commission will now reconvene. Mr. Marlles, we need to proceed
with the ten o'clock Expedited Agenda, and if we have any deferrals. I don't think we did.

Mr. Marlles - Mr. Chairman, would you like staff to review the Expedited Agenda
before discussing the two new late additions?

Yes, if you don't mind.
Mr. Wilhite will present the 10:00 a.m. Expedited Agenda.

Thank you. On the ten o’clock expedited agenda, first on page 35 we have the Sadler Glen subdivision April 2000 Plan. And on page 6 of your addendum there is an added condition.

**SUBDIVISION**

Sadler Glen (April 2000 Plan)


Staff recommends approval of this case.

Is there anyone in the audience in opposition to Sadler Green in the Three Chopt District? No opposition. Mr. Taylor.

Mr. Chairmen, I would move then that the Commission act to approve Sadler Glen (April 2000 Plan), subject to the standard conditions for subdivisions served by public utilities, and additional conditions Nos. 12, 13, 14, 15, and No. 16 on the addendum.

The motion was made by Mr. Taylor and seconded by Mr. Archer. All in favor say aye...all opposed say nay. The motion carries.

The Planning Commission granted conditional approval to Sadler Glen (April 2000 Plan), subject to the standard conditions for subdivisions served by public utilities attached to these 1490 minutes, the annotations on the plans and the following additional conditions:

12. The detailed plant list and specifications for the landscaping to be provided within the 25-foot-wide planting strip easement along Interstate 295 shall be submitted to the Planning Office for review and approval prior to recordation of the plat.

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

14. The developer shall provide signage, the wording and location as deemed appropriate.
by the Director of Public Works, which addresses the possible future extensions of the stub street.

15. The developer shall quitclaim his interest in any private access roads or easements within the bounds of this subdivision and on adjacent properties prior to the recordation of this subdivision. Execution of this condition shall in no way preclude the developer of establishing emergency access to this subdivision by way of Wonder Road.

16. Prior to final subdivision approval of Wonder Road dedication, the applicant shall provide evidence satisfactory to the County Attorney of its legal right to dedicate a public road over Wonder Road.

SUBDIVISION

Harvest Glen @ Twin Hickory (April 2000 Plan) Youngblood, Tyler & Associates, P.C. for HHHunt Corporation: The 7.67 acre site is located on Harvest Glen Drive adjacent to Harvest Glen at Twin Hickory on part of parcel 27-A-2 and 27-A-3A. The zoning is R-2AC, One-Family Residence District (Conditional). County water and sewer. (Three Chopt) 17 Lots

Mr. Wilhite - On page 36, Harvest Glen @ Twin Hickory (April 2000 Plan), staff recommends approval.

Mr. Vanarsdall - Is there anyone in the audience in opposition to subdivision Harvest Glen @ Twin Hickory? No opposition. Mr. Taylor.

Mr. Taylor - Mr. Chairman, then, I would move that the Commission approve subdivision plan for Harvest Glen @ Twin Hickory (April 2000 Plan), subject to the standard conditions for subdivisions served by public utilities, the annotations on the plan and additional conditions Nos. 12, 13, 14 and 15.

Ms. Dwyer - Second.

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

The Planning Commission granted conditional approval to Harvest Glen @ Twin Hickory (April 2000 Plan), subject to the standard conditions for subdivisions served by public utilities, the annotations on the plans and the following additional conditions:

12. The detailed plant list and specifications for the landscaping to be provided within the 15-foot-wide planting strip easement along The Westerly Subdivision Boundary shall be submitted to the Planning Office for review and approval prior to recordation of the plat.

13. A County standard sidewalk shall be constructed along the east side of Harvest Glen Drive and on the south side of Autumnwood Way.

14. Any necessary off-site drainage easements must be obtained prior to final approval of the...
1540 construction plans by the Department of Public Works.
1541 15. Prior to final approval, a draft of the covenants and deed restrictions for the maintenance
1542 of the common area by a homeowners association shall be submitted to the Planning Office
1543 for review. Such covenants and restrictions shall be in form and substance satisfactory to
1544 the County Attorney and shall be recorded prior to recordation of the subdivision plat.
1545
1546 **SUBDIVISION**
1547
1548 Rolling Hills
1549 (March 2000 Plan)
1550
1551 Q.M.T. for Bessie H. Willis Estate, James A. Willis, Jr.
1552 Executor, Half Interest to Vernelle F. & Wallace L.
1553 Coleman and Windsor Enterprises, L.L.C.: The 34.8 acre
1554 site is located on the eastern terminus of Pilgram Lane, 1000
1555 feet south of Chamberlayne Avenue (U.S. Route 301) on
1556 parcels 64-A-26 and 64-A-24. The zoning is A-1, Agricultural
1557 District and C-1, Conservation District. County water and
1558 sewer. (Fairfield) 39 Lots
1559
1560 Mr. Wilhite - On page 40, Rolling Hills subdivision (March 2000 Plan), staff
1561 recommends approval. On page 7 of your addendum there is a revised recommendation. Staff
1562 recommends approval and there are also revised plans for this project.
1563
1564 Mr. Vanarsdall - Is there anyone in the audience in opposition to subdivision Rolling Hills
1565 (March 2000 Plan)? This is also in the Fairfield District. No opposition. Mr. Archer.
1566
1567 Mr. Archer - Mr. Chairman, I move approval of subdivision Rolling Hills subject to
1568 the standard conditions for subdivisions served by public utilities and the additional conditions
1569 Nos. 12 through 16.
1570
1571 Mr. Taylor - Second.
1572
1573 Mr. Vanarsdall - The motion was made by Mr. Archer and seconded by Mr. Taylor. All
1574 in favor say aye...all opposed say nay. The motion carries.
1575
1576 The Planning Commission granted conditional approval to Rolling Hills (March 2000 Plan),
1577 subject to the standard conditions for subdivisions served by public utilities attached to these
1578 minutes, the annotations on the plans and the following additional conditions:
1579
1580 12. Each lot shall contain at least 18,000 square feet, exclusive of floodplain areas.
1581 13. Detailed construction plans shall be submitted to the Planning Office before the final
1582 plats are submitted for final approval.
1583 14. The detailed plant list and specifications for the landscaping to be provided within the
1584 20-foot-wide planting strip easement along North Wilkinson Road shall be submitted to
1585 the Planning Office for review and approval prior to recordation of the plat.
1586 15. A plan shall be submitted prior to recordation of the plat showing the buildable area for
1587 each lot to properly recognize the limitations for dwelling unit dimensions and
1588
1589 April 26, 2000 -40-
setbacks. Buildable area is that area within which a dwelling unit may legally be located considering the front yard, side yard, and rear yard setback requirements of Chapter 24, of the Henrico County Code.

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

SUBDIVISION

Moss Estates (April 2000 Plan) Thomas & Associates L.L.C. for Kenny Wilbourne Realty & Construction Company: The 1 acre site is located at the intersection of Oakleys Lane and Yates Lane on parcel 147-A-77. The zoning is R-3AC, One-Family Residence District (Conditional). County water and sewer. (Fairfield) 4 Lots

Mr. Wilhite - Finally, on page 41, Moss Estates (April 2000 Plan), staff recommends approval.

Mr. Vanarsdall - Is there anyone in the audience in opposition to subdivision Moss Estates (April 2000 Plan)? This is also in the Fairfield District also. No opposition. Mr. Archer.

Mr. Archer - Mr. Chairman, I move approval of subdivision Moss Estates subject to the standard conditions for subdivisions served by public utilities and the additional conditions Nos. 12 through 15.

Ms. Dwyer - Second.

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

The Planning Commission granted conditional approval to Moss Estates (April 2000 Plan), subject to the standard conditions for subdivisions served by public utilities attached to these minutes, the annotations on the plans and the following additional conditions:

12. Each lot shall contain at least 9,500 square feet.

13. Detailed construction plans shall be submitted to the Planning Office before the final plats are submitted for final approval.

14. A plan shall be submitted prior to recordation of the plat showing the buildable area for each lot to properly recognize the limitations for dwelling unit dimensions and setbacks. Buildable area is that area within which a dwelling unit may legally be located considering the front yard, side yard, and rear yard setback requirements of Chapter 24, of the Henrico County Code.

15. The location of the "no parking signs" required along the 40 foot right-of-way shall be
shown on the construction plans. The developer shall include “no parking signs” in his request for street signs and such installation must occur prior to requesting the first occupancy permit. The Zoning Conformance Officer shall inspect for continuing compliance prior to issuance of each subsequent occupancy permit until County acceptance of the street.

M r. Vanarsdall - I believe that's the end. M r. Secretary.

M r. Marlles - Okay. M r. Chairman, as I indicated before the break, there were two late additions that are on page 8 of your addendum. Both of those are subdivision requests. We could take those up now or we could take them up at the end of the ten o'clock agenda, whatever the pleasure of the Commission is.

M r. Vanarsdall - Why don't we address them right now.

M r. Marlles - Okay. The first addition is a subdivision Cambridge, Section 4. The staff report will be given by M r. Wilhite.

SUBDIVISION

Cambridge, Section 4 (April 2000 Plan)


M r. Wilhite - Cambridge, Section 4 is a recorded subdivision. As a part of the original conditional approval, there were some areas within the subdivision left as reserved to allow the developer to try to incorporate portions of the adjacent lots in Cross Creek subdivision; to do some land swaps. We have two on the agenda here, Sections 4 and 5. On the cover map, that appears on your screen, the location of those sections within Cambridge subdivision does appear. First, Section 4 is reserved area from Cambridge, Section 2 and the addition of parts of Cross Creek, Lots 7 and 8. And it also incorporates some portions of common area left over in Cambridge, Section 2. Two additional lots are being created. Staff is recommending approval with the annotation that a public drainage utility easement, that shows up on part of Lot 9 of Cross Creek subdivision, be shifted. Lot 9 is not a part of this subdivision request. Staff does recommend approval.

M r. Vanarsdall - Are there any questions of M r. Wilhite?

M r. Taylor - On that last condition, Kevin, will the public drainage easement be on Lot 9 of the Cambridge subdivision?
Mr. Wilhite - It would be on Lot 8 of this section of Cambridge. There was a drafting error on that portion of Lot 9 there is no easement there now and Lot 9 is not a part of this subdivision request.

Mr. Taylor - That has to be part of the motion then.

Mr. Wilhite - Well, it is an annotation so that's fine. It just remains an annotation on the plan.

Ms. Dwyer - Don't these easements usually amounts to eight feet on both sides of the property line, is that why it was originally drawn in here on Lot 9 in the subdivision?

Mr. Wilhite - Well, there is an existing drainage and utility easement that runs through the middle of these lots 7 and 8. You can see the parcel line on the map. These easements are being relocated to not interfere with the buildable areas for these two lots.

Ms. Dwyer - So, they will be along the new property line.

Mr. Wilhite - They will be along the new property line. That easement would have to be shifted off Lot 9 because the owner of Lot 9 is not a party to the subdivision request.

Ms. Dwyer - So, does that mean that there will be less of an easement along that...

Mr. Wilhite - Well, that would be up to Public Utilities/Public Works. They may need all 16 feet shifted onto what appears as Lot 8 of this subdivision. It may be reduced down to eight feet.

Ms. Dwyer - Okay. That was my question, is whether they would put all 16 feet on the new Lot 8 in Cambridge.

Mr. Wilhite - Yes, ma'am.

Ms. Dwyer - Okay.

Mr. Vanarsdall - Are there any other questions of Mr. Wilhite? All right, Mr. Taylor.

Mr. Taylor - Mr. Chairman, I would move that the subdivision for Cambridge, Section 4 (April 2000 Plan), be approved by the Commission subject to the annotations on the plans and the standard conditions for subdivisions served by public utilities.

Mr. Archer - Second.

Mr. Vanarsdall - The motion was made by Mr. Taylor and seconded by Mr. Archer. All in favor say aye...all opposed say nay. The motion carries.
April 26, 2000

SUBDIVISION

Cambridge, Section 5
(April 2000 Plan)

Koontz-Bryant, P.C. for Wilton Investment Corporation:
The 2.315 acre site is located at the eastern terminus of
Bayswater Court, approximately 300 feet east of Bayswater
Terrace on parcels 9-21-D-102 and 9-1-A-10. The zoning is R-
2C, One-Family Residence District (Conditional) and A-1,
Agricultural District. County water and sewer. (Three Chopt)

1 Lot

Mr. Wilhite - Section 5, one additional lot is being created on a reserved area of
Cambridge, Section 2, plus a portion of the adjacent Lot 10 of Cross Creek, Section 1. In
order to meet the current cul-de-sac lot requirements, recently, as part of the code amendment,
there will be an adjustment between existing Lot 12 and this proposed Lot 13. With that
annotation on the plan, staff recommends approval.

Mr. Vanarsdall - Are there any questions for Mr. Wilhite?

Ms. Dwyer - It doesn't look like any additional frontage is being provided along the
cul-de-sac. What is the purpose of the adjustment?

Mr. Wilhite - This Lot 13 currently is reserved area, it's not an approved lot. They do
have sufficient frontage on the cul-de-sac to meet cul-de-sac lot requirements. However, they
need to adjust the lot line between Lots 12 and 13 to meet our requirements.

Ms. Dwyer - What I'm curious about is how the change in our amendment how
affected this design. So, do they have to have more buildable area?

Mr. Wilhite - Well, under the current cul-de-sac lot requirements, the side property
lines have to radiate from the court without a break in them until they meet the minimum front
yard setback.

Ms. Dwyer - So, that was the specific requirement that they need?

Mr. Taylor - That's the requirement for a little jog there.

Mr. Wilhite - Yes, to eliminate the jog.

Ms. Dwyer - Thank you.

Mr. Vanarsdall - All right. Are there any more questions? Mr. Taylor.
Mr. Taylor - Mr. Chairman, I would move that the Commission approve subdivision plan for Cambridge, Section 5 (April 2000 Plan) subject to the annotations on the plan and standard conditions for subdivision served by public utilities.

Mr. Archer - Second.

The motion was made by Mr. Taylor and seconded by Mr. Archer. All in favor say aye...all opposed say nay. The motion passes.

The Planning Commission granted conditional approval to Cambridge, Section 5 (April 2000 Plan), subject to the standard conditions for subdivisions served by public utilities attached to these minutes and the annotations on the plans.

Mr. Vanarsdall - Thank you, Mr. Wilhite. Now we will start with the regular ten o'clock agenda.

Mr. Marlles - Mr. Chairman, the first item on the ten o'clock agenda is a landscape plan, LP/POD-9-99, Collegiate Upper School.

LANDSCAPE PLAN

The Collegiate School and Draper Aden Associates: Request for a approval of a landscape plan as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code. The 1.19 acre site is located on the southeast corner of Mooreland Road and Tarrytown Drive on part of parcels 112-A-1, 112-A-2 and 1111-A-26. The zoning is R-1, One-Family Residence District and R-2, One-Family Residence District. (Tuckahoe)


Thank you, Mr. Chairman. Since the time the agenda was prepared, the applicant has met with the neighborhood regarding this proposal. As of a result of that meeting, additional evergreen screening was requested by the neighborhood, which the applicant has provided under a revised landscape plan. You have that revised landscape plan with your addendum this morning. Staff recommends approval of this plan. However, yesterday two neighbors that live on Santa Clara Drive came to the Planning Department to request an additional evergreen screen behind the science building and some additional minor changes. I've met with the applicant in the lobby during the break, and we also met with these neighbors, we believe we have an agreement with respect to this additional landscaping. I have what the applicant handed me, a drawing showing some additional planting behind the science building, which I will put on the document table. The proposed conditions include additional evergreen planting behind the science building and some additional field located...
Broad Leaf evergreens in back of the future building, which is to the right on your drawing. The applicant is in agreement with these proposed changes. The final plan for signature would include this additional planting. The applicant's representative is Mr. Kevin Barnes of Draper Aden and Mr. Sedivy is also here from the school. And I'll be happy to answer any additional questions you may have.

Ms. Dwyer I can't read this, is it nellie stevens hollies?

There are nellie stevens proposed to the right. There are existing trees in that area, the neighborhood observed that there were some areas that were open and they would like to have some nellie stevens planted in that area to be field located. And, to the left of that there are six-foot leyland cypresses proposed. There is some visibility allowed from the building to the athletic fields between the trees but this helps cushion the back of the building and the neighbors seems to be agreeable to this proposal.

Ms. Dwyer - Okay. In your judgement, is that the best plant material to use accomplish that purpose?

Of course, with the existing trees to the right, there is going to be some partial shade conditions. So, the nellie stevens or foster would be an adequate evergreen tree for that location. We are trying to refrain from using so many leyland cypresses, they seem to be used quite a bit. I would suggest the applicant consider adding some alternate evergreens if he's conducive to that. Right now he's proposing all leylands.

Ms. Dwyer - So, if we wanted to allow a different type of evergreen, then we would need to note that on this plan.

I will suggest that to the applicant when the final plan comes in.

All right. I share your concern about the overuse of leylands and... I'm not sure hollies would necessarily work here, I don't know if there is any expected pedestrian use of that area.

Ms. Dwyer - Let me just ask you about the parking lot. It looks like some trees have been eliminated from the original plan.

I will have to refer that question to the applicant.

Let me just ask you about the parking lot. It looks like some trees have been eliminated from the original plan.

Some of those trees had to be eliminated because of the presence of fire hydrants and water line easements, but they do meet the 5% requirement.

Are all of the ones removed, do they have to be removed because of conflict with utilities?

One or two I believe on the left and right hand sides were removed.
Ms. Dwyer - Would the applicant come forward, please?

Mr. Barnes - I'm Kevin Barnes with Draper Aden Associates representing The Collegiate School.

Ms. Dwyer - Good morning. You heard our discussion about the type of evergreens and leyland cypresses are okay I just question whether that's necessarily the best for everyone's purposes.

Mr. Barnes - Well, I concur with their use and possibly... but that is also what the neighbors had requested. So, we accommodated that request.

Ms. Dwyer - I understand. Maybe future discussions with the neighbors could involve some alternative proposals for evergreens. That would accomplish their purposes but not overuse the leyland. As Mr. Strauss calls it, the monoculture of leyland cypresses. Could you talk about which trees have been removed from the parking lot and we are talking about willow oaks here I believe. Which ones have been removed that did not have to be removed because of conflicts with utilities?

Mr. Barnes - There is a light pole here in the center (referring to the rendering on the screen) of this island so these two were removed. There is fire hydrant located in this island, directly where this tree is located on this plan.

Ms. Dwyer - So, that would remove one tree, does it necessarily removes the other?

Mr. Barnes - No, it would not. What we did was we went back in and looked at the tree canopy calculations and realized that we were way over what was required. These islands right now are currently concrete islands. And there is concern by the school that maintaining those trees would prove to be a problem in the long run. Therefore, we were asked to reduce the number or somehow get that to a more reasonable maintainable trees within these islands. So, we have reduced the number. Still they are in excess of 1000 square feet of tree cover requirements but we still have (ordinance?) to provide some shade tree within the islands.

Ms. Dwyer - That's a very good idea. Could we put that tree back in that, where the dot is?

Mr. Barnes - I think we can accommodate that if that....

Ms. Dwyer - That would be great. All right. Those are all of the questions that I have. Thank you.

Mr. Barnes - Okay.

Ms. Dwyer - Is there any opposition?
Mr. Vanarsdall - No. No opposition. All right. Entertain a motion.

Ms. Dwyer - Okay. We didn't have anything on the addendum but we did have some revised plan for today or yesterday. Do we need to waive the time limit on that?

Mr. Strauss - This plan, I have on the document table constitutes the "revision" we are approving, there's nothing in the addendum.

Ms. Dwyer - Okay. Do we need to waive the time limit or anything on that?

Mr. Strauss - Yes, we would, I believe.

Ms. Dwyer - I thought maybe we would. I move that we waive time limits for POD submittals for LP/POD-9-99, Collegiate Upper School.

Mr. Archer - Second.

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

The Planning Commission waived the time limit for POD submittal for the landscape plan LP/POD-9-99, Collegiate Upper School - Science Building.

Ms. Dwyer - Okay. I move for the approval of LP/POD-9-99, Collegiate Upper School Science Building landscape plan, subject to the annotations on the plans and standard conditions for landscape plans. This would be the plan that was submitted and revised as of today, that includes the additional landscaping behind the science building. I will, in my verbal motion, note that it might be possible to change the plant material although we still want evergreens behind the building there as Mr. Strauss and I discussed. Also we are adding back one of the willow oaks in the parking lot.

Mr. Archer - Second.

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

The Planning Commission approved the landscape plan for LP/POD-9-99, Collegiate Upper School - Science Building, subject to the standard conditions for landscape plans and the annotations on the plan.
PLAN OF DEVELOPMENT & TRANSITIONAL BUFFER DEVIATION

POD-34-00
Bell Atlantic of Virginia, Inc.
Pemberton Road

Resource International, Ltd. for Bell Atlantic of Virginia:
Request for approval of a plan of development and transitional buffer deviation as required by Chapter 24, Sections 24-106 and 24-106.2(e)(3)(a)(l) of the Henrico County Code to construct a one-story, 9,170 square foot addition to an existing telephone switching center. The 1.643 acre site is located on the west line of Pemberton Road (State Route 157), approximately 240 feet north of Mayland Drive on parcel 58-A-22. The zoning M-1C, Light Industrial District (Conditional). County water and Sewer. (Three Chopt)

Mr. Vanarsdall - Is there anyone in the audience in opposition to POD-34-00, Bell Atlantic of Virginia Inc.? We have opposition. We will be with you in a minute. Thank you.

Mr. Wilhite. 

Mr. Wilhite - There is a need for a transitional buffer deviation, originally, along both Pemberton Road on the front and to the southern property line transitional buffer 25 as required there. It has been indicated by the engineer that they are going to eliminate the southernmost parking space on that site, therefore the need for the transitional buffer 25 deviation along the southern property line is not necessary any more. As far as the front, there is a requirement for a transitional buffer 50. The existing setback from the existing right-of-way from the building is just over 50 feet right now. There will be the need for a dedication requested by the Virginia Department of Transportation of an additional approximately 24 feet to meet the requirement of 42 feet from the center line of Pemberton Road. This would reduce the setback to roughly 26 feet. A transitional buffer deviation has been requested.

Staff can recommend that this be reduced from 50 to the transitional buffer 25. Staff does recommend approval of that.

As far as the rest of the site, I spoke to the adjacent property owner, Mr. Nolde, on Monday. He has expressed some concerns over parking and also the BMP for this site. Apparently, there are vehicles for Bell Atlantic parking on his parking lot at this point. And he was concerned about the number of parking spaces that would be provided by Bell Atlantic with this proposed addition. I did receive a letter from Bell Atlantic stating that they would have 10 employees working here, three would be working all day long and they anticipated the need for parking for 21 vehicles. There would be 24 parking spaces proposed with this plan. There is also the space to add approximately two or three more spaces if the need occurs in the future. As far as the BMP is concern, the Bell Atlantic site would be using an offsite BMP. They do have to get an agreement with the adjacent property owner. Public Works requires this agreement to be in place prior to their signing of construction plans. So, all those items would have to be worked out prior to their starting construction on this site. Mr. Nolde is here to address his particular concerns on this project. I’ll be happy to answer any questions that the Commission has.

April 26, 2000
Mr. Vanarsdall - Are there any questions of Mr. Wilhite? All right. Thank you, Mr.

Mr. Wilhite. And now we will hear from the applicant.

Mr. Sharpe - I'm James Sharpe with Resource International representing Bell Atlantic as the site engineer. I'm here to answer any questions that the Commission may have. We have been in discussion with Mr. Nolde. As far as the BMP is concerned, his compliance calculations included our site with more impervious cover than we are proposing. If you remove our site from the BMP, their BMP is no longer in compliance. So, I trust that that agreement would be worked out. Again, we are providing parking in excess of the maximum anticipated by Bell Atlantic for this site.

Mr. Vanarsdall - You know that you have some opposition, do you want to save some rebuttal time?

Mr. Sharpe - Yes, sir.

Mr. Vanarsdall - What, about two, three minutes?

Mr. Sharpe - Two or three minutes should be fine.

Mr. Vanarsdall - All right. Thank you. All right. Come on down.

Mr. Nolde - Good morning. I'm John Nolde and I represent the property owners located on Stillman Place One and Two. Mr. Coston just arrived, he's one of the other owners. We learned of this project on last Wednesday and at that point I called Mr. Sharpe and asked him some questions and he referred me to Mr. Dudley Parrish at Baskerville. I asked him to provide me with the drawings and the elevations of the building, at that point in time, through a voice mail to Mr. Parrish at Baskerville. Again, on Monday after I had a brief look at what was in the Planning Office, I asked Mr. Sharpe to provide those and I've also asked Skip Martin to provide those and at this point I haven't gotten them. I would like for y'all to defer this for a very short period of time so that our engineers and architects could have a chance to look at that to see if there are any other objections that we might have. You've been told about two of them, one concerning parking and most of it was Cavalier Phone Company. I'm also concerned about parking during construction and where that's going to be in the effect it's going to have on our property and there are some other easements and agreements that we need to have. I don't foresee any problems working them out but I would just like some more time to determine exactly what we need to do.

Mr. Vanarsdall - How much more time are you speaking of, Mr. Nolde?

Mr. Nolde - A couple of weeks.

Mr. Vanarsdall - Mr. Taylor.

Mr. Nolde - I don't know what the schedule is for this to come back and I don't want...
to hold them up. In concept, we are not in opposition with what they are doing, we just want to make sure that what is done, easements granted and joint agreements that would have to be granted are to everybody’s favor, obviously, including mine and Mr. Coston.

Mr. Vanarsdall - Mr. Taylor, what do you want to do.

Mr. Taylor - I want to hear from Mr. Sharpe, if I might, after you are finished.

Mr. Nolde - Sure. Unless you have questions for me, I have nothing further to say.

Mr. Vanarsdall - Are there any questions for Mr. Nolde? All right. Thank you.

Mr. Taylor - Mr. Sharpe, would you agree to a deferral for a couple of weeks to get these items square away?

Mr. Sharpe - We would rather not, Mr. Taylor. We are providing more parking than is required. We are providing the architectural elements in accordance with the rezoning case. There’s a possibility of maybe a couple of more parking spaces on the site. We can sequence the site so that the parking goes in first, the one at the rear. There is already asphalt sufficient there for parking on the side strip, which would provide some interim parking. I would rather get approval now subject to the BMP agreement.

Mr. Vanarsdall - Mr. Sharpe, what I’m hearing from Mr. Nolde is that he hasn’t had a chance to look at what you are doing. Did I interpret that correct?

Mr. Nolde - Yes, sir.

Mr. Taylor - I feel it would be fair to give him some time to look at it, Mr. Sharpe, just a couple of weeks. Just to make sure that all of the I’s are dotted and all of the t’s are crossed and everybody is in agreement and everybody understands exactly what’s going to be developed. I think that in the long run, that would be better from the community’s point of view.

Mr. Sharpe - Understood. We are looking at a time schedule here and two weeks is not incredibly difficult but it is difficult. They need to be occupying this building by October 1, 2000.

Mr. Taylor - How soon do you think you would be able to meet Mr. Nolde’s meeting requirements and get the details ironed out?

Mr. Sharpe - That’s depending on the negotiations between Bell Atlantic and Mr. Nolde, as quickly as possible.

Mr. Taylor - Mr. Nolde, have you discussed this with Bell Atlantic?
Mr. Nolde - Not to any (unintelligible he was not at the mike, he was speaking from his seat in the audience).

Mr. Vanarsdall - You will have to come to the microphone.

Mr. Taylor - How about we extend the deadline to next Friday at the close of business? That gives you a week and a half to work on it.

Mr. Nolde - Provided they provide us with the drawings. We haven't yet gotten it. I've been told they would be glad to give them to us but I haven't seen them.

Mr. Vanarsdall - Al, the next meeting is May 11, 2000, and it would be a night meeting, so that's two weeks. If you defer it a week we wouldn't be able to take any action on it. We either have to do it for two weeks or 30 days. We should do it for 30 days and that would throw it back into the POD meeting, but that would be up to you. In other words, we have to take action on it after you review everything and you get together with him and so the nearest time we could do it would be May 11.

I mean, I would like to expedite it as quickly as it could for them. As I said, we aren't trying to hold them up on it but we would like to see exactly what we are getting into.

Mr. Vanarsdall - You may be able to take care of it in two days but we can't take care of it in less than two weeks. That's our next meeting, May 11, at night. Can we get that on the agenda, Mr. Marlies?

Mr. Marlies - I believe so.

Mr. Taylor - That would have to be a motion.

Mr. Sharpe - We would be happy to give him the drawings and the like. As far as the timing of contacts, Mr. Nolde contacted me on the 17th and requested the drawings and I referred him to Mr. Parrish saying that we would furnish them if Bell Atlantic gave us permission to. The first contact with Bell Atlantic was made yesterday, is my understanding from them. A 30 day deferral is not acceptable.

Mr. Taylor - I think what we will do, sir, is go to May 11 at our next meeting. The Director said we could do that and the Chairman is in favor. So, Mr. Chairman, what I move is we defer POD-34-2000 action on this until May 11, 2000, at the Commission's request.

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

The Planning Commission deferred POD-34-00, Bell Atlantic of Virginia, Inc. to its May 11, 2000, meeting at 7:00 p.m.
The Gardens @ Twin Hickory

Youngblood, Tyler & Associates, P.C. for HHHunt Corporation: Request for approval of a plan of development and a special exception for height as required by Chapter 24, Sections 24-106 24-94(b) of the Henrico County Code to construct 18, three-story, apartment buildings totaling 378 units and a one-story, 4,950 square foot clubhouse. The 40.77 acre site is located on the east side of Twin Hickory Lake Drive at intersection with Hickory Bend Drive on part of parcels 27-A-5A, 27-A-9A and 27-A-11. The zoning is R-5C, General Residence District (Conditional) and C-1, Conservation District. County water and Sewer. (Three Chopt)

Mr. Vanarsdall - Is there anyone in the audience in opposition to POD-29-00, The Gardens @ Twin Hickory? No opposition. Mr. Whitney.

Mr. Whitney - Good morning, Mr. Chairman, Commission members. Staff has received a revised plan on this project that addresses all of the outstanding issues we had at the time of the preparation of the agenda. I would note that your addendum has a revised staff recommendation. This does include a special exception for height. Staff would make no recommendation on that. The applicant, represented by Webb Tyler from Youngblood, Tyler & Associates, is here to make his presentation on the special exception. If the Commission accepts the special exception, staff would recommend approval of this plan of development. I would note, however, condition No. 23 "the subdivision plat for Hickory Bend Drive," should read "shall be recorded before any occupancy permits are issued" that would be in place of the word "building." With that, I will take any questions you may have.

Mr. Vanarsdall - Are there any questions for Mr. Whitney by Commission members? Thank you, Mr. Whitney. Do you want to hear from the applicant Mr. Taylor?

Mr. Taylor - I would enjoy that, Mr. Chairman. Mr. Tyler.

Good morning, Mr. Tyler. Mr. Tyler, you don't have any opposition.

Mr. Chairman, I lobbied for this being on the expedited agenda but I was told because of the special exception I had to make a presentation, so this is not done because I have not made the effort to get it on the expedited agenda, sir, but rather because I've been told I have to make a presentation, sir.

Oh. I didn't know that.

For the special exception, I will try to do my best to make it as brief as possible, sir. Good morning. My name is Webb Tyler, I'm an engineer with Youngblood, Tyler & Associates. I'm here today to request your favorable approval of a special exception...
to allow for the construction of three-story buildings on this proposed apartment development. A
ccording to the ordinance, I have to establish that there is no adverse effect on health, safety and welfare. We believe it does meet that requirement for the following reasons: One. We have greater open space on this particular site. It has a site coverage ratio on a gross acreage of 0.28 percent, on a net acreage of 0.44 percent. These are some of the lowest levels that our firm has ever achieved on multi-family developments, thus allowing, because of results of the three stories, allowing greater green space. Additionally, that greater green space allows us to preserve not only wetlands but floodplains. The existing lake that's in the center of the site, is preserved, its wetlands fringe around that. And in that open area, and natural area, we are putting trails through the floodplain. We are putting walking paths around the lake for people to walk or jog along with benches so that they can enjoy the natural habitat of this particular site.

Additionally, this site, the buildings will be full residential sprinkler systems. Their exterior skin is 40% brick. The balance of the skin of the building is, of course, glass windows and what is called hardy plank, which is a concrete form of wood appearance horizontal siding. It's basically made out of mortar and concrete and then pressed into the form of horizontal board and sealed and painted. We believe that this higher quality of construction of its exterior skin also contributes to the safer and less fire hazard potential for the community. This quality of construction is allowed as a result of the higher density that is permitted with the three-story construction, meaning the more efficient use of the construction i.e., instead of having two stories covered by the same roof, you have three stories covered by the same roof and only one floor.

The preservation of the existing trees of this site should be noted. It was a filled site or a borrowed site, actually, from for the construction of I-295. In other words, they took dirt off of this site, as much as 25 vertical feet, and basically built the portion of I-295 with that dirt. This was about 10 or 12 years ago. This site has been what would be referred to as severely marred from the way that God created it. And what we are doing, we are reclaiming this site in much the same way that we are taking what I would consider to be a site that is naturally beautiful, in its interior, but does have natural beauty along its exterior i.e., creeks and lakes on three sides, and taking that interior portion, which has been excavated and placing it back in use in a productive use as well as preservation of the existing pond or lake that was on it that was created by the removal of the dirt from the site about 15 years ago. We believe that there is precedent for you to grant this special exception as this Commission has over the past five years on other projects that our firms and other firms have worked on. Specifically, our firm has worked on the following projects where you have granted a special exception to allow for the three-story construction. They are as follows: Cameron Crossing at Three Chopt and Cox Road; Carriage Homes at Wyndham at Wyndham Lake Drive and Wyndham Park Drive; Cameron @ Wyndham at Old Nuckols Road and Nuckols Road; the Madison @ Spring Oak at Three Chopt and Spring Oak Drive as well as the Chesapeake @ Virginia off of J.E.B. Stuart Parkway up in the Fairfield district. For these reasons, we believe that this Commission is not unreasonable to request this Commission to favorably act on the special exception, and we seek your approval of it. I'll be glad to answer any questions, but, hopefully, I've done a thorough job but a quick job.

April 26, 2000
Mr. Vanarsdall - Are there any questions of Mr. Tyler?

Mr. Taylor - I have one question, with regard to the water feature. Would you describe the water feature in a little bit more detail?

Mr. Tyler - The existing pond is approximately a two-acre pond that was created by the over excavation of the site by the earth moving contractors during the construction of I-295. Approximately a year and a half ago, the Army Corps of Engineers asserted jurisdiction as waters of the U.S. on that pond as well as a wetland fringe around that pond varying in width from five to ten feet. The pond, the Corps of Engineers has allowed us to utilize that existing pond as a sediment basin during the course of construction. Once the construction is complete, the sediment will be removed and the normal pool will be returned to the existing pond and the wetlands will be restored. If there is any damage, so that that pond will stay in place, it will have some lowering of the water to clear it out once the construction is complete but then the water would be immediately restored back into the pond and the wetlands fringe will be, hopefully, not adversely affected and if it is it will be enhanced or replanted in accordance with our Corps of Engineers permit that we presently are seeking and they have agreed to grant, which we are anticipating sometime late next month, the issuance of that permit. That pond will then serve as a focus amenity for the community in that we are proposing to construct a walkway, a grass walkway path around it as a part of our trail system or sidewalk system. We actually have a trail through the floodplains and the creeks as well as a walking path around the existing pond or lake and that existing walking path would be edged by occasionally having sitting walls so that people can actually sit on the edge of the walkway that's about 20 feet from the pond and eat lunch or whatever, talk to their kids, overlooking the water. But, it is designed to be aesthetic enhancement and not just for aesthetics, but a quality of life. We have always found, historically, that people are attracted to water.

Thank you, and I want to commend you for all of the work that you are going to provide to make that feature into a nice aesthetic draw for the community.

A good engineer tries to work the best he can with what God has given him. So, that site has been a challenge.

God and VDOT.

And VDOT, yes, ma'am.

What is your site coverage, looking only at the property outside the floodplain? Do you have that with you?

Yes, ma'am. I want to emphasize for future reference, this afternoon, the site coverage ratio is .44 on the net acreage. In other words, if we take out all the floodplain and all the right-of-ways, we have a net site coverage ratio of 0.44. That means the rooftops, the concrete, sidewalks, and the parking lots constitute 44 percent of the net usable land, which is how the density is calculated, not on the gross. And we have 1.9 spaces per

April 26, 2000
unit, which is what the market place has told us that it wants. And we have 90 parking spaces which the ordinance does not allow us to count, those garage parking spaces, but if we did have the opportunity to count them, we would have 2.13 parking spaces per unit. And, needless to say, that still falls short of the 2.25 spaces per unit. By proffer, we are not allowed to have any recreational vehicles in the parking lot and all recreational vehicles must be contained within the garages, the 90 garages, which are required by proffer, 20 percent of those, of the units, must have covered garages. These are enclosed garages also made of the same building exterior materials of brick and hardy plank, same architectural style.

Ms. Dwyer - I see that, what appears to be covered parking. Is that what you are talking about when you say garage?

Mr. Tyler - It's not just covered, ma'am, it's enclosed garages with lockable doors. These are not just car ports where the sides are open, but these are enclosed garages with lockable doors.

Ms. Dwyer - And they are detached.

Mr. Tyler - And they are detached from the building.

Ms. Dwyer - That's an interesting point because I think probably those should count. What we were concerned about, when we wanted to exclude garages from parking calculations, are garages that are a part of the dwelling unit which could be converted to living space and then you could lose the parking space.

Mr. Tyler - Some of my clients may reprimand me for saying this, but I don't subscribe to the theory that the garages should be counting toward the parking ratio because they are used many times for storage. Even if they are attached, they are used as weight lifting rooms. They are used as pool a room.

Ms. Dwyer - Even detached ones.

Mr. Tyler - Even detached ones. If we go out to the various apartment communities in the County, right now, and raised all of the garage doors, I would suggest to you that you will find probably half of them containing storage, maybe even old sport cars or antique cars, which might qualify as a car but it's not a real legitimate car, it's an adult toy.

Ms. Dwyer - What is this dead-end road it looks like it's coming from I-295?

Mr. Tyler - That road is Hickory Bend Drive, which is a 60-foot right-of-way, 52-foot face of curb road that is a traffic relief roadway for the Twin Hickory development and the potential development of the quadrant of I-295, Nuckols Road in the New Wade road area, which presently is right at the interchange of Nuckols and I-295, but it contains residential architectural uses.
Ms. Dwyer - Are you talking about Hickory Bend Drive?

Mr. Tyler - Hickory Bend Drive.

Ms. Dwyer - I'm talking about a different, what looks like a different...

Mr. Tyler - This road, right here (referring to map on screen), is Hickory Bend Drive.

Ms. Dwyer - Go south.

Mr. Tyler - Right there?

Ms. Dwyer - Yes.

Mr. Tyler - That is actually a piece of.... That's not a stub road, it is a stub of property that was purchased by the J. S. Pipeline Company that acquired that property when they actually developed their easement. And their easement, they own that piece of property, and their easement continues in this general direction along the power line easement, it parallel with the power line easement, generally. That is for the transmission of petroleum base products. It's an underground pipeline.

Ms. Dwyer - I have one more question about the site coverage. Your 44 percent did not include the lake, did it?

Mr. Tyler - Yes, ma'am, it did. It did include the lake because the lake is not impervious cover. It's not classified as impervious cover.

Ms. Dwyer - Right. But it was included in the calculation as non-impervious cover.

Mr. Tyler - That is correct. It was included in the calculation of both the gross and the net.

Ms. Dwyer - Okay.

Mr. Vanarsdall - Are there any other questions? Okay. Mr. Taylor.

Mr. Taylor - Mr. Chairman, I think for this one we need a motion for the special exception.

Mr. Vanarsdall - Yes, sir.

Mr. Taylor - So, Mr. Chairman, I would move that the special exception for height for POD-29-00, The Garden @ Twin Hickory, be approved.
Mr. Vanarsdall - The motion was made by Mr. Taylor and seconded by Mr. Archer. All in favor say aye...all opposed say nay. The motion carries.

The Planning Commission approved the special exception for height for POD-29-00, The Gardens @ Twin Hickory.

Mr. Taylor - And with regard to the POD, I first want to commend Mr. Tyler on constructive use of the reclaimed water site within the design. We need more of that type of activity in our development and I certainly want to commend you and staff for doing it. And with that, Mr. Chairman, I would move that POD-29-00, The Garden @ Twin Hickory, be approved subject to the standard conditions for developments of this type and the additional conditions Nos. 23 through 30.

Mr. Archer - Second.

The motion was made by Mr. Taylor and seconded by Mr. Archer. All in favor say aye...all opposed say nay. The motion carries.

The Planning Commission approved POD-29-00, The Gardens @ Twin Hickory, subject to the standard conditions attached to these minutes for developments of this type, the annotations on the plans and the following additional conditions:

23. The subdivision plat for Hickory Bend Drive shall be recorded before any occupancy permits are issued.
24. The easements for drainage and utilities as shown on approved plans shall be granted to the County in a form acceptable to the County Attorney prior to any occupancy permits being issued. The easement plats and any other required information shall be submitted to the County Real Property Agent at least sixty (60) days prior to requesting occupancy permits.
25. The limits and elevations of the 100-year frequency flood shall be conspicuously noted on the plan “Limits of 100 Year Floodplain.” In addition, the delineated 100-year floodplain must be labeled “Variable Width Drainage and Utility Easement.” The easement shall be granted to the County prior to the issuance of any occupancy permits.
26. The required building setback shall be measured from the proposed right-of-way line and the parking shall be located behind the proposed right-of-way line.
27. The developer shall provide fire hydrants as required by the Department of Public Utilities in its approval of the utility plans and contracts.
28. Prior to issuance of a building permit, the developer must furnish a letter from Virginia Power stating that this proposed development does not conflict with their facilities.
29. Any necessary off-site drainage easements must be obtained in a form acceptable to the County Attorney prior to final approval of the construction plans by the Department of Public Works.
30. Deviations from County standards for pavement, curb or curb and gutter design shall...
be approved by the County Engineer prior to final approval of the construction plans by
the Department of Public Works.
31. Insurance Services Office (ISO) calculations must be included with the utilities plans
and contracts and must be approved by the Department of Public Utilities prior to the
issuance of a building permit.
32. Approval of the construction plans by the Department of Public Works does not
establish the curb and gutter elevations along the Henrico County maintained right-of-
way. The elevations will be set by Henrico County.

Mr. Vanarsdall - Now we are on the last case, Mr. Secretary, aren't we?
Mr. Marlles - Yes, sir. The last case is subdivision for Lake Ridge (April 2000 Plan).

SUBDIVISION

Lake Ridge
(April 2000 Plan)

Q.M.T. for Windsor Enterprises, L.L.C: The 50.6 acre site
is located south of Lakeside Boulevard and west of I-95 on part
of parcel 73-A-18. The zoning is R-4, One-Family Residence
and C-1, Conservation District. County water and sewer.
(Fairfield) 3 Lots

Is there anyone in the audience in opposition to Lake Ridge (April 2000
Plan)? No opposition. Mr. McGarry.

Mr. Chairman, in May of last year the Commission granted approval for
a 20-lot subdivision and a copy of that is the bottom copy in your handout. A subsequent field
survey of the floodplain revealed less than expected. So, through a road redesign, this created
an opportunity for the developer to get a windfall of three additional lots. This April 2000
plan, the one that is before you, would authorized a total of 23 lots.

There is one outstanding issue on which the staff and developer are not in agreement. The
developer has proposed a non-standard cul-de-sac for the purpose of gaining these additional
lots. The proposed cul-de-sac is 100 feet wide by 150 feet long, it does not have an island.
This would appear to be a “sea of asphalt” which will not enhance the quality of those
proposed lots. So, to soften that impact on the dwellings fronting one another, the staff is
recommending a raised landscape island similar to those provided in other developments that
the developer has done, including Millstone. The Department of Public Works finds the design
without the island to be acceptable. There is no common area necessitating a homeowners
association, therefore, the island maintenance would remain with the County. As a practical
matter, the lot owners would probably maintain it. So staff is recommending approval of the
plan with additional conditions Nos. 12 through 16 and Nos. 14, 15 and 16 deal with the
design issues relating to the island and utilities and landscaping. I’ll be happy to answer any
questions.
Mr. Vanarsdall - Are there any questions by Commission members for Mr. McGarry?

Ms. Dwyer - Is there a planting strip, this is just a 10-foot strip between the rear yard and I-95?

Mr. McGarry - There is a 10-foot planting area along I-95, that is correct.

Ms. Dwyer - Is that in addition to the rear yard setback?

Mr. McGarry - No, ma'am, it is not. It's just an unconditioned rezoning case.

Ms. Dwyer - I thought I remembered that.

Mr. McGarry - And those lots are shallow anyway. So the most we got of that was the 10 feet.

Mr. Archer - Mr. McGarry, would we be able to construct the island, I think you and I discussed this, and not move the water and sewer lines out of the island?

Mr. McGarry - That, I believe, is what the.... I'm sorry...

Mr. Archer - Can we construct the island without having to move the water and sewer lines?

Mr. McGarry - It depends on the amount of landscaping that would be desirable in the island.

Mr. Archer - But it is possible to do it.

Mr. McGarry - It is possible to do that. If the utility line stay underneath the island you would not be allowed to have large trees in the island because the County's Utility Department does not want those in their utility easements.

Mr. Archer - I can understand why. And it is possible to leave this as a grass area, also, is that correct?

Mr. McGarry - Yes, sir.

Mr. Archer - Or plant some smaller shrubs that would not encroach on the water lines.

I spoke with Mr. Windsor yesterday and we discussed what the options might be. Is he here today?

Mr. McGarry - He's on vacation. His engineer is here.

Mr. Archer - Have we determined that Public Works would be opposed to the island...
and live with it or...

Mr. McGarry - They will accept it with or without the island.

Mr. Archer - Okay.

Mr. Marles - Mr. McGarry, has the issue of maintenance of the island been addressed?

Mr. McGarry - In this particular instance, the maintenance would remain with the County. Staff does not feel that it would be appropriate to set up a homeowners association with the sole purpose of dealing with just the island. In other subdivisions where there is island maintenance, and there are other common areas BMPs and so forth, a homeowners association is set up for that purpose then we make the island a part of the homeowners responsibility.

Mr. Marles - It is my understanding that Public Works still had a concern regarding the maintenance of that island as part of their comments to staff.

Mr. McGarry - Well, the options would be to either allow the island to remain as the responsibility of the Public Works Department or require a homeowners association to be set up for the purpose of maintaining it and getting it under private control.

Mr. Marles - They said that option stills exist for a homeowners association, for example....

Mr. McGarry - Yes it is. It still exists.

Mr. Marles - Okay.

Mr. Vanarsdall - If there are no more questions, Mr. Archer.

Mr. Archer - I think we need to hear from the applicant.

Mr. Rohrmoser - Good morning, Mr. Chairman, members of the Commission. My name is Tim Rohrmoser with Q.M.T. representing the applicant. The applicant at this time doesn't take issue with whether we have an island or not. Certainly, in many of our subdivisions we find that desirable. We are noting the apparent dispute between Public Works and Planning regarding maintenance of the island. But, again, in this case there are occasions when we find it desirable to have such an island. We think the only issue here is whether we should move the utilities out of the island. In the current configuration the sewer utility would require two manholes in the island. We can provide sufficient landscaping in lieu of deep-rooted trees. We think that would provide a nice buffer in that area. If we are required to move the utilities out of the island, this would require four manholes in lieu of two and an additional water line as well. So, again, that's the only issue that the applicant has. We would like the
Commission to consider allowing leaving the utilities in the island.

Mr. Marlles - Is the applicant willing to set up a homeowners association to maintain the island?

Mr. Rohrmoser - He has some objections to that, yes. Again, it's such a small piece of land to maintain. He feels like the property owners will probably maintain that, if they are all concerned about their property values in that area. Wherein an association of all the lot owners, just for the sole purpose of maintaining that island, I think we might be kind of convoluted having meetings just with regard to that piece of property.

Mr. Marlles - The applicant also has the option of going back to a standard size cul-de-sac as well, correct?

Mr. Rohrmoser - That's correct, in going back to the original plan, yes.

Mr. Archer - Well, Mr. Secretary, my conversation with Mr. Windsor yesterday, which is after I talked with Mr. McGarry, I'm not trying to create any extra expense for him. At the same time, to have a sea of asphalt that large, it would probably turn into a basketball court, since the advent of these portable basketball goals, I've seen it happen in a few places and that can become a nuisance to some of the surrounding neighbors. So, I would like to see something there that would break up that effect and do away with that eventuality. But, I'm really not quite sure how to do it. A homeowner association, of course, would include all of the homeowners in the entire subdivision, which some of them won't even be near this place. I would think, and one would hope, that the surrounding homeowners would take care of this island, but they may not. I just don't know how to address that. If we could place some plantings that wouldn't be of such a nature that would require him to have to move the water line, perhaps we could.

Mr. Rohrmoser - I think there is considerable opportunity for plantings there.

Mr. Archer - Something that would be very low maintenance.

Mr. Rohrmoser - Absolutely. There's quite a lot of room there.

Mr. Archer - What about something like junipers, does that root very deeply?

Mr. Rohrmoser - Exactly. That's what we had in mind, shallow root systems and it wouldn't interfere with utilities and adequate room for maintenance of the sewer lines. I don't think the water line is a question. It's other water line at the top of the cul-de-sac.

Ms. Dwyer - So, you wouldn't have any vertical planting, then. No trees or taller shrubs.

Mr. Rohrmoser - No taller, deep rooted trees.
Ms. Dwyer - You are talking about low shrubs, then.

Mr. Rohrmoser - Possibly hollies, if you want to restrict traffic across the island, pedestrians.

Ms. Dwyer - Not even a dogwood or something along those lines would work, could coexist?

Mr. Rohrmoser - Well, I think utilities might have a problem with that.

Mr. Archer - Water lines will attract roots.

Mr. Rohrmoser - You would have to discuss that with them.

Ms. Dwyer - Well, it just seems to me that the purpose of having an island like this would be to have the visual relief. And I just think a flat area with a couple of junipers isn't going to provide the aesthetic relief you are looking for.

Mr. Rohrmoser - I think we could provide shrubbery of the 30 inch to 42 inch height easily without offending the utilities and infringing on their ability to maintain that sewer in there.

Mr. Vanarsdall - Are there any more questions, Mr. Archer?

Mr. Archer - Yes, I guess so but I don't know how to ask them. Mr. McGarry.

Ms. Dwyer - Is Mr. Thompson here to talk about this?

Mr. Archer - Yes. Is that why you are here, Mr. Thompson?

Mr. Thompson - Mr. Chairman, members of the Commission. Public Work's concern for the maintenance of this island is that we are not set up to maintain landscaped areas. In addition, it gives us difficulty in getting enforcement when residents use these islands, as they have in the past, to dispose of grass clippings, leaves and the like from their property. With a homeowners association, the resident has recourse within the subdivision. Without a homeowners association that responsibility of enforcement comes to the County. We have to ascertain who is doing the dumping and then take action either from Public Works or from our Community Maintenance group. If it were to be in a natural state, we would be responsible for removing any trees that were left that would eventually die. If it were completed cleared, the only thing we would be able to do would be maintain grass with our contract mowing service on a bi-weekly basis as we do the medians on the roadways. Most landscape islands within the County are maintained by Homeowner Associations, which have proven to be more affective. These islands which aren't maintain tend to become maintenance problems, both for the County and the residents in the area.

April 26, 2000
Ms. Dwyer - Did these utilities get in here recently as part of the development of this subdivision or were they already there, have they been there for a long period of time?

Mr. Rohrmoser - There is a sewer system through the area, but, no, these utilities for this specific area are new to this subdivision.

Ms. Dwyer - So, you all put these in here expecting that you would have a standard cul-de-sac, is that correct?

Mr. Rohrmoser - Yes. The standard cul-de-sac would have featured one manhole.

Ms. Dwyer - Right. But, now that you are looking at doing an island, the utilities that your recently put in there are in conflict.

Mr. Rohrmoser - Yes. And if we were required to move out, it would require four manholes, what we call a sea of manholes.

Ms. Dwyer - And if you went back to the original plan, you would have three few lots?

Mr. Rohrmoser - That's correct. Again, we understand the problem with maintenance and again... Our applicant's only request is that we be allowed to leave the utilities in. If it's deemed appropriate for a homeowner association, then so be it.

Mr. Archer - It seems to me that that's going to be the only logical way to get out of the situation is to form a homeowner's association and maybe make everybody happy that way. A homeowner's association is not necessarily a bad thing because it does give the community an opportunity to get together and discuss things of mutual interest. The only problem we have with them is that sometimes they tend to fall by the wayside.

Mr. Rohrmoser - And we understand. There is no guarantee that the lot owners will take care of that. We understand Public Works position clearly. They have a problem with these areas.

Mr. Archer - You, as a matter of pride, you would think that they would be willing to take care of that. I would much rather have a homeowner's association than to try to depend on people to volunteer to do it. Would that be suitable to you, Mr. McGarry, if we went that route? And it can be set up in the agreement that a homeowners association would have to be formed.

Mr. McGarry - Yes, sir.

Mrs. O'Bannon - If I can just make a remark, last night at the Board of Supervisor's meeting we discussed cluster development and that type of thing. This to me is sort of a mini version of the type of problems that we are going to be asking the Planning Commission to
discuss in the future when we start talking about common areas and homeowners associations and things like that. And this is a problem that we discussed at great length last night. I think Mr. Vanarsdall was there for part of it possibly, but this is the type of question that comes up a lot. Specifically, when you get groups of homes like this, in this sort of configuration, where they do have some type of commons area. And as we have heard here, the problems you have with homeowners associations in possibly not maintaining them. So, just to alert you, this is going to be the type of discussion we are hoping you will have in 60 days.

The only concern we have about a homeowners association is, again, that there are many lot owners that won't appreciate any money going to maintenance of this area. Again, only the residents at the cul-de-sac. It will probably turn into a volunteer action in any case.

Well, you know, the thing is it's such a small amount of work that will need to be done on a regular basis, mostly grass cutting. I don't know if there would be any expense involved in it, except a 1/2 gallon of gas every other Saturday, maybe.

Again, I aspect one of the local homeowners to do it rather than....

It will probably end up that way. That's the way it usually ends up. Mr. McGarry, how can we annotate the plan so that we can defer this action to an association?

Staff would recommend that you revise condition No. 15 to eliminate the requirement for the water and sewer to be moved and in place of that substitute that the homeowners association will be required.

Does anybody have any problem with that?

Not if you don't.

Can you roughly read that to us, Mr. McGarry, how you want to word it?

Number 15 would be revised to state that, you would have a substitute No. 15 that says "The Homeowners Association would be required for this development."

Then how can we determine what plantings will be used in there and who would be in charge of supervising that portion, could that be done by staff, administratively?

Condition No. 16 talks about the detailed landscaping plan would come to staff for their review and approval.

All right, Mr. Chairman, I think I'm ready. Are there any more questions by anybody?
Mr. Vanarsdall - No. Whenever you are ready.

Mr. Archer - All right. In that case, I will recommend approval of subdivision Lake Ridge subject to the annotations on the plans, the standard conditions for subdivisions served by public utilities, the additional conditions Nos. 12 through 16 with No. 15 being revised as mentioned by Mr. McGarry.

Mr. Taylor - Second.

The motion was made by Mr. Archer and seconded by Mr. Taylor. All in favor say nay...all opposed say nay. The motion carries.

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

13. Each lot shall contain at least 8,000 square feet, exclusive of floodplain areas.

14. Provide a raised landscape island, in the non-standard cul-de-sac on Lake Crest Court, which would meet the Department of Public Works approval for dimensions.

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

16. The detailed plant list and specifications for the landscaping to be provided within the Lake West Court island shall be submitted to the Planning Office for review and approval prior to recordation of the plat.

I believe that is the end, Mr. Secretary.

Yes, sir. Mr. Chairman, that does conclude our cases for the nine and ten o'clock agenda.

Do you want to take up the minutes?

We certainly can do that.

Before we take up the minutes, Mr. Chairman, I’ve got one thing that I would like to discuss if I might. At the last meeting we approved a resolution on the Fairgrounds that was presented by Commissioner Quesinberry, and at that time, that we approved that, I wasn’t aware that an appeal was pending on the interpretation of these issues by the Planning Director before the BZA when I voted for the resolution that was presented by Commissioner Quesinberry. At this time, I am not sure that the timing to consider the definition of a fairground on May 11 is appropriate, considering the Board of Zoning Appeals’ public hearing is scheduled for May 25, and I agree we need to hold a public hearing, but I think it would be more appropriate that we hold that meeting after the BZA acts on the appeal.
of the interpretation of fairgrounds by the Planning Director.

Ms. Dwyer - What is the specific issue before the BZA?

Mr. Marlles - The specific issue is an appeal on the Planning Director’s interpretation of fairgrounds.

Ms. Dwyer - This is the same issue that was presented at the resolution, that is whether the term “fairgrounds” should be included, whether the term “fairgrounds” should be included to mean the type of fair that the State Fair is.

Mr. Marlles - Correct.

Ms. Dwyer - As opposed to a more agricultural kind of fair?

Mr. Marlles - Correct. It does relate to the issue that will be considered by the BZA as part of the appeal on May 25.

Ms. Dwyer - The same issue?

Mr. Marlles - A very similar issue. Mr. Chairman, if I could just comment on this. I have had a number of Planning Commission members who have mentioned to me that they were not aware, at the last meeting, that that appeal had been filed when they voted on the resolution that has been introduced by Mrs. Quesinberry. Perhaps, their vote or the decision might have been different if they had been aware of the appeal.

I think there are probably a couple of options for the Commission to consider. Mr. Taylor mentioned the possibility of postponing the public hearing until after the BZA acts on May 25 and that is certainly one option that is legal. The Commission could do that. The other option, there may be more, but certainly the other option would be for the Commission to perhaps reach consensus, if the majority feels this way, that they intend on deferring this matter when it comes up on May 11th. My concern at this point is that we have already had one notice go into the newspaper, a legal advertisement, for this public hearing on May 11th, and I think there has also been some indication, at least one newspaper article that this public hearing will be held on May 11th. Perhaps, if the Commission is willing, by reaching a consensus that the Commission intends on deferring it, it would send a message to our citizens that this matter very likely will be tabled or deferred on May 11th. Again, those are at least two options for the Commission to consider.

Well, you certainly have to notify Mrs. Quesinberry.

Who, unfortunately, today isn’t here.

Again, I think we are all sensitive to that issue, too, that Mrs. Quesinberry is not here today to speak to this matter, whereas, the second option, reaching a
consensus will allow Mrs. Quesinberry to present her view at the May 11th public hearing.

Ms. Dwyer - In light of all of the focus and energy that has been directed to this issue, I would hate to say that we intend to do something. I think if we are going to do something, we ought to do it today. Everyone knows what we are doing. Things can fall through the cracks between now and then. We might intend to state our intention today, and it may be different on the 11th. One way or the other, we should decide if we are going to hear this on the 11th or not, we should decide that today.

Mr. Vanarsdall - Along the same lines, I think, how would we handle the people who would want to come on the 11th for us to tell them we are going to defer it?

Mr. Archer - You'd have to make it a public notice.

Mr. Taylor - And say exactly as Commissioner Dwyer says, if we pick up, if we agree to just move this plainly to the meeting on the 25th, we would just say any hearing on this issue will be deferred from the May 11th meeting to the May 25th meeting.

Mr. Marlles - Well, it is after the BZA. If it is the feeling of the Commission that they do, in fact, want to take action to postpone the public hearing, then we certainly could try to get some public notice into the newspaper. We certainly can notify those groups that, perhaps, would have come to speak on the issue. There are certainly some things we could do to notify the public before May 11th if that is what is the desire of the Commission.

Mr. Vanarsdall - I would certainly vote for that. I don’t think it requires staff to just talk about it today and wait until the 11th to take any action.

Mr. Marlles - Again, what staff was trying to be sensitive to was the fact that the Planning Commission member from Varina was not here and...

Mr. Vanarsdall - Well, it is unfortunate that it came up, but it came up last night, so it is not anything we are trying to do behind her back. It is a fact we have to deal with.

Mr. Taylor - We have to deal with it and dealing with it at the appropriate moment, I think, and I think the more appropriate moment would be after the BZA.

Mr. Vanarsdall - I am in agreement with that, also. I would be in agreement to do something today.

Ms. Dwyer - I would just say, trying to be the devil’s advocate, since Mrs. Quesinberry isn’t here, she might argue that what the Commission and Board does in terms of determining the definition of the ordinance is unrelated to what the BZA may do, as a matter of interpretation of the existing ordinance. I think the object of her resolution may have been to change the current understanding of what that ordinance is. I’m just saying that because that is my interpretation of events. So, while it may be prudent to wait until the BZA makes
its decision and the BZA interprets it differently that the Director of Planning has, then that
can satisfy those who want that different interpretation and no action would be required by us,
so I think that may be a prudent way to go, but I also think that Mrs. Quesinberry may believe
that the two actions are independent of one another.

Mr. Taylor - I guess I would say that they might be independent of one another
depending on whether you are looking at it as a zoning issue or as a planning issue. It is
simply, to me, a question of the timing, and my thought is that the timing of the Planning
Commission’s determination is more or less independent of the BZA, but I don’t necessarily
think our deliberations or our decisions should precede those of the BZA.

Mr. Vanarsdall - I would have never voted for it had I known about what you were
involved in with the 25th of May, and I didn’t know that.

Mr. Taylor - And my feeling is that no matter how the discussion of the
Planning Commission goes, our discussion should be on a different tenor than that before the
BZA as to just what nature of that planning would be.

Mr. Marlles - Mr. Taylor, is it your proposal still then that the matter of the
public hearing regarding the definition of “fairgrounds” be postponed until after the BZA has
had their public hearing and acted on the appeal?

Mr. Taylor - Yes, Mr. Director, it was.

Ms. Dwyer - So, is this a new resolution to counter the original resolution?

Mr. Vanarsdall - I have wondered about that. How do you do that?

Mr. Taylor - My motion would be to simply postpone the resolution and that
we postpone the hearing until their meeting on the 25th.

Mr. Marlles - Or to reschedule the public hearing.

Mr. Taylor - Right.

Ms. O’Bannon - I would just like to voice a real concern that Mrs. Quesinberry is
not here, because there may be some rationale behind the way she has done her presentation. I
will leave it at that – her request. And it concerns me that she is not here and doesn’t have a
voice considering this is her issue at this point.

Ms. Dwyer - On the other hand, time is running out, because we don’t have
any more public meetings between now and then so we have to act today if we are going to
act.

Mr. Taylor - That is right. If we are going to act, we have to act today, and
the question is, shall we act.

Mr. Marlles - I think the Commission is aware that this matter was kind of brought up at the end of the last meeting of the Commission, and I am not sure, again, based on what I have heard from some Commission members, there was not information, or they were not aware of the pending appeal, and may, in fact, not had enough time to even think about the resolution that was introduced.

Mr. Taylor - And, in all fairness to Commissioner Quesinberry, I am not sure if she were here what her thoughts would be because what I seek here is just to postpone this until our next meeting on the 25th and we can still discuss it then. So, I don’t know that I am doing anything except letting the BZA go first, and we will just go second.

Ms. Dwyer - Well then, you really want to postpone our discussion until after the BZA makes it decision, and the BZA may postpone its decision until after the 25th as well, so I think...

Mr. Taylor - Well, if they did that, we would hear it on the 25th. We would just hear it.

Ms. Dwyer - I thought your purpose was just to postpone our discussion until after the BZA makes it decision.

Mr. Taylor - I presume they would hear that on their present schedule.

Ms. Dwyer - I don’t think we can necessarily assume that. All I am saying is, if there is a motion, and that is the purpose, that the motion should be to postpone our discussion until after the BZA makes its decision, rather than tying it to a date, because they may have some deferrals or delays in their process.

Mr. Marlles - I would agree with that, too.

Mr. Taylor - I guess that is right. So...

Mr. Vanarsdall - Why don’t you make that a motion?

Mr. Taylor - Mr. Chairman, I would move that the Commission enact to defer our planned discussion on the Fairgrounds until after the meeting of the BZA on the same subject.

Mr. Archer - Would you like to say the first meeting after the BZA meets, the first POD meeting?

Mr. Taylor - I would say the first opportunity after the BZA meets.
Because if we don’t, we can leave it open until anytime.

The first opportunity after the BZA decides.

Correct. I will amend that to say the first meeting after the BZA makes their decision.

We have to advertise it, so that would give us time.

Anybody going to second it?

I will second the motion, Mr. Chairman.

The motion was made by Mr. Taylor and seconded by Mr. Archer. All in favor say aye. All opposed say no. All right, we have three ayes and one no.

And I abstain. Please let the record reflect that.

The Planning Commission voted to defer the public hearing on the resolution regarding “fairground” until the first meeting after the BZA makes their decision.

I’m sorry. What did you say?

Please let the record reflect that I abstained. I again have concerns that Mrs. Quesinberry...

Mr. Chairman, just to comment on that last motion, it would be the first Planning Commission meeting we can advertise, get the proper advertising in for the public hearing, after the BZA acts.

OK. All right. That is good.

Mr. Chairman, we do have a number of items that were scheduled for work sessions after lunch, beginning at 1:00 p.m. We do have staff here from the Public Works’ department, from the Environmental Design Division, that are prepared to
Mr. Vanarsdall - I believe that presentation is going to run about 30 to 45 minutes, somewhat in that range. Eric, are you still here? Is it the desire of the Commission to take this presentation up now?

Mr. Vanarsdall - We might as well, but that is up to you all. I don’t mind.

Mr. Marlles - Mr. Perry.

Mr. Vanarsdall - Mr. Perry, I am not butting out on you, but I’ve go to answer this phone.

Mr. Jeff Perry - Mr. Chairman, members of the Planning Commission, I certainly do appreciate the opportunity to be before you today. For those of you who might not remember, my name is Jeff Perry and I am the Environmental Manager for the Department of Public Works. Mr. Chairman, I have provided the Planning Commission with a proposed agenda for today’s work session, and with your permission, what I would like to accomplish today is briefly introduce you to the environmental laws that we work under, and what our review responsibilities are. I’d also like to go over the environmental plan review process prior to the Planning Commission meeting, and then after the Planning Commission meeting. Hopefully, this will give you an idea of when a project comes before the Planning Commission what has really gone into it, and what we have looked at. I will spend a little time discussing when the environmental division recommends non-approval of a project to the Planning Commission, and some of the reasons why we do that. And, then, finally, I plan on spending most of our time discussing the five areas of concern that you raised during our last meeting on February 2.

But before I get started, I would like to quickly introduce some of the staff I have with me today. They are here not only to help me answer any questions you might have, but to kind of give you an idea as to the expertise we possess in our section when we deal with some of these environmental issues. First off, I’d like to introduce Keith White. I don’t know how many of you have met Keith before. Keith is a P.E. from the University of Virginia, and Keith reviews a lot of our plans, but, more importantly, I think, Keith has spent 5-1/2 years working for the Chesapeake Bay Local Assistance Department. That is extremely invaluable when citizens come forward with concerns about RPA questions and so forth. Keith, having reviewed the plan, I think we are pretty much consistent with the Act and you should feel comfortable when those issues come up, that Keith has pretty much addressed them before they got to you.

In addition to Keith, I have Robin Morgan with us today. Robin is the County’s wetland and permit expert. Robin also graduated from UVA in biology and Robin spent four years working for VDOT doing wetland delineation, working on permits, road projects, and from there she went to Williamsburg Environmental Group where she did a lot of work also with...
wetlands and permitting. So, again, when those issues come up, wetlands and we have some
discussions with developers, where the wetlands begin and end, Robin is a great resource and
we rely on her heavily, in addition to relying on her for road jobs and school sites and things
like that.

Mike Hackett, Mike overseas our erosion control program. Mike is a Certified Plan Reviewer
and Inspector. It is a big job. He has five inspectors under him that he supervises, so anytime
there is an issue, and a project is under construction Mike addresses that. Also, with me today
I have John Newton. John is an environmental inspector and he is representing the other
inspectors today. John graduated from Virginia Tech and is an E.I.T. In addition to his role
as inspector, we use John for a lot of things, including some of the oil-water separators I will
go over with you today. John reviews all of those oil-water separators and all of the
calculations and he is a great resource.

Lastly, and I will get started here shortly, I have got Scott Jackson. Scott works in the Design
Division, but not for long. May 12th Scott is going to move over to the Environmental
Department and I am really glad for that, looking forward to it, and he is going to share in a
lot of the plan review responsibilities, and Scott graduated from VMI and, again, a super
resource.

Mr. Vanarsdall - You’ve got a good mixture down there, Tech, UVA and VMI.

Mr. Perry - I really do. Mr. Vanarsdall, I am blessed with just a terrific
staff, I really am.

Ms. O’Bannon - Is this what it takes to decide on a BMP?

Mr. Perry - Well, you will see that. You will see everything we do, and with
that, I would like to get started just quickly going through the three laws that we deal with and
what our review responsibilities are with those laws, the first being the Chesapeake Bay
Preservation Act. As you know, that Act is to protect and improve the water quality of the
Chesapeake Bay and its tributaries, and due to that Act, we are responsible to identify where
the Chesapeake Bay buffers are in our County and see that they are protected through the
development phase. With that, I know you have heard of the terms RPA and RMA and in
about three or four minutes, I will show you an example of an RPA and explain how an RPA
works. I know you all have some interest in that, so if you will just bear with me I will get to
that. Another review responsibility under the Chesapeake Bay Act is identifying wetlands,
because our buffers are based off of wetlands. In addition to that, we are required to see
evidence of water quality permits, Corps of Engineers and DEQ permits that may be necessary
for a project. And before we can sign a set of plans, we need to make sure not only that we
see those permits but we understand the conditions of those permits. Lastly, a big
responsibility is water quality runoff from development sites, and these are the BMPs. With
the Chesapeake Bay Act any project that is developed within a Bay area – that project has to
address storm water runoff and treat it before it gets into our storm sewer system and then get
into any streams. The second environmental law that we are bound by is the National

April 26, 2000
Pollutant Discharge Elimination System, or NPDES, and this is really an interesting law.

What it is, is the County is responsible for the quality of water entering its storm sewer system, so as developments are proposed, we have to be able to control the quality of the water that is going into our storm sewer system. That is when we start getting into things like oil-water separators, where we start requiring oil-water separators for gas stations and for people who handle petroleum products. I will show you some examples here in a few minutes.

Also, dumpster locations. Obviously, if you have a dumpster that leaks and it sits over an inlet, and it leaks directly into our storm sewer system, that is going directly into the creek, the NPDES law wants us to look at those types of situations. Trash racks are very similar, especially when you get into the fast food industries that generate a lot of paper. Obviously, if there is litter on the ground and a storm comes along, it washes into the inlet so we have requirements for trash racks, and I will show you those as well.

NPDES also addressed runoff from development sites, just like the Chesapeake Bay Act did, and what it said is that localities that have a population greater than 100,000, which obviously Henrico is, that you address runoff from your development sites. So, what that did is that basically brought water quality requirements, these BMPs, into the areas outside of the Chesapeake Bay Act, so, in fact, we have water quality requirements in all developments in the County due to these two Acts.

NPDES also requires BMP inspections. They recognize BMP's will be contracted and NPDES requires that localities go out and inspect these BMPs periodically to make sure that they function properly. So, that is another review responsibility that we are stuck with, so to speak.

Lastly, and I won't spend much time on this because it kind of explains itself, the Virginia Erosion and Sediment Control law. Our responsibilities there are to actually go out on all projects and review erosion and sediment control. It is a huge task. Right now I think we have 560 active projects in the County. In addition to that, we have 18 mining operations. Some of those mining operations are huge and it does take a lot of time to get out on these sites and inspect them. With that, what I would like to now move into is the RPA, because you will hear me mention this throughout my presentation, RPA, and maybe I can spend just a few moments to go over what an RPA actually is.

Ms. Dwyer - Could you give us copies of this, of your slides or maybe your PowerPoint presentation?

Mr. Perry - I could. Very easily. I think we already have it here.

Mr. Taylor - I have one additional question. Under the NPDES permit system, does every business need an NPDES permit or is there a general permit?

Mr. Perry - No, sir, and that is a great question. What it is, EPA has set up
what they call a SIC Code, a Standard Industrial Classification Code, so every business that comes into the County has a code associated with it. Depending on your code is whether you need to get a permit or not. An example would be, let’s say you are a recycling facility. A recycling facility would generate a lot of possible contaminants going into the storm water, so they will say, “OK, that SIC Code – anybody who is 5015 – I think that it is for recycling – is responsible to get a NPDES permit. However, someone, let’s say, who sells something, like a Wal-Mart will have a different SIC Code, those SIC Codes for those types of activities – commercial types of activities – won’t be required to get an NPDES permit. So, that is how they do it: certain Standard Industrial Classification Codes are required to get NPDES permits, and it is based on what the principal use is on that particular business and that determines whether they need an NPDES permit or not.

Mr. Taylor - Those are for individual businesses.

Mr. Perry - Well, it is more of a classification. In other words, anybody who does recycling is under that Code and would then need an NPDES permit.

Mr. Taylor - That is the Federal system?

Mr. Perry - That is Federal. That has been passed on to DEQ and then really somewhat passed on to the localities, because we have to go out and inspect these facilities to make sure, in fact, that they are storing their chemicals properly and so forth.

Mr. Taylor - And that is an annual inspection?

Mr. Perry - Yes. It is difficult with the number of sites we have, but we try to make it annual. Yes.

Mr. Taylor - Is compliance with the NPDES system, in your experience, inspections, generally are the requirements complied with properly on all of the permits or are there numerous small infractions?

Mr. Perry - There are some infractions, and some situations, depending on where they are storing material and how they are storing material, then there is more of a risk. What these businesses have to do, if you get a permit, you have to come up with a spill pollution prevention plan, for your business, which shows you how you are going to faithfully control your runoff, and that is something that is provided when you go to inspect that business. For the most part, we get some, it is a new program, so it is hard for me to say we get total compliance, but I guess for the most part we are satisfied. When we aren’t we give them notice and then we come back out and re-inspect.

Ms. O’Bannon - I have a question. Dry cleaning facilities, is this something you have to get a lot of permitting for?

Mr. Perry - Yes.
Ms. O’Bannon - This is a two parter.

Mr. Perry - We don’t inspect all businesses, because, remember, under this permit, we are in charge of what comes into our storm sewer system, so there are cases where someone does not connect to the County Storm Sewer System, they discharge, let’s say, directly to a stream, and those cases their permit is direct with DEQ and the County would not inspect them because we have no authority over that, because they don’t come through our system, so we don’t inspect, even though they might have an NPDES permit does not mean that we necessarily inspect that site.

Ms. O’Bannon - The question, the reason I asked the question about the dry cleaning facilities is, is there in our ordinance or zoning we often eliminate that in shopping centers and so on, you know, when zonings come up or it is proffered out - dry cleaning facility - but I understand there is a new type of dry cleaning process that does not cause the same type of pollution or something, and we have added those in the, in proffers recently, and I am curious to find out.

Mr. Perry - I understand what you are saying, but there are certain, don’t forget there is a sanitary sewer that handles anything internal, anything that is processed under the roof, we don’t get into that at all. What we deal with is rainwater getting where someone may store their chemicals outside. Now a lot of time in a dry cleaning operation most everything is under the roof, and, therefore, that is something strictly that would be dealt with through the sanitary sewer and their requirements on strong waste and so forth, through our Utility Department. So, we are basically outside. Did that answer your question?

Mr. Perry - Right.

Ms. O’Bannon - Part of my concern about having dry cleaners in shopping centers is all of the air pollution, I guess you could call it that, but fumes.

Mr. Perry - The concern that I am asking these questions is directly related to work the Planning Commission might do in getting proffers on shopping centers and that sort of thing. That is my reason for asking it then. Also, in working with the rewriting or the newer version of the Chesapeake Bay Preservation Act, Chesapeake Bay 2000, it was an issue that came up with chemicals and so on, but this question, this new drying cleaning procedure, it keeps popping up. I didn’t know, I thought maybe you had something specifically about this new procedure. No. OK.

Mr. Perry - It is something that could be looked into, though. You have aroused my curiosity. That is for sure. OK.

Mr. Taylor - While we are on BMPs, one thing I have noticed is the wide variety of BMP designs and some people have gone to great lengths to design them and provide hydrophilic type vegetation for them and screening, and other people, other institutions don’t do that. Do we give a guide to everybody that is in the process of doing the
BMP designs or have a recommended design that would, perhaps, encourage planting of hydrophilic type plants?

Mr. Perry - We do have a storm water quality guideline manual that basically deals with BMPs. Most of those issues identified in that manual are things like side slopes. Do they need to be in, let's say, a subdivision 4-1 flat, or do they tend to be safer, easier to mow, easier to maintain vs. commercial, which might be 3-1. The actual landscaping of the BMP basically is something that is worked out, I guess, through the Planning Department as part of their landscape plan. We have some reservations about allowing people to, let's say plant trees on side slopes, because if a tree falls down it tears the embankment out of the BMP. So there are some issues like that, as well, let's say mulching below the water quality line. When a BMP fills up with water, it is designed to fill up to a certain elevation, and obviously if you put plants in there that were mulched, that mulch would wash down and then clog the holes of the stand pipe, and, therefore, the BMP wouldn’t function anymore, so we do have some restrictions and some guidelines that are provided in this manual. Now, to be honest, it is more restrictions than anything.

Mr. Taylor - It is clear that some people go to great lengths to landscape it and plant it and probably maintain it and they look very attractive along Broad Street, and then some, look just like a mud hole, and I wonder if there is some way we could encourage the former treatment rather than just the latter?

Mr. Perry - I think we do try to encourage it.

Mr. Taylor - I think you said restrictions. The purpose of the BMP is to move chemicals, nitrate and phosphorus and so on from where it goes in. If you put a lot of plants in it, people tend to want to fertilize them with 10-10-10 and then you are adding nitrogen and phosphorus and so on. You want a nice green grassy looking BMP and I’ve seen it happen in subdivisions, where the Homeowners Association is taking care of the BMP, and that want it to look real nice, but they end up adding the chemicals that it is designed to remove, so you have got a Catch-22 in that you have something there that is supposed to look probably like a mud puddle, because it is going to be a look bit mushy because it is removing these chemicals as they go down into the dirt and go into the water table, so if you make them too nice. It is like you said, you have to move the trees and bushes outside of it or on the edge of it, perhaps, if it is going to have water in it. Often they are designed with prickly bushes to keep kids out, for instance.

Mr. Taylor - The ones that I have seen that have cattails in it, you’re exactly right. They look like wetlands and they look like a marsh. They look much more attractive
than ones that are just barren and denuded of any type of vegetation. I would guess those that
had that type of vegetation really serve to absorb more nutrients and more of the trash than the
ones that are just scraped out and left unplanted. So, the question would be, what can we do,
what should we do to encourage planting and reasonable landscaping within the BMP in the
hope that everybody understands that being wetlands that they do have cattails that this is
good, and they certainly do not need, if they are getting lots of nitrogen and phosphorus with
the runoff, they certainly don’t need to encourage or improve on that fertilization. Thank you.
That is all I had to say.

Mr. Perry - Sure. Thank you. Again, I guess we will start with just making
sure that the Commission is familiar with or comfortable with RPAs and what they actually
are. As you can see, at the top of this slide, you have a perennial stream and a perennial
stream is simply a stream that flows year around, with the exception of an extreme drought.
But we have perennial streams and we have something called intermittent streams that may
flow during the winter time, wet times like we are having now, but basically during summer
months dry up. And what the Chesapeake Bay Act does, it focuses on, as far as RPAs are
concerned, it focuses on perennial streams. So, we are talking about streams that flow year-
around. What happens is the RPA is a 100-foot buffer off of that stream. However, as in this
diagram, it is wetlands adjacent to that stream. What they call contiguous to that stream. So,
the RPA is actually a 100 foot buffer that is off the wetlands if they are present, so if you had
100 foot of wetlands adjacent or contiguous to a perennial stream, your buffer would actually
be 200 foot from the stream, because there would be 100 foot of wetlands and then there is
100 foot buffer attached on to it. If there were no wetlands there, it would be a 100 foot
buffer off of the perennial stream. OK, and we tried to, in the diagram, we tried to give you a
little plan view right below that – and that is probably the view you most often deal with here.
As far as this 100 foot buffer area, this is “Do not Disturb Area” with the exception of a
BMP, which can be located in the landward 50 foot of that 100-foot buffer. I know that is a
little confusing. But that is only if it absolutely has to be there and I am going to show you a
little example later on where we take exception to someone putting in a BMP within the
buffer, because we don’t feel that is the only place that it could go. The only other
encroachment allowed into the 100-foot RPA buffer would be through an exception with the
Director of Public Works, and that exception has to demonstrate that there is a hardship, and
that hardship can’t be money. You can’t come in and say, “Well, I just can’t get the lots I
need. I need to get in that buffer.” It does not work like that. An example of a hardship may
be where someone has a home that preceded the Act. Let’s say that it was built in the 1970s,
and they wanted to put an addition on to their house or they wanted to put a pool out back, and
obviously when they bought that home there was no RPA. They did not know that it existed.
That would be something that could come forward to the Director and say, “Hey look, since
this Act has been passed, I can’t build an addition.” After we look at that, we may allow
some encroachment, but they would have to provide possibly an additional RPA somewhere
else on their lot, or maybe add some more trees out there. So, there is an exception
opportunity, but it is not based on money. It is basically, they have a hardship. OK.
Everybody satisfied, or are there questions on the RPA. OK, great.

I guess now I will get into the presentation itself. Plan submittal. Probably the most valuable

April 26, 2000
tool we have in the Environmental Division when someone submits a plan is the ESA, Environmental Site Assessment. An ESA is required for all projects and plans cannot be accepted into the County review system if the ESA is not completed. We shouldn’t be accepting a plan into the County, because what that does is, basically the ESA is almost a questionnaire. You have an example in your package and it identifies.

Mr. Vanarsdall: Where does the ESA come from? Who does that?

Mr. Perry: The applicant fills it out. The developer would have his engineer fill it out and what that does is - it tells us “do you have a tributary stream, a perennial stream on your property, yes or no.” So, we need to know right out of the gate, do you have these Chesapeake Bay areas on your property that may limit your development or affect your development, and, obviously, we can’t review a plan unless we know that.

Mr. Vanarsdall: So, at this point, the applicant or the developer has gone over the land.

Mr. Perry: Absolutely.

Mr. Vanarsdall: He knows enough about it to fill out this form to get to you.

Mr. Perry: That is correct. That is exactly how it works.

Ms. O’Bannon: Is this a form that has to be filled out? Is this a Henrico County form or is this an EPA form?

Mr. Perry: It is a Henrico County form. It is found on the Environmental Plan Sheet and again it is attached to all plans.

Ms. O’Bannon: Do other counties use the same form, similar form?

Mr. Perry: Other counties may have a similar form that is filled out. I don’t know how other counties actually do it.

Mr. Vanarsdall: It’s not a governmental universal form?

Mr. Perry: That’s correct.

Mrs. O’Bannon: My question is, it is a Henrico County way of doing it?

Mr. Perry: Right. And we have in the past, we have made minor changes to the form as a matter of fact.

Ms. Dwyer: And so this is a part of the POD submittal.
Mr. Perry - This is part of the POD submittal.

Mr. Vanarsdall - So, you take this form and you....

Mr. Perry - POD and subdivisions.

Mr. Vanarsdall - You take this form and you and your people review then you don't take the applicant’s word for it, do you?

Mr. Perry - We are going to show you all that. You are stealing my thunder.

Mr. Vanarsdall - I am, I’m sorry.

Mr. Taylor - Jeff, where the license number is it has to be a “P” or...

Mr. Perry - Or a, I believe it can be a registered professional landscaper. So, what happens, they fill the sheet out and this gives us our information. So, what we do, as Mr. Vanarsdall already indicated, we conduct a field visit to verify this ESA information. And what happens is these plans are shotgun out to our inspectors. And inspectors, like Mr. Newton here, will go take this and go out to the field and he will start to verify. He will take the plan, he will take the ESA and he will try to ascertain if in fact these areas are accurately shown. Now from time to time, we will have questions regarding wetlands because, again, if you go back to that previous slide, a lot of these RPA buffers are based off of wetlands. So, it we have a situation when we are not sure about the wetlands, the inspector will contact Robin, and she will go out and here she is sticking a soil probe in the ground (referring to slide) trying to determine if the soils are hydric soils. And she will actually verify, do we agree with those wetlands or do we not agree with those wetlands and do we agree with RPA buffer or don’t we. So a big part of our job is to go ahead and verify those boundaries.

What we do then is we have a meeting every Monday. We bring that information back in and we discuss the project. Was the information accurate? And at that point, we will sit down, Robin will be there, Keith will be there, looking at the Chesapeake Bay issues, Robin the wetland issues, and we will go over those issues, and also the type of development, and we will start to form our comments. We will fill out an environmental comment sheet that I’ve also attached, it’s a three-page sheet, and this is where we start getting into some of the things we would like to see from the developer. Some of the issues he may have not answered at this time. We will get into things like, okay, it looks like your development is going to be a gas station and you need to go ahead and provide us with some details on oil/water separators. We will also fill out the form and say, did we agree with your ESA information. So, this is a comment sheet and pretty much covers all the issues. And I think I have included that in your package.

Okay. We are meeting crazy. So, from our Monday meeting we go to a Tuesday meeting with the design staff and public works, and there’s a real good reason for this. Certainly, we don’t want to give the developer back, or the applicant back, conflicting information. And an
example of that would be: We wouldn’t want our design division, after reviewing the plans, to
say, "Hey look, we think we need to pipe this stream in." Then we would turnaround and
say, "This stream needs to be protected because it is a Chesapeake Bay stream and you need to
have a buffer on it." Certainly, that’s not something we would want. So, collectively, in
Public Works, we sit down to discuss our comments and the design division's comments and
to come up with a consensus on what our comments should be and we proceed with that.
At that time we also discuss the erosion and sediment control narrative. We start getting into,
even though we don't have a formal erosion control plan, we start looking at where are these
drainage basins going to be cited. We start thinking long term because that is a big part of the
development project. If you get a 10 or 12 acre site, how are you going to control that erosion
throughout the entire project? So we start to look at that at this point. And then we discuss,
most importantly, our recommendation to the Planning Commission and what’s that going to
be. And, again, what we are talking about is approval or non-approval and I will go over
some situations here in a few minutes of where we might not recommend approval. Okay.
After our Tuesday meeting, staff/developer meetings are on Thursday, and we come face to
face with the developer and the applicant, to go over our comments. And we give them our
sheet and pretty much go down it and at that time we let them know what our recommendation
is to the Planning Commission.

Ms. Dwyer - What do you do on Wednesday?

Mr. Perry - We have other meetings

Mrs. O’Bannon - I’ll tell you what, the Chesapeake Bay 2000 Agreement says on
Wednesday you are going to do this presentation to school kids in high schools.

Ms. Dwyer - Could I just ask one question?

Mr. Perry - Sure.

Ms. Dwyer - This is all in preparation for POD and subdivision. This does not
happen prior to zoning.

Mr. Perry - That’s correct.

Ms. Dwyer - So, you are going to talk today about what you do before a zoning case?

Mr. Perry - That’s easy. We don’t do anything. No. At this point, we are not
involved in the zoning process. I didn’t include that as a part of my presentation, but at the
end, if you would like to revisit it, I’ll be glad to do so. Okay. What do we do after you act
on a plan? There are a lot more issues that we deal with. No. 1. Before we can sign a plan,
we have to, again, make sure that the applicant has the permit in hand. If it’s required, if he’s
filling in wetlands or crossing a stream and he’s required to have a permit from the Corps of
Engineers, DEQ, certainly we don’t want to sign those plans until we are sure that he has
those permits and we understand the conditions. This is just a quick example of what a permit
would look like (referring to document on screen). Oil/water separators, dumpster pad locations and trash racks. I'm just going to give you a little idea of what these things actually look like. I'm going to show you three slides here. Oil/water separators, again, John reviews these oil/water separators. This is a big tank. It is above ground, it's at Route 1 and Parham Road and it's ready to go in at a gas station located there. What this will do is it will go in the ground and then, if you are familiar with going in a gas station, you have a concrete pad and then there's a trench drain that will run around that concrete pad. And as people fill up and change there oil, antifreeze and they spill this all on the concrete pad, they will come out an periodically wash these areas down. What will happen is the water will go into the trench drain, from there it will go into this oil water separator where it will separate the pollutants and the clean water will bypass the system into the storm sewer system and then periodically they will come out and pump these out.

Mrs. O'Bannon - Is this required in older gas stations?

Mr. Perry - It's difficult to go back and retrofit someone for a new law. Certainly, as they come in to be redeveloped, yes, we require that.

Mrs. O'Bannon - They are required to dig up there gas tanks every so many years and so on.

Mr. Perry - Right, which is a little different then an oil/water separator.

Mrs. O'Bannon - I know that, but I mean they wouldn't be required to do this when they dig up their gas tanks or something?

Mr. Perry - Not unless they have had to file a POD to do that, then it would come through our review system. And a lot of those changing over to plastic gas tanks, didn't require a POD.

Mrs. O'Bannon - So, older gas stations won't have this type of system?

Mr. Perry - There are still several gas stations, many gas stations, that do not have oil/water separators at this point.

Mrs. O'Bannon - But a new one that comes forward with a POD would end up having to do this?

Mr. Perry - Yes, ma'am.

Mrs. O'Bannon - Okay.

Mr. Perry - Okay. Dumpsters and their locations. Obviously, there is a dumpster here (referring to screen) and you can see the inlet in the background. This really illustrates why we are so concerned about the placement of dumpster pads. We are particularly
concerned, a lot of them leak. Obviously, you know the operation, when someone comes to 
empty those dumpsters you know not everything gets into the truck all the time. So, we are 
really concerned about that. When a plan comes through, we are really going to look at where....

Mr. Vanarsdall - That's behind Willow Lawn, isn't it?

Mr. Perry - Excuse me.

Mr. Vanarsdall - Isn't this one that you are showing up behind Willow Lawn?

Mr. Perry - Yes, it is. It's Ruby Tuesday. He knows his areas.

Ms. Dwyer - Jeff, since you are looking at things now that may involve Planning, is 
Planning involved in that Tuesday meeting?

Mr. Perry - They are not involved in our Tuesday meeting, but when we meet on 
Thursday at the staff/developer meeting, they will hear our comments. Our comments are 
actually forwarded down to the Planning Department.

Ms. Dwyer - That's usually soon enough to catch something that may.... I mean, 
dumpster locations may be something that the Planning Department may have input into.

Mr. Perry - Correct. Every once in a while it's something we may discuss with the 
Planning Department, depending on our comment. We would get together with them and, 
again, try to talk off the same sheet of music. Trash racks. You may be seeing more and 
more of these in your area. Again, we target businesses, new businesses that are coming on 
board. They generate a lot of paper, fast foods, shopping centers. I know in the past, and 
you've all got lakes in your areas, and I'm sure you have heard from property owners that I've 
got cups floating in my lake and you know we always have to clean them out. And, again, 
this is an opportunity for us to stop some of that. And, basically, if they don't clean it, and 
their parking lot floods, and patrons come through their area shopping, then they better get out 
and clean it and dispose of it properly. So, again, that's something after the Planning 
Commission see the plan, but something we still look at before we approve a final plan.

And they give detailed erosion and sediment control plan and review. Here, you can see we 
are going over it (referring to screen). This is really a big job because you have to follow a 
project not just through the initial grading but what happens to all that dirty water when they 
start putting the storm sewer in. Does that still go to a basin? So, you've really got to sit 
down and think a project all the way through to determine whether the erosion control is going 
to function properly. And then you have to sequence it.

Mr. Vanarsdall - So, this is done after we take action on it.

Mr. Perry - That's correct. After you take action on it, because at that point there's
not enough design information before you see it to really get down to the actual sequence of it. Now, before you see it, we get into some general locations of where basins may be. The real detail isn't done until after you see it, that's correct. Okay. This is something I'm kind of proud of. It's something we started several years back, but pre-construction meetings. What we have done is, a plan isn't officially approved until we sign it, Environmental Division, at pre-construction conference. And what happens at this conference, we will take the plans after Planning has signed them and Public Works internal. They will be routed to the Environmental Division, folks in the field, and someone like John would take the plans, if the project is in his area, he will go out and he will actually meet with the contractor, with his engineer on the site. And John would go out and he will actually check the flagging. The tape has to be up. It's not unusual if the tape is not up for us to roll the plans up and say sorry you can't have your pre-construction conference today. When you get all your flagging up of the bay areas and the wetland areas and the areas that are supposed to be protected, you call us when you get that up and will come back out and meet with you.

Mr. Vanarsdall: That's what I wanted to ask you. Who puts... I've seen the tape but I've never seen anyone putting it up or taking it down. Who put that up?

Mr. Perry: The applicant puts it up and, again, we certify it and we go out to make sure it's in the right location.

Mr. Vanarsdall: But you have already told him where to put it.

Mr. Perry: We have already initially agreed with... What normally happens, Mr. Vanarsdall, is, they usually tie ribbons, the first go around, okay. We will come out and look where the ribbons are and said, "yes" this is the general line. Then once we agree on it, then they will put the tape up. Then we will come out at pre-construction time and make sure the tape is in fact up and it's where our original agreement was. So, that's kind of how that works. So, here we are. We have inspected it. At the same time, we go over the narrative with them, erosion and control. That contractor needs to understand that sequence. He needs to sit down, and we tell him, look the first thing that goes in place is a sediment basin. You can't clear for your pad. You can't clear anything until your basin is in. And this is the time where we actually sit down face to face with that contractor and we lay the rules down. So, it's really important at the pre-construction stage. And, then, finally, once we are satisfied that we have done that, we actually go ahead and sign the plans. And, at that time, the contractor and the developer actually has an approved set of plans from Henrico County. So, we are pretty much at that point, we are satisfied with that all of the environmental issues have been taken care, and hopefully you are satisfied that all of the environmental issues, more importantly, have been taken care of.

With that, I just want to touch basis, real quickly on when does the Environmental Division not recommend approval to Planning Commission because sometimes in our package we recommend that you not recommend a project. And the first instance is, if insufficient information isn't available to evaluate the environmental impacts of the proposed development. In other words, someone may have filled out that Environmental Site Assessment sheet,
checked all of the blocks that we discussed earlier, and it got into the system, but in fact didn't show it on the plans. So, they said they had a perennial stream or RPA buffer but it wasn't shown on the plan so we didn't have anything really to take out to the field to look at. So at that point, if that plan is in the system and it has gotten this far, we would recommend non-approval. And what usually happens is the plan is withdrawn, even sometimes before you even get it. And they really they have to go out and take care of it. And the second is, information shown as inaccurate and will effect the proposed plan in a significant way. That, in fact, the plan that you are looking at or suppose to look at, will in fact lose lots or effect development. Here is an example: We disagreed with the RPA buffer and the buffer in this case is the green line, (referring to screen) that 100-foot buffer and that's where we thought the line should actually be. By actually coming up with the correct line, those three red areas represent three buildable areas that would have been lost. In addition to losing those three buildable areas, the cul-de-sac is probably going to change. That whole road configuration would change. In addition to that, there is a BMP, and if you look at the BMP it is to the far left of your screen, you can see the grading lines that have actually gone down into the RPA.

So that grading it would actually have to disturb below that green line. We don't think that's necessary. We think that the BMP can be pulled up slightly to avoid the RPA all together. So, when we look at all those issues, and when we look at the fact they would be losing lots, the fact that the road configuration may change, this is an example where we would write on our comment sheet we are recommend non-approval because we want to make sure that what you are looking at, the plan, is actually going to be the accurate plan. And in fact because of the changes, we would require this layout maybe much different in it's final form. So, I hope you all are comfortable with that. But, those are the times when the Environmental Division would go ahead and recommend non-approval to you all. You would make that decision at that point but we feel like that at least we would have done our job by calling it to your attention.

Okay. Issues of concern at our February 2, 2000, meeting when I met with you last time. We had five issues, well I felt like we had five issues that you brought up. Maybe I can tell you a little bit about what we did about those issues and maybe discuss them a little bit further. The first is wetlands impacts. Front and side yards versus rear yard setbacks in subdivisions. If proposed lots have wetlands in the front or side yard they must be shown and impacted and appropriate permits must be obtained. What we do here, this is a requirement of the Department of Public Works. We do not want to leave wetlands in people's front yard and side yards that are going to become a problem for them. You can have situations where someone has a wetland in their front yard and they would look at it and say "Well it really doesn't look all that bad" and they are looking at it in June and then they go out on a day like today and there's six inches or eight inches of water standing in their front yard and then it's a huge issue for them. We want to avoid that issue. If they have wetlands in front and side yards, you consider them an impact and you get the appropriate permits. I think that's been very successful for the County on eliminating those phone calls to you all and to Board members saying how could the County let this happen. How could they leave a swamp in my front yard? So, we don't let that happen.

So, as a practical matter, when you say it is permitted and taking care
of, does that mean it is filled in and redirected or compensated for?

Mr. Perry: That's correct. And I'm going to get into a little of the permitting mitigation but you hit it right on the head. That's exactly what happens. Rear yards, either wetlands or RPAs, it is a little bit different. They are allowed to leave wetlands in rear yards. Here is an example. Lot 22, the dotted line represents the buildable area and you can see the yellow or light green, I am not sure. I guess light green is where we required impacts to provide a 10-foot setback from the wetlands that are shown in blue to the actual buildable area. What this means is, we were having situations where we were having buildable area come right up to wetlands, and when it came time to build a house, they physically could not build a house without getting into the wetlands. I mean the corner of the house was right on it, so we started requiring a 10-foot setback from the buildable area, from the wetlands, just to insure that they could at least build a house. OK. So, we do allow wetlands to remain in rear yards.

Ms. Dwyer: Are people notified of that? What kind of notice does the person have if they are buying a house with wetlands?

Mr. Perry: If you don't mind, could you just wait a second. The questions come up, "Is this enough?" OK, because what you are looking at is - you are basically saying from the back of your house to that wetland, you've got 10 feet. Ten feet is not a whole lot, and it is particularly not a whole lot if you come out and you see a dry wetland outside, you might say, "This isn't a problem." This might be June. You might say, "Well, that is not too bad. I can pull up some of those logs and it is not too bad." However, you can also come out there and in January, February and March, and say "Gosh, I bought this lot in June. It didn't look like this. This is 10 feet from my house. County, you've got to come out here and do something. I have got a problem." So, the question really that has come up is, "Is 10 foot enough?" That is an issue right now that we are dealing with internally. I know I have talked with Randy Silber and I know Bob Pinkerton and Bob Thompson have been involved, and we plan on sitting down in the near future and addressing this, because it is coming up more and more. Obviously there was an article in the newspaper here recently regarding wetlands coming up close to people's homes and concerns, and it is a big issue, and I think it is an issue that, hopefully, internally we are going to address and possibly come back before the Planning Commission with a recommendation of what we are proposing.

Mr. Marlles: Jeff, isn't it true that a lot of the complaints that we hear really occur or come from property that was developed prior to these regulations being in effect in terms of standing water and drainage?

Mr. Perry: I would say, honestly, John, that we see both. If the problem you are getting into is some of the newer developments do that, trying to avoid impacting wetlands because that costs them money. They have to mitigate. They will try to push that envelope and try to get as many homes close to those wetlands but without impacting them, as possible. Because, it is costing them money. So, even new development generates a lot of complaints once the people have moved in and gone through a lot of seasons - rainy seasons - and realized that this wetland area out there can, in fact, be really wet, so it is pretty much a
tradeoff. We get it from both sides.

Ms. Dwyer - What options might we consider requiring more land that is out
of the wetlands?

Mr. Perry - Exactly. We are possibly going to a minimum rear yard where if
someone does have a wetland in their backyard, let’s say the rear yard is 35 feet for that entire
subdivision, you could go to that person and say, “Look, we realize that you’ve got wetlands,
but you have got the same amount of backyard as that person over there and that person over
there, and we have made sure that you have 35 foot of usable backyard. Those wetlands are
just additional. That is just one of the ideas that we are entertaining at this point.

Ms. Dwyer - So, the required rear-yard setback would have to be outside of
the wetlands, although the rear yard could contain additional property that didn’t have it.

Mr. Perry - Yes.

Mr. Vanarsdall - That reminds me of the controlled density thing.

Mr. Perry - Why does it just remind you of it? We don’t have to get into it
today.

Mr. Taylor - Another thing might be to require that any wetlands on a property
be required to be divulged by the real estate agents at the time of settlement. We had a case
with Mr. Glover not too long ago with the Chairman and I where a lady complained that once
she bought her house it was no apparent wetlands. No one said anything. She moved in and
then the tide came in and she had about 2 feet of water in her backyard, and it was a big
surprise.

Ms. O’Bannon - There are two or three issues there. That requires a State law,
and it also is a thing that has to be revealed. There is a long list of things that realtors say they
do, and you just sign off on it, and they consider that as having revealed it. Many, many
times at closing people will just sign the paper and don’t realize that it has been revealed, but
that would require a State law to specifically pull that in.

Ms. O’Bannon - Is that a State law now?

Well, the State laws, I don’t know exactly if that is now, but all
they have to do is say, “Here, sign this.” That is the disclosure part of it.

Mr. Perry - We are going to deal with that next. OK. How are potential
homeowners made aware of wetlands and RPA’s that exist on their property?

Ms. Dwyer - We are not going to ask any more questions. You have covered
it all.

April 26, 2000
Mr. Perry - Really, what we do right now, currently, is that we require asterisks and appropriate notes on the plan, and you have this in your package. I know it is hard to read up here, and I apologize for that, but we could not shrink it anymore. What we require is that on that plat – wetlands to remain on that spot or RPAs to remain on that lot – that we asterisk those lots and put the appropriate notes, so anybody who reviews that plat, at closing or whatever, knows that there are limitations on those lots. OK. So, we have done that and I will give you a couple of seconds to look at those notes, but really the question is, “Is that working?” OK. Ms. O’Bannon hit the nail right on the head when she said that we get a lot of complaints. “Yes, it was on my plat. I don’t think I ever saw my plat. At closing they gave me a stack of papers and I signed everything, and County, I just didn’t know. You mean to tell me that I can’t build a garage here. I can’t build this garage in this RPA area here. And, why didn’t I know they were wet?” So, we are taking a different approach. We have tried the plat for several years now and we have a different idea, and a new idea. I knew it was here somewhere. A proposal that on lots that are going to have wetlands and through a main or RPA areas, that we ensure developers put up a sign, and we will provide a sign. He will put up a sign initially – along when he puts up the barricade tape and ensure that at CO time that the sign is up, so when that owner walks on that property, on that line which is the wetland line or the RPA line, and I will pass this around if you like. When that property owner comes out, I mean, by putting asterisks on the plat and putting signs upon the lots, shouldn’t be able to come to the County and say, “Hey, look. I didn’t know I had wetlands on my property. I didn’t know I had RPA on my property. It helps us actually with enforcement, because one of the issues we really wrestle with, and I can tell you it has become quite an issue that we wrestle with, is when several families have wetlands and RPAs that they are supposed to protect and leave on their property. We get a call from an owner and say, “Look, I left my wetlands on my lot. However, these three people down there went ahead and filled the wetlands in. What are you going to do about it? We know they are protected under the law.” We go out and knock on the door and say, “Hey, look. You violated your RPA, your wetland line.” They turn around and say, “It wasn’t me. The builder did it when he built the house. When I got here it was already like this.” We go see the builder and the builder says, “No, when I left that house, that RPA was still there.” Now, wait a minute. Which is it? So, what this sign will help us to is at CO time, we know that when that builder left and that property owner bought that home, that, in fact, those buffers were still there and filled the wetlands in. What are you going to do about it? We know they are protected under the law.” We go out and knock on the door and say, “Hey, look. You violated your RPA, your wetland line.” We turn around and say, “It wasn’t me. The builder did it when he built the house. When I got here it was already like this.” We go see the builder and the builder says, “No, when I left that house, that RPA was still there.” Now, wait a minute. Which is it? So, what this sign will help us to is at CO time, we know that when that builder left and that property owner bought that home, that, in fact, those buffers were still there and no signs were up. Then we will know if anybody goes back and violates those buffers, and when we get calls to take action, we will know who the responsible party is.

Mr. Vanarsdall - And I am going to add something to the bottom of this sign that says, “Removal of this sign means a $1,000 fine.” I would like to see that added to the sign. I think it is a great idea. I think it is wonderful, but I know we have had problems in the past with people purchasing property in subdivision. For instance, one side of the street was supposed to say, “No parking,” and when the realtors would go out there, I know they removed the no-parking signs, and our Public Works Department had to go back out and add No Parking signs. When the person who purchased that property said later, “I know it was noted on my plat that it was no-parking in front of my house. But, when I saw the property and chose to buy it, the sign was not there.” I would like to see a big penalty for removing the signs.
Mr. Perry - I guess what that would take, ma'am, is getting someone in the County Attorney’s office to find out if we have that latitude under our current ordinance.

Ms. O’Bannon - If we cannot, I want an ordinance to come forward that says something to that effect. I think it is that important, that if you can figure out who removed the sign, because I think that important part, and that is exactly what you are trying to do, and I just want to make sure that that happens somehow. Because I’ve seen it happen too many times, exactly what you said, that it was there when I saw the property, but when the person bought it, somehow it gets removed. So, if we can add that.

Mr. Perry - We will definitely look into that. That would be great. That would help us a lot.

Ms. O’Bannon - And I would like to see a big penalty for removing the sign.

Mr. Perry - I wrote $100,000. I had better change that.

Ms. O’Bannon - Of course, you’ve got to enforce it and I understand that. That is the other back part of this that you hear from folks, but wasn’t there when I got out and walked around the property and when I got ready to buy it.

Ms. Dwyer - Is this sign supposed to stay there forever?

Mr. Perry - It varies, but seriously, we are targeting, hopefully it would stay until someone sold the property, but,

Ms. Dwyer - Or you would have the same problem with the subsequent purchaser.

Mr. Perry - We understand that, but at some point you just try to do your best.

Ms. O’Bannon - I agree.

Mr. Vanarsdall - What do you attach this to? Some kind of a tree?

Mr. Perry - Hopefully trees, and we have some spacing, and we have some guidance, but obviously not all RPAs are forested, so actually we would have to have some post, and we are going to have some specs on that, on what those have to be. OK. The third issue, and I know you are all getting hungry, is permitting and mitigation. Mr. Taylor, I know you brought this up. You had some questions on permitting and mitigation and wetland banking, and I just wanted to touch very briefly on it to make sure, hopefully, that maybe you will understand the permitting program a little better. I am not sure I understand it all the time because it is so complicated. Currently, under the Nationwide 26 program, which is the Corps of Engineers permitting program, developers can impact up to a third of an acre without
having to mitigate. Mitigate is either create wetlands, which costs money. Buy out of a wetland bank, which is the going rate is $55,000 an acre, it is up from $35,000 two years ago, and I understand in northern Virginia it is $125,000 an acre. Preservation. Preservation is not at a 2 to 1 ratio as the others are. That can be as much as 10 or 20 to 1, but I am going to really focus on creating wetlands and a wetland bank, because really the agencies steer you away from preservation. Again, it is 2 to 1, so what happens to a developer and the reason why you see wetlands in backyards and developers trying to put wetlands possibly even into common areas, beside homes, and I am going to give you an example here, and, quite frankly, I don't think there are any around, but it costs them money. So, what they try to do is try to impact up to that third of an acre, because that is almost a free third of an acre.

Ms. O’Bannon - If I can ask you something. What we hear from the developers is that we are forcing them to do this. That is their side.

Mr. Perry - Forcing them to do what? Impact wetlands?

Ms. O’Bannon - Forcing them to preserve them. They have often said that that

Mr. Perry - We force them to, the complaint I hear, is that we force them to impact wetlands in the front and side yards. OK, because, obviously, they’d like to preserve those, as well, because it goes against them, and what a developer normally will do is, will have impact for his roads and his infrastructure and things like that, and that goes against his third of an acre.

Ms. O’Bannon - What they are saying is that having the home say, on the eastern half of the property and then having the western half of the property be a wetland, and then making or attaching these - the homeowners’ association would have to maintain that. They say that we are forcing them to do that by that type of legislation and I don’t necessarily mean Henrico, but they are forced to do that that way. That was the comment they made.

Mr. Perry - What happens under the Corps of Engineers’ regulations, the first thing you have to do to any wetland is avoid it. OK? Then you have to minimize your impacts. OK. Then you have to mitigate for any impacts that you do have, so what happens a lot of times is a developer will try and set these wetlands up so he can prove that he has tried to avoid as many wetlands as possible. So, I don’t know.

Ms. Dwyer - But the idea is that - from what - and I heard your comment there, he is not forced to, he could attach that to the back of a house. Is that it? And have that one homeowner be responsible for it?

Ms. Dwyer - I think what you are talking about is - there has been a debate about the creation of a common area that has to be maintained by homeowners, and the Board has been concerned about being able to enforce that, and so the developers are saying, “Wait a minute. You are requiring us to have these areas to preserve these areas because they have wetlands, and now you are telling us that we are having issues relating to homeowner
maintenance of those in the future.

Mr. Perry - I understand that, but I guess my issue with that would be that we are not forcing them to maintain any wetlands. They could impact them as long as they got permits to do that. And we have always said that, and I think that is some of the issues, and I am looking at Bob and Mr. Pinkerton, excuse me? Right. Except for RPA wetlands because they are buffered anyway. They are protected, but when you get into some of these - what we call headwaters wetlands, smaller wetlands, in fact we have tried to get them to impact them in a lot of cases to provide more back yard. So, that is why I was a little confused. We normally don’t ask them to preserve them, as much as we ask them to impact them to eliminate complaints and so forth.

Ms. O’Bannon - Is the question then a matter of money for them? What the development costs to them, to do what we are asking them to do to impact them, and so that is probably why they say that they are being forced to preserve or have these associations take care of them. I am not saying that what they are saying is correct. That is just what they are saying. I am trying to get a feel for this, because it will come up again.

Mr. Perry - Right. What happens is, anything over a third of an acre, that they are proposing for their entire development, starts costing them money. OK. They have to create wetlands, and that really is a big issue to them, and what is going to happen even more so is on June 7th this year that threshold is going to drop from a third of an acre to a 10th of an acre, so anytime they have to impact more than a 10th of an acre on their entire subdivision or POD, they are either going to have to create wetlands or mitigate wetlands. So, now you are going to see developers trying to preserve more wetlands because they have only got up to a 10th to work with, and after that it is money out of their pocket, so that is really what it comes down to.

Mr. Taylor - Jeff, is that one-third or one-tenth of an acre apply whether the parcel is 100 acres or one acre?

Mr. Perry - That is correct. Across the board. OK.

Mr. Taylor - Jeff, one more question because we just had a presentation from Webb Tyler on the Twin Hickory development in which he is actually developing an old quarry or an old area into twin lakes, and I thought it was very good, adaptive use of that area for wetlands. When a developer does that, do we give him additional credit for, let’s say the acres he encompasses within that, as let’s say, an offset, if he has a couple of lots that he has to impact or that, you can’t trade those.

Mr. Perry - That would be strictly negotiated between the developer and the Corps of Engineers. We don’t because the Corps is the one that would be giving him a permit for any impacts, so if he says, “Look, I am going to impact an acre wetland; however, I am going to preserve and I am going to create these other wetlands by taking this quarry and doing something with it, and so forth.” That is a negotiation between him and the Corps to try
and reduce his requirement to create additional wetlands, or basically to work in his behalf.

Mr. Taylor - Does the County participate in those tradeoffs? Or negotiations?

Mr. Perry - We would make sure that as part of that permit that we understood what those tradeoffs were, and, that, in fact, if he had to create wetlands we knew where he was going to create wetlands as part of that development, and would make that part of the plan, but no, we don’t get into the negotiations between the Corps and the developer.

Mr. Taylor - It seems appropriate that the County would be involved in that. I don’t know if that is better off. OK, thank you.

Mr. Perry - And I am going to revisit the common area. That is going to be No. 5, but under No. 4, a question that was raised, and Ms. Dwyer, I believe you raised it, the question the last time we were here, and it concerns somewhat our erosion control inspection and how often we have to do it, and we do it within 48 hours after rainfall, and at least every two weeks on development projects. It is extremely difficult for us to do. Here is one of our inspectors and he is going out and checking a basin to make sure that it is functioning properly, and when you start looking at the numbers, you can see that we have 560 active projects spread out over five inspectors, so we are pushing 110 projects for each inspector. When you start getting out there twice a week and after every rainfall within 48 hours, it becomes extremely difficult. What we do is we try to prioritize our projects. Obviously some projects are in a phase where it needs very frequent inspections, but once all the piping is in, the dykes are in, the basins are in, and all the water is diverted during a storm to a basin, then that inspection doesn’t become as critical as maybe another area, so we try to prioritize our projects, but I will be honest. It is a heck of a job that these folks do by getting out there, and I am particularly proud – and I will take two steps and jump up on my soap box – I’ve had a chance to go to several meetings where the State has shown up and basically listed the amount of phone calls that they get concerning erosion control or problems. And quite consistently, we are at the bottom in the number of complaints that they receive, but yet we are at the top with the amount of land that is actually disturbed where we have ongoing operations. It is really no reflection on me as much as our inspectors, and know that I am particularly proud of them.

With that, No. 5, Wetlands and Common Areas Vs Homeowner Lots. This is a big issue and here is a great example, I think. If you go back to something I was discussing with you before where we require impacts both in front and side yards. What you see in green and the green and blue area, I apologize, is obviously wetland are. The green would be wetlands where we would require that to be impacted because they are located in the front and side yards. However, in this particular development, what the developer did is, the area between the yards, is called common area. OK. So, in essence you have wetlands between these yards, but it is not really soggy yard. It is common area. We require the impact in green, but the wetlands in blue can remain, and I hope that makes sense. Under our policy, so when you start getting into your issues and say wetlands and common areas, I certainly understand what you are up against. And, at the same time, the developer, in his defense, has to avoid wetland...
impacts, so he is saying, “Well, look. I need to minimize my impacts, so I am letting these wetlands remain through this common area, and, in essence, they don’t have to be impacted, because they are really not in anybody’s side yard.” So, that is, and unfortunately, if you go back to that slide where we had all of that water, there is no guarantee, I can’t come to the Planning Commission and say, “This wetland is going to look extremely dry, and it is not going to be a problem,” because when we go out and look at it, it might be June, and I have no earthly idea what that is going to look like in February, March and April, during the rainy season, and in foot there may be two feet of standing water out there, and will the phone calls come? Just because that wetland is in the common area and not on their lot? Chances are they may. I’m not sure the person living in that house is really concerned whether that is the common area or not if there is a foot of standing water 25 ft. from the house. So that is an issue we are wrestling with, and I wish I had an easy answer for that, but I don’t. And, with that, I think...

Ms. O’Bannon - Would it help to get creative with the lot design?

Mr. Perry - Excuse me.

Ms. O’Bannon - Is that where it is helpful to be creative with the lot designs and the way they are done, say not with the cul-de-sac there, back it up.

Mr. Perry - You mean providing more side yard for each of those homes where they move further away from the wetlands?

Ms. O’Bannon - Different lot design. Just...

Mr. Perry - That may be something I would defer to Planning. When it gets into the lot design, I really don’t have a lot of expertise in that area. I don’t know what could be done about that. I don’t know if they have some immediate suggestions.

Mr. Vanarsdall - Let me ask you something. I just saw Hank Wilton come in, so I will use him for an example. He would purchase a piece of property and then he’d file a case. How soon do you and your people, what time frame would you get in on that? A week, two weeks, three weeks?

Mr. Perry - As soon as he gets to the Planning Department, they basically shotgun those plans out to all of the agencies. We strive to have a 10-day turnaround time. OK. Which enables us to send that back to them, to staff developer, and to the Planning Commission, so they know our recommendation and they know we are satisfied with the wetlands and the way they are and where the buffers are shown and so forth. That is how that works, but we obviously don’t get into this type of issue at that point. At that point we don’t know what some of the impacts actually will be, to be quite honest. We just know if the wetlands are shown accurately and the RPA is shown accurately, and some of the fine details haven’t been worked out.
We had an all-day meeting over at the Cultural Arts Center on a piece of property called the Cross property, 385 acres on Staples Mill, Cross Ridge it is going to be called. And a lot of people continue to say, “Well, I know there are wetlands in there, and I know you are not going to be able to do what you want to do.” I guess that happens everywhere, doesn’t it? I guess.

Right. We wouldn’t actually look at it until the plan was actually submitted, but if it was, and I am not familiar with that development, but if this was just a conceptual type of idea, and people were getting together, we would not have been involved with it at that stage.

The only question I have, real quick, and I don’t want to spend a lot of time on it, if there are older subdivisions that were platted years ago, and in them there were these areas where there was a stream even, and I am thinking, quite frankly, of one lot that is for sale in Countryside. Literally, the lot is in - the whole lot virtually - is a stream bed and a wetland - yet someone plans to build a house there. These are infill properties on formerly platted lots, in an old subdivision. How do you handle something like that?

OK. The first thing is, if there is a stream running through it, I would immediately think Chesapeake Bay Act, however, there is a provision in that Act that if the lot was recorded prior to 1989, which is when the State law was passed, that buffers and the intent of the act can’t make that lot unbuildable, so, in fact, where we require 100 foot buffer if it was a new development they wouldn’t be able to build on it because they couldn’t get into that 100 foot area, but if that lot had been recorded, and I am not familiar with it, but if it had been recorded prior to 1989, we would have to insure at least they could build a principal dwelling in there. Again, obviously if there was a floodplain there, it may be excluded from being able to be built because of floodplain, and maybe some other factors, but strictly from the Chesapeake Bay area, they may be able to build in that area just because they were recorded prior to the adoption of the Act.

And that is part of the question is somebody who bought that prior to say 1989, and anticipated holding it until their retirement to sell it or build a house on it, to make money, so what you are saying is that lots like that basically are grandfathered? Is that it?

Well, certain parts of say, the Chesapeake Bay Act, but again, it is the stream that might have a floodplain associated from it, and it wouldn’t be grandfathered from the floodplain. I am not sure what that is, but, hopefully. It is the same thing with wetlands. I mean if it had wetlands located on it, they would still have to deal with, if they were going to impact wetlands, whether they could get a permit and so forth. Well, it would not be grandfathered from that, but the big tickets items, Chesapeake Bay Act, they possibly would be grandfathered from.

And I am not picking on that particular lot. I am using that as an example.
Mr. Perry - Sure.

Mr. Vanarsdall - Anybody else have anything? Jeff, I want to thank you very much. I think that I just learned a little bit about it. I think we might want to do this again in more depth and substance.

Mr. Perry - That would be great. Anytime you’d like us to appear before you and go over some issues, whether they are BMPs, RPAs, we will be glad to come back.

Mr. Vanarsdall - I am surprised to know that you work closely with the Corps of Engineers, but I thought the Corps of Engineers had more control over everything.

Mr. Perry - Obviously, they control the wetlands and they are the only ones who can go ahead and issue permits. But that really is an arrangement between the Corps and the developer or the applicant. State law requires us to see evidence that they do have a permit before we do sign a plan, so don’t, obviously, want to sign a plan that is illegal because they didn’t get a permit and so forth.

Mr. Vanarsdall - I want to thank you and thank all of the people who came with you. I didn’t know you had that many people and all the experts, and that, and I also want to thank Bob Thompson and Bob Pinkerton for allowing us to be a part of this. We appreciate it very much.

Mr. Perry - I want to thank you. I really enjoyed it and great questions. I appreciate it.

Mr. Vanarsdall - Yes, sir. Mr. Chairman and members of the Commission, we are running a little bit ahead and a little bit behind, both. The Commission has not had a chance to break for lunch and we have been going since 9:00 a.m. What I would recommend is the Commission take a short lunch break of maybe 20 or 25 minutes and then reconvene up here for our 1:00 p.m. work session on the proposed ordinance amendments.

Mr. Marlles - One thing, with Chris being sick, he may have had some changes on these minutes.

Mr. Marlles - We can hold off on those.

Mr. Vanarsdall - Do we need a motion to hold off on these?

Mr. Marlles - No. Just don’t act on them. Shall we break until 1:30 p.m.

AT THIS TIME THE COMMISSION RECESSED UNTIL 1:30 P.M.
The Planning Commission will now reconvene. We are, Mr. Secretary, I don’t believe we have enough people to vote, but we have enough to hear the presentation. Ms. Hunter is going to give it. Go ahead, Mr. Secretary.

Proposed Ordinance Amendments (Staff Presentation by Jo Ann Hunter)

a. Multi-Family Development Standards
b. Single-Family Residential Buffer Requirements

OK, Mr. Chairman and members of the Commission, the next item on the agenda is the proposed ordinance amendment dealing with multi-family development standards. That staff presentation will be by Ms. JoAnn Hunter. We expect Ms. O’Bannon to be joining us.

She will be back. We just won’t vote on anything.

Thank you, Mr. Chairman. At the last public hearing for the multi-family ordinance amendment, the Commission asked staff to prepare a Concept for density incentives. Staff did prepare this concept and handed it out to Commission at the end of the zoning meeting on April 13th. We have received two items of additional information since that time. One was forwarded to you on the 14th of April. That was a proposal by Mr. Theobald, representing the developers, and also a letter on April 17th which was from Henrico Affordable Housing Partnership. I have copies of either one of those things. I apologize that they went out in three separate packets, so if anybody is missing any of that information, I can get you a copy of it here this afternoon. Staff did develop this density incentive proposal and we have come up with 13 design elements that can be used to increase the density by up to ½ unit per acre for each element that is met. We are aware of four other localities in the state that use density incentives for multi-family projects. We researched all four of those localities. All of them use percentages for their bonus increase. Because the Henrico Ordinance has two different zoning districts that allow multi-family, the R-5 and R-6, we felt that the percentages would not work well for us, because you didn’t want one element being rated higher in the R-6 District, so we have come up with a fixed increment for each of the units incentive. What the Commission asked us to do is propose taking the lowest density that has been proposed in this multi-family process and allow the density to go up to what the current standards are today. So, in the R-5 District, we have a base density for the multi-family ordinance if this was adopted would be 10 units per acre, with the option of going up to 14.5 through density incentives. In R-6 it would be 14 going up to 19.5. Right now our highest density is 19.8, but because everything stays on a half-unit, you would not be able to get the 19.8. Town houses in R-5 and R-6 would be eight units, and the base density in the Ordinance with an option of going up to 12 with the incentive, 7 for townhouses and condominiums, with the option of going up to 9 units per acre. In developing the process, we tried to keep it as simple as possible. The elements that we have chosen will look familiar to you. They are all elements that we have been talking about since the very beginning of this project, and it is the items that we felt like identify a quality development. We also believe that it was important to have benchmarks in the elements. When we first looked at the Ordinance, the Hanover ordinance
was presented to us as a good model for us to look at. They used terms like “excellence in pedestrian treatment” and very vague unquantifiable things, and we didn’t feel like that would be a good way to go, because it is important for the development community to know up front whether they can meet these incentives and what density they could get at the rezoning stage, instead of waiting for the plan of development stage. So, for all of our elements except for two, we tried to make them have clear, definable benchmarks. The first two are the ones that don’t have the benchmarks, landscaping and site design, that you can’t really put a quantifiable element of what is better or what you want. It really depends on the site and the specific circumstances. So, the first one would be landscape design, and it would include an incentive that states “The landscaping package providing unusually extensive landscaping and planting of entrances, recreational areas, parking areas, street frontages and areas surrounding buildings or open space and protection of specimen trees. An increase in density may be authorized only when the design of the project is clearly superior to the landscaping of typical projects of its type in the community, and where the applicant goes beyond the minimum standards. If the Planning Commission, during the POD stage, felt that the developer met his incentive standards, then they could have a ½ unit increase in density. The other one is site design. Unusually attractive and superior building layout which retains, relates to and enhances the natural vegetation and terrain of the site, or incorporates natural design features, such as preservation of scenic vistas and natural areas. In order to promote superior design, an increase in density may be authorized only in cases where the design of the project is clearly superior to the design of typical projects in the community and where the applicant goes beyond the minimum standards. And once again, that is a ½ unit increase if that standard was met.

The next one is recreational structures. In our ordinance, this was one item that we have constantly had some concerns from the development community that the staff recommendation was far from what the developers were suggesting or recommending. What we are saying in our ordinance is that you need to provide 10% of open space, and then within that 10% you needed to provide 40% of structures. There has been some concerns that that would be very difficult to meet, so what we are proposing now in the ordinance, is to set aside the 10% acreage, but it wouldn’t require any structures, and then if they put structures within those open areas, then they would meet the density incentive. We have actually reduced that down to 25% of the recreational area would need to have structures. Another feature is building materials, and what we are proposing is that if 60% of the exterior of all of the principal building is brick, then they would get ½ unit of density incentive. When the developer’s proposal came in, they also had identified brick as an element that should qualify for density incentives, and their numbers were much lower than ours, so we went back and took a look at ours, that maybe ours was a bit excessive, and we questioned did the cost to provide for the 60%, did it justify a ½ unit. What the developers were proposing was if they had 31 to 40% brick, then you’d get ¾ of a unit density incentive and 41% or more, 1-1/2 units. We went back and took a look at proffers that we had been getting on the brick proposal, and the proffers typically ranged between 40 and 50%, so we are proposing to revise our recommendation to bring it more in line with the development community, and if 30% of the exterior of all of the principal building is brick, then they would get a ½ unit per acre. If they do up to 50%, they get 3/4s of a unit, and 60% would be one unit per acre. I think that puts it
on more equitable terms with the cost involved with putting in brick buildings.

Another one that we spent a lot of time talking about was recreational vehicle parking. This is because we had taken it out of our proposed ordinance. Now, if the developer sets aside an area for recreational vehicle parking and appropriately screens it, they can get $\frac{1}{2}$ unit per acre of density incentive.

Storm water management facilities. If they design and utilize them as a water feature, that would allow another density incentive, and also buffers, if a perimeter buffer of 50 feet is maintained. The current ordinance is proposing 25 feet and if they increase it to 50 feet, then they could get additional density.

Pedestrian circulation system. If sidewalks are provided along one side of major driveways and pathways or trails are used to provide pedestrian circulation and access to open space, recreational and other common facilities, they could get a density increase of $\frac{1}{2}$ unit per acre.

Sound suppression. If walls between units have a minimum sound transmission coefficient rating of 55, they could have $\frac{1}{2}$ unit of acre. What that sound transmission coefficient deals with, that is in the BOCA Code, and it deals with how walls are put together and what the material is between walls to reduce sound.

Ms. Dwyer - Ms. Hunter, may I ask you a question about this particular slide? On the pedestrian circulation, are we expecting sidewalks and pathways or trails to be provided?

Ms. Hunter - Yes. It would be the entire pedestrian transportation system. They would need to put the sidewalks in along the major drives in the community and we would also want trails connecting to the common facilities.

Ms. Dwyer - You might want to say in that sentence then, “also, or in addition” just to make it clear that that is not an alternative option.

Ms. Hunter - Not one or the other, but both.

Mr. Taylor - One thing while we are on that, Ms. Hunter. You’ve got sound suppression between walls between units. You may want to give some thought to sound suppression from unit to unit vertically through the slabs. I know that some areas have the opportunity to pour the concrete slabs which will reduce the sound suppression between the floors of the unit.

Ms. Dwyer - The vertical as well as the horizontal sounds?

Mr. Taylor - That might be another scoring element or part of this element.

Ms. Dwyer - I think it should be part of this, because if you don’t have a
sound suppression vertically but you have it horizontally, it still may not accomplish what your goal is. Is this coefficient? I have no understanding of this of the relative merits of this coefficient number. Can you give me some sort of comparison?

Ms. Hunter - There is a chart in the BOCA Code. I did not bring it with me, but the Building Inspections office has that and would have the ability and know how to review this and make sure that we meet these standards.

Ms. Dwyer - Is that an expected average standard?

Ms. Hunter - It is not the highest standard, but it is much higher than what they could build under current standards.

The next one is dedication of public land, if they dedicated a site that is suitable for a school or a fire station, they could get a density increase of ½ unit per acre.

If unit size is at least 50% of the units exceed 900 sq. ft. or 1,000 sq. ft. for condominiums, and 1,200 sq. ft. for townhouse units, you would also be eligible for a density increase.

Garages, and this would typically apply to more of the townhouse-type units, but for owner-occupied units that have a substantial number of units with garages, at least 70% of the units would have either front-loaded garages that are set back, so you don’t have those snout-houses or side or rear-entry garages.

The last element is just kind of a catch-all. It is a unique element that distinguishes the development from typical projects. That could be a historic structure on the property and they decide to preserve it, or if there is something unique about their project we can’t identify at this time, they would be eligible for this ½ unit of density.

That’s our 13 density incentives. Mr. Theobald is here. I know he will also be presenting what he has sent to you, what I have sent to you on the 14th. I found out earlier today that there is yet another proposal that may also be presented to you. When we looked at our proposal compared to the ones that were done by the development community, it was interesting to note that they were surprisingly similar. They had six elements and we had 13. All of the elements that they had, we had, and in four of the six elements, believe it or not, we were more generous than the development community, so I think we are fairly close together in my opinion. If the Commission is comfortable with this proposal and density incentive concept, we can put it into ordinance language and include it with the multi-family ordinance. Again, I want to remind you that the public hearing today is on the multi-family ordinance as well as the residential setback ordinance. The only modification that we have made to the multi-family ordinance is that we have revised the HVAC language to address the concerns at the last meeting that they would be just ground-mounted or roof-mounted or the ones we are trying to screen, and then the recreational language that I discussed as part of the incentive. We have made no changes to the residential setback ordinance. This is our third advertised public hearing on these two ordinance amendments. We have also had three other work

April 26, 2000
sessions. I would encourage that, if we do get a quorum, that we can move this forward. This is not set in stone after it leaves the Commission, if there are one or two, or a few minor items that the Commission wants us to look at, we can continue to work on it before it gets sent to the Board. At this point, staff is recommending approval of both of these ordinances and would ask the Commission to forward it on to the Board. I would be happy to answer any questions you may have.

Mr. Vanarsdall - Any questions for Ms. Hunter? Thank you. Good job. This is a public hearing and anyone who wants to speak is welcome provided that it is just to speak to this subject.

Mr. Theobald - Mr. Chairman, ladies and gentleman, I am Jim Theobald. I am speaking today on behalf of the Home Builders Association of Richmond and, if I might, I would just spend two minutes summarizing points on the other part of the ordinance, so that we can focus on this point. Just for the record, I have made comments at three preceding work sessions, etc. so I feel it is important to preserve the record and just to continue to state our concern with regard to the other parts of the ordinance, with the grandfathering provisions, which I still don’t believe result in fundamental fairness to landowners. We continue to be concerned about the overall reduction in densities. The increase in the parking ratios, we still believe the 2.25 to be in excess of that which is reasonably required; the defect bond provision for private roads; legislation of recreational areas and the impervious cover not to exceed 40%. I think my comments have been, hopefully, noted at prior hearings and I don’t intend to take any more of your time on that but just intend to take those same points up with the Board as this moves on. That having been said, with regard to the multi-family development standards and the concepts of density bonus, I do believe that the scenario being put forth by staff and the one that I submitted with assistance from Mr. Tyler, are remarkably similar. And I think we can work well with either or both. I do have, at the risk of just muddling the water, I do have sort of an additional one for your consideration as it moves on or should it move on today or should you decide to have additional work sessions. What I will pass out to you is really an outline or a skeleton of a potential way to cobble staff’s proposal and my proposal together. This was developed after, I guess, different discussions with different developers, Home Builders, Mr. Tyler, Mr. Taylor and, again, it’s just a different approach with elements of the other two....

Ms. Dwyer - Excuse me, did you say you had a work session with Mr. Tyler and Mr. Taylor?

Mr. Theobald - No.

Ms. Dwyer - Oh.

Mr. Theobald - No, discussions. And this was just an effort to recategorize many if not all of the same issues in a slightly different package to provide you with another scenario to consider. When I sat down after the last public hearing to consider how we might effect density incentives my main objective was to try to keep it as simple as possible and as
objective as possible and enforceable. As you know, at least when you get to the POD stage these matters are to be ministerial and they either meet the state of the criteria or they do not.

And what I was attempting to do was perhaps over simplify so that staff was not put into a position of wondering whether Plan A represented a more excellent approach than Plan B and query whether either made it over some imaginary line. My other goal was to set forth a system that was capable of being proffered at the time of zoning. But, prior to having to do full engineering on a POD so that an applicant would know, potentially know, when they came out of zoning whether they had achieved a certain minimal density. That's important in terms of the way that the apartment land is bought and sold. When developers contract to buy a piece, it's priced based on the number of units you are ultimately able to achieve. The second factor in those contract is probably eight or nine out of 10 contracts go hard or firm, no contingencies, buyer can't get out of it once you have zoning because the seller's land has been zoned for some very specific use and looking project and the seller doesn't want to get it back in a fashion that he can't develop. So, my idea was have the criteria as such that if somebody wanted to proffer x amount of landscaping or (unintelligible) amount of brick. At that point, when they left the Board of Supervisors for zoning approval, they would know that they had achieved an extra one and a half per acre and thus their contract could be firm and they would continue on.

I left open the door that when they actually did their final engineering, should they provide additional brick or additional open space or additional landscaping, that that credit could in fact increase through the POD process. But, at least there was an opportunity for everyone to know where they were and I guess take away from staff the problem of having to have a rather vague standard where Mr. Wilhite might interpret it one way, Mr. Whitney another and then you know who acts the referee on a case by case basis. And that was the problem I had with the Hanover scenario. Excellence in fill in the blank, just in my opinion is not legally enforceable to begin with. I don't know what it means on a ministerial basis. So when I set up these categories, that was my goal. The other goal was to try to link the amount of credit for density with the cost of the amenity being provided. And so if an amenity like brick is more costly than say providing a pathway, then to the extent we provided the more costly amenity there was a commensurate increase in density to justify that cost.

I was also looking for a way that basically, if we were going to start at 10 units per acre that made it medium difficult to get back to 12 where we are today without this bonus program and your proposal, you know, 12 units an acre, but harder to achieve the full 14 1/2 units, which I think is probably, would be your goal. So, I thought that the one that we put forth was perhaps, came from the same place as staff. I really think these two are very close and I think we can certainly work with what staff has proposed. It's not that dissimilar, it's a matter of waiting, in my opinion, the benefits. And as JoAnn stated, I think in some instances, she and staff were more flexible than perhaps we had even suggested. And while I really like the idea of getting more credit for unique landscape design or that's unusually extensive. And typically the kinds of cases that I am privilege to work on, that's not a problem for my clients. I don't honestly know how you are going to take a look at that on a case by case basis and I don't know how you'd be able to look at that at the time of zoning without really full board landscape plan and engineered site plan. So, I have some concern about that. Same with site

April 26, 2000
April 26, 2000

Ms. Dwyer - Did you work with staff in coming up with this proposal?

Mr. Theobald - No, I did not, which, my letter?

Ms. Dwyer - The Best program that you submitted to us today.

Mr. Theobald - No. I did not. Those were based on, basically, additional discussion with members of the Home Builder, me, Mr. Tyler and Mr. Taylor.

Ms. Dwyer - I just want to say for the record, I've never known in the development of something like this for developers to work with a single Commissioner to the exclusion of other Commissioners bend the exclusion of staff to develop an alternative proposal to something that staff was presenting for recommendation to the Commission. And, I'm surprised that that's the way it worked this time. I'm disappointed and surprised.

Mr. Taylor - I'm surprised.... At one stage of the game I thought that, when this first came up, at one of your earlier meetings, I was granted some license to at least share my thoughts with the development community and I did that. So, if there is any fault here, it is totally mine and I meant no harm with it. I wanted to do it, perhaps, to add some of my experience and provide what I thought was a look ahead at something at think has a great deal of merit and a great deal of potential. And I did it with the best of intentions.

Mr. Theobald, I notice that you still have some of these subjective terms in your best program approach, landscaping excellence for example, unique elements. So, those criticisms that you had of the staff proposal have not been eliminated.

They have not. Again, this is... I am most comfortable with my proposal in my letter. And this was just yet another scenario as scenarios were being put on the table for you to consider in terms of providing some framework that we all might try to resolve this issue so that it could move forward.
April 26, 2000

Mr. Vanarsdall - Are there any more questions of Mr. Theobald? Thank you, Mr.

Mr. Theobald - You are welcomed.

Mr. Vanarsdall - Thank you for your opinion and your effort. Who would like to speak next? Good afternoon, Mr. Tyler.

Mr. Tyler - Good afternoon, Sir. In the interest of time, I just wanted to emphasize a couple of points. I know it’s been a long and arduous.... For the record, my name is Webb Tyler and I’m an engineer with Youngblood, Tyler & Associates. I know it’s been a long arduous effort. It is very important. First off, I would like to compliment the staff. I was pleasantly surprised from totally independent view, Ms. Dwyer, that we came so close together. I can assure you that there was no consultation between staff and us on staff’s plan or our plan or what's being presented to you. I do have conversations with other Commission members from time to time. Just as I’ve had conversations with every member of the Board of Supervisors. And that open communication allows us to come up with the best plan. My emphasis today is I wholeheartedly support the density incentive plan. I believe it is the best plan for insuring long-term quality. It is my hope that it’s not just for multi-family but in the future can be used, or similar could be used on other types of zoning classifications. And I stand before you today in hopes that you will adopt a density incentive plan. Although, I believe that it should be a little bit more toward our approach, I will not walk out crying if it is purely you all's approach because it can be adjusted. I would like you to understand why I believe that it should be closer to our approach and that is clients come in and they say to me as an engineer designer "Webb, I want you to design a multi-family development" and I’m going to say "Well, how many can I acre" and they are going to say "Well, it’s zoned for 10 now we are trying to get up to 12 1/2. Now how do we get it to 14 1/2." And what they do is they look at the economics of each of those bonus densities and they say, well, whatever is the least costly, all right, that gives us the most bonus density then let's do that. For example: It’s cheaper to put in shrubs than it is to add brick. And so they are going to want to put in the shrubs because they get more bonus density than they would be to getting the brick. So, therefore, I stand before you today as a citizen, not as an engineer, not representing anyone, but as a citizen and tell you that we need to equate the bonus density to the cost of the improvement. In other words, if the cost of adding brick... a 20% increase in brick is $800.00 per unit but the cost of only adding $200.00 worth of additional per unit, then the relationship of 800 to 200 should be the bonus density. So, that the designers don't skew the system but that it is weighted approximately equally. And I think staff has done a very fine job. On there proposal, they actually allow you to have opportunities more than just getting to the 14.5, they actually allow you to get to a higher level although the cap is at 14.5. So, you get more of an a la carte approach rather than a blue plate special which was our approach. I compliment them on that approach.

I believe that there are still some fundamental issues. I know that Mr. Silber has put a lot of staff time in this. JoAnn certainly has. They have put their heart and soul into it. I’m sure that we can work with them, assuming that we are authorized by this Commission to work...
with staff between now and the Board of Supervisors to yet fine tune it a little bit. I think we would be desirous of that opportunity. Those areas are such things as the site coverage ratio.

This morning the Commission approved a plan at 40% net site coverage ratio. So, we could not achieve maximum density of 14.52 units if we still had a site coverage ratio on the net of .4. We still believe that the parking ratio is too high. We still seek your consideration of grandfathering. There is a lot of confusion whether or not you've proffered a plan during a zoning case versus not having a proffered plan. Right now the legal counsels are telling us that we have to have an approved POD in order to be grandfathered.

And it is a significant financial matter as I've previously discussed. But, I think we have made major strides toward what is the beginning or the birthing, I hope the birthing, of a very vital tool to insure a continuation of quality in our community and I think that's what we are all hopeful for. Whether or not it is fine tuned yet, I think nothing gets fine tuned when it is first developed. It takes a little time in actually going through the process. I haven't taken a project through the process. So, we may be coming back you and saying well we need to fine tune it a little bit here and there. And as long as the Commission can keep an open mind about it, I think the system of density bonus is a very fine system and I wholeheartedly support it.

Mr. Vanarsdall - Are there any questions of Mr. Tyler?

Ms. Dwyer - Mr. Tyler, would say all of the, I'm looking at the Best program, is that what you and Mr. Theobald are presently asking us to consider or is there the third one that....

Mr. Tyler - No ma'am. It's just that... You have really four alternatives in front of you. You have this, the Best Program, you have Mr. Theobald's letter, both of which I worked on, you have Hanover County, which obviously I did not work on. You have staff, which obviously I did not work on. All of those have some positive characteristics. It is very difficult to leave it in a subjective nature. I represented an engineering firm, that's actually going to have to implement this and we want to make it a tighter or quantifiable to where someone can read the ordinance or the design standards and understand what they have to do and the reward that they receive. All right. Hanover County, for example, does not provide that. It is more of a very subjective, it's a matter of opinion of whoever is doing the scoring, and that's very difficult to work with. We believe more in a quantifiable approach of where the categories are weighted to the cost of that quality enhancement. But, what you have before you are alternatives that quite candidly I believe that Hanover County is too vague. I think...

Ms. Dwyer - I think we can eliminate Hanover County.

Mr. Tyler - I think the staff's plan has many positive things but as an example, not to be critical, no one is going to put up a garage for a half a unit. All right. Because the garage is going to cost you $15,000 a unit. But, they are going to landscape the heck out of it for an extra $100.00 a unit for a half a unit. But, yet, you equate them as the same. So, I can assure you that the landscape architects will have enhanced jobs because the multi-family developers are going to say, "We are going to landscape the heck out of this because it only cost $100.00 bucks a unit." And it will be a very poor day that they will get garages because of $15,000...
Ms. Dwyer - Yes, I share your concern about the fact that all of the features that we have, the 13 that are in staff's plan, may not be equal.

Mr. Tyler - Exactly, but there are many good points about staff's plan. And what we would like to do is have the opportunity, with your blessing, to work with staff to try to get.... They don't have an understanding of costs on a regular basis.

Ms. Dwyer - One thought I had was to assign, instead of giving each a half a unit, give some of them a quarter of a unit, some of them three quarters of a unit, rather than...

This is a little more complex, the Best Program. And I see unequal elements in here, while just glancing at it while you were talking, briefly, as all the time I've had to look at it. So, for instance, external amenities, you know, you are giving a whole point for something that we are only giving a half point to....

Mr. Tyler - There are different approaches and we seem to be settling down between the staff's plan and Mr. Theobald's letter.

Ms. Dwyer - Right. But, what I'm thinking would be a good idea, would be to take staff's plan and to assign quarter, half, three quarters, whole points for those depending on costs involved.

Mr. Tyler - Yes, ma'am.

Ms. Dwyer - I think that would be a reasonable approach, and that would not require tremendous amendments to what staff has proposed. But it would have the added benefit of assigning a weight system to that.

Mr. Tyler - Not to be disrespectful to Planners, but their job is not to understand cost of construction. It would be helpful if a party, with your blessing, could give them some understanding or some knowledge of what the cost of these individual items are. That would be most beneficial to getting a plan that when I come back in front of you it is not distorted where it's skewed to the lowest cost of the items but the high-cost items are forgotten.

Ms. Dwyer - Well, we could then, as one option, approve staff's plan but recommend that staff work with developers to assign weights to each of the design elements that have been outlined.

Mr. Tyler - We would welcome the opportunity, ma'am.

Ms. Dwyer - And I would trust staff to do that because I have no more input on that factor then they do. So, I don't think I would have anything personally to add to that discussion. But, in the interest of moving it along, that would be one proposal that I think might work.
Mr. Silber - Mr. Tyler, I have one question. You mentioned that from the plan of development that was approved earlier today, on the apartment complex, you mentioned several times that the site coverage ratio, based on the net acreage, you couldn't achieve what was proposed in the ordinance.

Mr. Tyler - It was .44 of the net.

Mr. Silber - My reading of the ordinance, as proposed, says that impervious cover shall not exceed 40% of the growth acreage of the site.

Ms. Tyler - Yes. But, my point to you... Although today I was only at .28 because of the gross, right? Supposed that site was not surrounded by three creeks and had no floodplain on it and it was on top of the hill, then there would be the gross and the net acreage would be the same. And if that site, that we were discussing this morning, had no floodplain on it whatsoever, then the gross acreage and the net acreage would be one in the same. And so the gross acreage ratio would be .44 and it would have been able to meet the .40 regulation as currently proposed.

Mr. Silber - I understand. I think the point is though that that plan that you submitted easily met the requirements based on the gross the way its....

Mr. Tyler - That's very much true, but if we took that site and we went over to Camron at Virginia Center, which has no floodplain on it or we went over to the Carriage Homes at Wyndham or we went over to Camden at Wyndham those three projects have no floodplain on them whatsoever and so therefore that typical project would not be able to meet the site coverage ratio of the site.

Mr. Silber - So, you would rather the language be modified to not reflect gross acreage that reflect net acreage and have it at a level like 45%.

Mr. Tyler - Yes, sir.

Mr. Silber - Okay.

Mr. Vanarsdall - Are there any other questions of Mr. Tyler? Thank you very much for your input and your help.

Mr. Tyler - Thank you.

Mr. Vanarsdall - Who would like to be next? This is a public hearing.

Rev. Sikes - Hi. My name is Reverend Lisa Sikes. I'm the pastor at Christ United Methodist Church and I'm Chair of Henrico Affordable Housing Partnerships. I'm very pleased to be here today. Before making any comments at all, I'd like to preface remarks with
a question in regard to the report. I understand that one of the categories for which density increase can be allocated is unique element. I'd like to know what unique element refers to. Is it a physical attribute or if it has something that might bear more upon the issue of affordable housing? I'm not sure of that. So, I would like to ask that first.

Mrs. Hunter - The unique element, we left very open ended. It is something that the project can offer to the community that's different than what others offer and if the Commission feels that it justifies the density incentive, that would meet the standards for unique element.

Mr. Silber - We had also talked about it possibly being, for example, if there is a historic structure on the site, that was preserved in the development, or if there were Civil War Battlefield sites or earthworks that could be preserved, those would be unique situations. We didn't think it would be appropriate to try to spell out all of those.

Rev. Sites - Well, let me speak to one that my heart and soul urges me to say. I would love to see, overtly, included on the list that I do not see there. I'm pastor of a church in Henrico County that's in a very economically diverse area of Monument Avenue close to Horsepen Road. I have seen first hand a great demand, a great need, that is not being met in those houses that are available in Henrico County for those with low incomes, working low income families to have dwelling space, security and safety. There has been quite a displacement. And it encouraged me some time ago to began becoming interested and educated in the area of affordable housing. And I'm very concerned, indeed like all of you, with physical attractiveness and including different architectural elements. But as a pastor too, an advocate, I'm very concerned about the inclusion of different income levels, different racial backgrounds in our communities. I attended not long ago in this same room a meeting regarding a public hearing for Community Development Block Grants. And much of what was said at that meeting is that there are charitable funds and federal funds. And as Henrico County, much of the low-income housing is done by non-profits and organizations like Habitat for Humanity. And those are very commendable efforts and organizations. But, I fear that what they are able to do separately, and not always with an overall plan for the County, is not satisfactory in terms of meeting the demands of those who are low income in Henrico County and suffer displacement for one reason or another. If we do want to leave it up to the private sector to make sure that low-income people can find and afford not only decent but good safe housing. That seems to me to that it would be very appropriate that we encourage private developers. That we encourage them to increase the supply, because I know from first hand from those that show up at my church that there is not supply enough for the demand in western Henrico County. And so I really want to place the before the Commission as a heart felt appeal. I know Montgomery County in Maryland has got a really state of the art cutting edge ordinance on the books that in development often they encourage 15% of a new development over a certain size to be affordable housing. That means that it's distributed throughout the County that poor people are not in one particular compartmentalized area. And so they have the benefits of being in a broader community often very stable that is able to help them gain affluence and stability. For many low-income families their houses are their savings account, their future planning. The places where they are able to locate assets. So, it's a great
concern to me that there is affordable housing available to be purchased. And I know it's a goal of Henrico County, that's been stated that all of its citizens should have access to housing and of course ownership is a helpful thing for the County and for the individual. And so I just want to ask the Planning Commission, if you will, to help me to understand is that something that is not deemed to be appropriate for this particular ordinance or has it been disqualified for some particular reason, just because I feel like it is so very important?

Mr. Marlles - Rev. Sites, maybe I'll take a chance at answering it first. But, I think the primary objective of this process, and it is a part of a much larger process that the County has been going through for the past several years, is try to improve the quality of our single-family and multi-family residential housing stock. I hate to use numbers, but you may or may not be aware that right now in Henrico County we have over 30,000 rental housing units. That far exceeds any of our neighboring jurisdictions by I think a factor of two or three. So, at this point in time, I would say the emphasis is probably on improving the quality of the existing multi-family housing stock as, affording housing stock, as opposed to trying to increase the supply of newer affordable housing units. But the main point is the objective here is to improve the quality of the housing stock that we have, multi-family in this particular case as opposed to increase the number of affordable rental housing units.

Rev. Sites - One of the things that I have learned as I've started studying, I must admit I'm very new to the area, is that often when low income housing is in a great percentage clumped in one place, it tends to deteriorate. Some of our housing stock is there but it's very deteriorated probably not what I would want to live in were I at that income level. And the thought of being visionary and of Henrico County, encouraging private developers to distribute low-income housing not only for the sake of increasing the supply. And I know we compare ourselves to Hanover and Chesterfield and Richmond a lot, but we also need to look at the residents in Henrico that need this. If we look at supply and demand within Henrico, we don't have enough supply to meet the demand. So you can look at it that way too. But, to come up with a plan that will distribute affordable housing and encourage it now. Because, of course, the trend is that we will only need more as the baby boom increases in age as divorce rates are going higher as you've got single mothers head of households. The need is going up. And I think to be proactive, and understand that this trend is only going to increase, and try to develop affordable housing in a way that it will be an asset to the County and to maintain paintings of quality of the housing stock rather then having it in one section where it sometimes is liable to higher crime rates, dilapidation, less care and not rental housing but owned housing. I think that is something to truly be encouraged.

Ms. Dwyer I think that this is obviously a complex issue and I think what Mr. Marlles is saying, what we have bitten off here is quality of development. That's what we are trying to focus on. I think what you are looking at is a much larger issue that probably needs to be addressed in another way, in a way other than this particular ordinance. So, to answer your question, from my point of view, we are looking at the quality of individual piece projects in developments that may come to us. I think if we want to have a look at the affordable housing issue in Henrico, that that should be done. I would like to start the discussion, first of all, with factual information about what do we consider affordable housing
to be. How do we define that? What in fact do we have in terms of rental units and owner occupied units? I think sometimes we operate on antidotal incidents. And I know that your parishioners may have suffered with the Crestview changes that have taken place recently.

Rev. Sites - Well, certainly there may be the change of up to 800 units in the Three Chopt area they declined, an elimination of those.

Ms. Dwyer - Right. I understand but that may be not be necessarily, as greater impact that that has had on the micro community that you are a part of, it may not be reflective of the County as a whole. So, I'm just saying that I think it is complex issue and it involves funding, where is the money coming from. It involves issues of property interest and property rights. When you want to say, well we want more affordable housing in this area or the other area, there are some areas of the County, in my district for example, we are almost fully developed. We don't have options to add a lot of any housing type in my district because we are fairly well developed already. So, the opportunities for new development may be elsewhere. So, we have to consider that as well. So, I guess the short answer, from my prospective to your question is that, we need to perhaps take a global look at this and look at the factual pieces of it and have the policy makers make a policy decision.

Mrs. O'Bannon - I will say, that last night we had an extensive discussion, where I believe Mr. Marlles did a presentation, or there was another gentleman, that did a presentation on the definition of affordable housing and I believe it was a house at $110,000. I've been in this room for two days I think so I can't remember exactly. But, $110,000... What was that?

Mr. Marlles - For a family of four it's actually higher than $110,000 but within Henrico County we have approximately 47,000 units that are assessed at $110,000 or less.

Mrs. O'Bannon - And if you look at the surrounding counties of Chesterfield and Hanover and I know that Hanover has virtually none, I mean very, very, little. Another thing that I know we have discussed with your group is the purchase of homes, which is what I think you are getting at. One of the things Henrico I think has handled very well, is integrating people who are at lower income levels into higher income level communities. In my neighborhood alone, there are two houses that are rented Section 8. I live in a section called River Road Hills, and if you know anything about western Henrico, River Road is a high-level of income neighborhood. There are two houses in my section that are Section 8 rental houses. Mrs. Dwyer lives in a neighborhood with two houses, to my knowledge, at least two, maybe more, and she lives in an area that's also very high-level of income that, again, has Section 8 housing which is reduced rent due to income or adjustment for rent that are subsidize by the federal government. So, I believe they have been very nicely integrated because if you drive down those streets you would have no idea which houses those are. I think that's what we have done very well in Henrico County when you talk about affordable housing or at least rental housing in that case. I dare you to pick those houses out too. I know you are looking for affordable means to purchase housing and I know that the type of things you are asking for, and as I have mentioned before, and looking at how this is done in other communities, I spent time in Baltimore recently, we chatted about that a little bit at lunch, also in Albermarle County and
how they have handled that. These are the types of things, when you talk about policy, that
we are looking at and do plan to look at. But, I don't want to get beat up on that Henrico has
not done provisions for these things.

Rev. Sites - Oh, no I'm not saying that at all.

Mrs. O'Bannon - And this is why I asked Mr. Marlles about the question because we do
have quite a lot of it already in the County.

Rev. Sites - There is. There is a lot of affordable housing and much of it is
occupied. Certainly, praise need to be given to Henrico County for what it has done. I guess
the issue that I am trying to raise is can we structure our ordinances in such a way that it
would encourage private development of new affordable housing throughout the County and a
systematic way. So, that it is not haphazard and so those with low income have access to be in
a part of the County in which the choose and to thrive there. I have noted that Albermarle
County and Montgomery County have got those density bonuses for affordable housing in this
sort of ordinances. So there are some counties who's done it. I understand that it may be
something in the future for Henrico County to look at, but I lift that up to you and appreciate
any concern and thought that you will be able to give to it.

Mrs. O'Bannon - And I assume you are going to be talking to the folks in Goochland and
you are also going to be talking to people in Hanover and Chesterfield for exactly the same
problem, is that correct?

Rev. Sites - It is a regional issue, and if it is to be addressed well, I believe instead
of just saying we've done our share, you know, let someone else do theirs, I think we all have
to hold each other accountable and work for the highest standard that we can have of a
uniformed treatment of affordable housing and concern for those people who need to live in it.

Mrs. O'Bannon - Consider that the owners of that property would like less government
control over their property also, right?

Rev. Sites - Yes. And that's the thing about incentives for private development of
affordable housing. With private development of affordable housing with bonus densities
issues, you can get away from some of that red tape and let the private sector and the market
forces to continue to help fill a true ethical and social need. Thank you very much for hearing
me.

Mr. Vanarsdall - Thank you, Rev. Sites. While that was a good subject, I would
appreciate it if you would stick to the Multi-Family agenda. And whenever the Board wants
us to look at affordable housing they will let us know. Who else wants to speaks?

Ms. Koontz - My name is Jane Koontz. I live at 9184 Hoke Brady Road in the Varina
District. I'm speaking for the Varina Beautification Committee today. Our committee
endorses the density incentives proposal by the Henrico County Planning staff. In fact, I
commend it. We feel that the design features qualifying for density increases provide a very
important first step for our County toward quality development. And we also requests that the
Planning staff investigate similar incentives for other residential categories in Henrico County,
other than multi-family. This is one thing we would like to see, maintenance of existing
wooded areas and open space incorporated into the design features. We very much would
appreciate the incorporation of protecting wooded areas and open space, other than site feature
No. 3, if that could be elaborated upon. Might this aspect be included in feature No. 2 or No.
13 or where would you suggest that this feature be incorporated? I’m asking this as a
question.

All right. Are there any questions by Commission members?

Maybe Ms. Hunter could answer that question.

I think when we were designing the site design and the landscape design,
both, into some manner, speak to that issue. Because those two are the subjective ones, if the
Commission feels that a developer is doing a good job at maintaining woodland features then
they would be eligible for that density bonus either through the landscape design or the site
design option.

Thank you.

Thank you, Ms. Hunter. Is there anyone else?

Good morning. I’m Nelda Snyder also from Varina Beautification. I
just have a quick question. In going over this list of 13 possibilities, is it possible that
someone building townhouses or in the RTH district or condominiums, could choose, they
only have four spaces to come up under the plan from 7 to 9, they can only get four density
incentives. I’m I reading that correctly, from 7 to 9? So they could choose four features that
would not substantially address anything to do with architectural styling, landscaping, buffers
99 and so forth. They could pick the sound proofing, the increase size inside the floor space, the
recreational vehicle parking, which would be off I would assume somewhere and then either a
recreational structure in the back or a recessed garage. And none of that would really address
the overall amenities of a project that would be the most visible from the outside and influence
people the most. And I wondered if that could be addressed in any way, such as, an
couragement of a developer choosing among these different density incentives so that one
whole section such as architecture and landscaping, the whole thing visible from the street
doesn’t get left out entirely.

I think that’s one of things that Mr. Theobald and Mr. Tyler were trying
to get to with their clustering of these incentives under a certain category. One category would
do with building characteristics and under their plan the maximum you could get for building
characteristics such as soundproofing would be one point, will say. Site feature and others
would... so I think that that’s one way to get at your concern. I guess your question raises
another issue and that is the difference in the spread between the minimum and maximum
number of units.

Ms. Snyder - Right.

Ms. Dwyer - For the rental units you can get four extra units per acre, and for RTH and condos you can only get two additional points. So, I do think that does need to be addressed somehow. When you only have a two point spread, somehow the incentives need to be smaller... need to be proportionate I should say.

Ms. Snyder - Especially, since those two are the ones that may be most likely to have garages so recessing a garage 20 feet back for a better style may not be as great an issue.

Ms. Dwyer - We are trying to make is simple, but I think your point is well taken. So, one way to handle it might be to cluster these, as has been recommended in this Best Program Outline, another might be to say for something that might give you a half a point when you have a four point spread, you would only get a quarter of a point when you have a two point spread. Does that make sense to anybody?

Ms. Snyder - Yes. So, it would encourage more of a variety.

Ms. Dwyer - So, you would have the same proportionate requirement for both. So, it seems to me that there might be two ways to do that.

Ms. Snyder - Okay. Thank you.

Mr. Taylor - If I might add, I think Mr. Tyler brought this up. The choices of which items you pick are at the discretion of the designer. But, in making it an economic incentive, you are making each of these an economic incentive. And by working with the development community to look at the relative economics that can be adjusted. In other words, a pool may be a high, or it may be chosen to be a low scoring feature. Whereas, we might put trees to be high and that would do as some people would indicate, that will skew the values in favor of trees so when you are willing to pay more to support the project, for trees, we will simply get more of what we score higher. And we can constantly adjust this. We could even put in low-income housing in here, a certain number of low-income units, and we could provide a relatively high score for that. If that be the judgement of this system. So, it's kind of like a menu in a Chinese restaurant. You are either going to get one of this and one of that. And you can pick and you can shape the entire development, in terms of its architecture and engineering and economic quality by simply adjusting the weights of this in working with the staff and working with the developers and working with the community that wants to see certain features. And if it becomes a sense of the community, for instance, if walking trails should become an element, we will just put a little higher scoring on walking trails. And what we will endorse, we will get more of that.

Ms. Snyder - I think probably the tweaking as been mentioned before, would be a good idea as time goes on.
Well, I think the beauty of any system like this, is its flexibility in shaping the future of the development community in our housing stock with the teamwork associated working with the development community, working with the staff and working with the involved citizens. And it gives us flexibility that now everything is sort of one color. So, we don’t get to focus the attention of the development community on issues that may be socially important to us, or important to us in development. In other words, what we are willing to pay for, what we are willing to provide a greater bonus for, that’s what we will get more of.

Ms. Snyder - I think that’s true and I think the cost incentive is also true. Nobody is going to spend a whole lot of money unless integral to their plan they’ve just got to have it. But I did feel that that architectural styling and the beauty of the whole place are having it as nice looking as it can be, those things are so important that you would hate to see them all left out of a development.

Mrs. O’Bannon - I think you made a really good point. One of the things that is coming forward... and, again, I don’t know if I’m even repeating myself, has to do with the Chesapeake Bay agreement. They are encouraging the amenities of walking trails and sidewalks and being able to walk different places. So, as that comes forward we may end up having to, or not forced to, but, you know, want to improve things like that. So, it may end up being more points given for something like that, you know, a nice area where you have walking trails and a picnic table or something. It would benefit us and the developer to both do that. So when you talk about points that’s what I think Mrs. Dwyer was getting at. I think we are going to have to look at something like that.

Mr. Taylor - And as we get more experience with this, if there is a band that we want to put in that isn’t here, we can just add another category. So, it becomes very flexible for the entire County and the development community to shape our future, knowingly.

Mrs. Snyder - At all quality, right.

Mr. Taylor - Yes. We would hope so.

Mrs. Snyder - Thank you.

Ms. Silber - Ms. Dwyer, I think another way of handling this spread, perhaps, being laid to a two-unit spread might be to lower the RTH and the condominiums down to six and start at that point. That would at least give us a spread of three units per acre. I think Mr. Wilton, who maybe isn’t here now, but I think at one point he indicated that it’s very difficult to reach some of the maximums in RTH. You all recently recommended and the Board recently approved RTH project for Shady Grove Road. I think that was being developed about six units, six to six point eight units per acres, and I think he said that’s pretty much maxing it out. So, I think if you drop that down to five or six, it’s at seven now so six provides that spread of three, maybe a reasonable place to start.
Ms. O'Bannon - And if I recall what he said, don't laugh, but it had to do with it's for sale. People expect different amenities when it's for sale. That's why the lower number and they do expect a garage. I remember him making that statement that that's why lower numbers possibly on that.

Ms. Dwyer - I do think we need to try to have equal elements here. So, we have a problem with the inequity, I guess, between the four unit spread and the two unit spread and that needs to be equalized somehow and then we also need to I think weigh all the design features to account for, you know, costs I think is a reasonable way to do because that's what's going to drive the decision on the part of the developer. So, we can either lower this and have a five to nine spread or we can give half the weight to the design feature for a 2 point spread versus a 4 point spread. Does, that make sense, Randy, what I'm saying?

Mr. Silber - Yes.

Mr. Vanarsdall - You suggest five or six?

Ms. Dwyer - He suggested six.

Mr. Silber - Either of those number, sure.

Ms. Dwyer - And I think we should all... Well, you know we are looking at 14.52, we might want to just round that down to 14 at the maximum for R-5 and for R-6, we ought to have 19.8 so we can round that down to 18 and then we still have the four unit spread there to 26 for each.

Mr. Silber - I think, Ms. Dwyer, one thing that staff had being trying to achieve was to allow that maximum density if it really was a superior project. So, if it really was a good project, they've incorporated many of these design concepts then we thought they should have the maximum that's been consider appropriate in the County for many years. So, I don't have a problem with 14.5. I don't have a problem with 19.5.

Mr. Vanarsdall - It's point 8.

Mr. Silber - Well, point 8, but you couldn't get point 8 with a half unit concept. But, to drop it down below that, I guess that wouldn't be my recommendation.

Mr. Vanarsdall - So, we are finished, right. I mean we are finished with the speakers. So, now what would you like to see us do, Mr. Secretary?

Mr. Marlles - I'm going to let Mr. Silber speak to this in a minute, but it seems like there's, as been indicated by a number of speakers, that the spread or the distance between staff's proposals and the proposal on the developer's homebuilders proposal is certainly not that great. There are some areas, I tried to jot down some notes as I was listening to the Commission speak. There certainly seems to be a desire on the part of the Commission to
perhaps using staff’s version to go back and modify the weighting to reflect the cost of those features. Another point that I wrote down was the number of categories. Perhaps we need to go back and look at them. We currently have 13 categories in staff’s proposal. There may be at least some opportunities to consolidate some of those categories to make sure that we are hitting the important design features. The third area that I had written down was the issue of the density spread between the multi-family and the townhouses and the condominiums. We have talked about a couple of ideas on how those adjustments could be made. But, I think, unless there aren’t any other major areas, I think staff, if the Commission is agreeable to this and comfortable with this, I think that staff could work on those as well as get some input from the development community and be able to take this to the Board in a final ordinance form. Mr. Silber, do you want to add to that?

Mr. Silber - No. I think that primarily covers what’s been discussed. I guess maybe like a little guidance from the Commission on the first two standards that the development community felt that may have been to vague. If you believe we need to tighten those up, I would like to know that and we can attempt to do that. I think, under the landscaping they had suggested that one way of doing that would be to have a factor of multiplying the minimum requirements. And we can take a look at that and perhaps incorporate that into some type of a criteria or a way of evaluating. I think it's a little bit harder to do with the site design element. I guess the other item is that if any of these categories that you really feel are inappropriate, I would like to know that. And if you feel that there are some categories that we haven't considered, I would like to know that. But if you are comfortable with what's on paper then we can work from that.

Ms. Dwyer - I'm comfortable with it on paper, I think that we do have a disparity. For instance, sound suppression and dedication of public land. I mean, if someone is going to dedicate land for a school that's a greater value, I think, than say a sound suppression system. Although, I'm not quite sure how much that cost, I'm just making that assumption. So, I think if we weight these we don't necessarily need to categorize them. Do you know what I'm saying? Like this (referring to screen).

Mr. Silber - Okay. If they are weighted properly and that we don't need to consolidate or group.

Ms. Dwyer - Right. And if... the other piece of that, though, is we can't have in the weighting, we need to try to work it so that you would have to do all of these to get up to the maximum density. Do you know what I'm saying? So, that we couldn't just pick (unintelligible) throw some bushes in and we'll throw some sound suppression in and then we don't really get an improved product. So I think if we are going to be moving from 10 to 14.5, whatever weight we are assigning to those design elements we need to have almost all of those done in order to get up to that maximum density.

Mrs. O'Bannon - Can I throw a wrench in the works?

Ms. Dwyer - No. Yes.
Mrs. O'Bannon - What if a developer chooses to do fewer units per acre? I'd like to encourage duplexes, you know where I'm coming from. It's like a carrot and a stick approach and this is more like, you know, if you do this you'll get more and more and more. Is that what we are going on, is the fact that they are obviously driven by a profit motive or is there another whole approach where if you do fewer units per acre?

Mr. Silber - Well, that is a different approach, I guess. What we have been looking at is, assuming that the development community would like to achieve higher density instead of lower so as they work toward a higher density we are trying to increase the standards. I hear you saying that we usually like to see even lower density....

Mrs. O'Bannon - I thought I might just throw that end and strike from the other direction.

Mr. Taylor - I kind of think Mr. Tyler mentioned, for the development community, economics is in favor of trying to provide the best and highest quality, the largest number of highest quality units as he could. So, I really think the economics would take care of that because there is a natural tendency to want to put as many as they can consistent with the zoning. And with this, it would be not only to put on the most but you get the most when you put in the highest quality. So, I think they maximize, his theory is, you maximize the total overall profit when you provide more and you have them higher quality. And they probably would be priced accordingly.

Ms. Dwyer - And I think the assumption is that the more units you have the more money you make on the project. And that the more design features you add in the more it cost to provide those units. So, that's the assumption that we are operating under here that if the value is going to be increased by increasing the density then quality needs to be commensurate with that. We don't find the momentum to lower density, we find the momentum to higher density and I guess that's what we are trying to address by saying okay (unintelligible someone coughing) density better quality.

Mr. Silber - I think you will find.... Keep in mind, Mrs. O'Bannon, these numbers in the left-hand column those are like starting points. Obviously, a developer can come in and build in R-5 apartments at six units per acre or eight units per acre. Under the circumstances, you will find there will be more open space because they don't have the density. There will be greater buffers and setbacks off the roads of properties. So, you will get some of those quality aspects if they have a density much lower. But, if they want to get up to the higher density, that's where I think you need to make sure that those quality aspects are in place.

Mrs. O'Bannon - You are going to do it anyway at the lower level, is what you are saying.

Mr. Silber - I think when they do it at the lower level some of these features will be automatic.

Mrs. O'Bannon - That would be the reason they'd do it at lower levels since they put in their quality features. Mrs. Hunter, were you going to say something?
Ms. Hunter - It's been covered.

Mr. Taylor - Could we simply make a motion that we adopt this concept to be refined by the staff? Or do we have to pick one format today, which I think is going to be very difficult.

Ms. Dwyer - I think we need to pick one format today, I don't think we can leave it to staff to pick the format. Do you mean by format whether we do the BEST or Mr. Theobald's letter or staff's proposal?

Mr. Taylor - Well, I think they are really both, as Mr. Tyler and Mr. Theobald said, they are very close to the same. It's just a matter of really how we package them. But the concept to me is overwhelmingly superior and I feel we should adopt the concept of density bonuses for quality and let the staff, and even working with members of the development community, work out the basic details of the program and work with the development community to gain the relative value. I believe that they have a sense of the economics that we do not readily have available to us.

Ms. Dwyer - Well, I think Mr. Theobald's letter goes a way to assigning weight to some of these design elements. So I think what we are looking at is, basically, something similar to what he has done here that is assigning different units of credit for the different design features. Not that what he's done is exactly what we want to do in terms of numbers, but the approach to that I think is in combination with what staff has done is what we are looking for.

Mr. Taylor - I think they are quite similar. And it's just a matter of…. I would be willing to move that we adopt it as a concept and have the staff work with the development community to refine the details.

Ms. Dwyer - Well, how was the staff going to work with developers on this? Or how else would you suggest that that take place?

Mr. Silber - Well, I think staff certainly can take the input that has been received at this hearing, certainly there are some new ideas that have been put on the table. I think staff needs the opportunity to look at his proposal, well, look at the input that's been provided and make adjustments that, if things are appropriate, and certainly there have been good ideas on both side, but I think following that, I certainly would be open to sitting down and meeting with representatives of the development community and giving them the opportunity to react to what staff has prepared or proposed. There may be some additional room for adjustment, but we have certainly worked together successfully in the past and I don't see why we couldn't sit down before this matter goes to the Board. That doesn't mean that the staff is going to agree with everything that the development community proposes, but I certainly think we can sit down and continue to work on this and refine it.

Ms. Dwyer - Well, we are a public body and we have to be mindful of allowing
everyone at once to have input. This would be a final version that we are coming down to.

So, you know, we have people who are not developers who are here today who have been very diligent and persistent in their interest of this as you and I and I don't want to exclude those folk either.

Mr. Taylor - Well, couldn't we broaden the group to include other interested parties to work with the staff?

Ms. Dwyer - Well, I think Mr. Marlies is suggesting that staff come up with their proposal and then submit it for comment by anybody who's interested and then draft a final based on that. Does that sounds like what you said, Mr. Marlies?

Mr. Marlles - That's pretty accurate.

Is that how we would enact it?

Is that doable from your prospective?

What I was hearing is that we would move it forward with staff's proposal, changing it to have the items weighted based on cost and changing the density for the townhouses and condominiums from seven to six.

Ms. Dwyer - Well, I said five.

Whatever number the Commission decides.

Trying to get a four point spread.

Okay. A four point spread for each one.

And, also, I would say for R-5, 10 to 14, for R-6, 14 to 18, RTH and condos, 5 to 9.

A four point spread for each one weight based on cost and leaving the elements as is.

Let's say value. Yes.

Is that enough guidance?

I think so. I think that's where we were. I also heard, you say, Ms. Dwyer, you want to make sure that if someone is reaching the maximum density that they are achieving the majority of these features. So, I think we have to make sure that the weights reflect that.
Ms. Dwyer - Exactly.

Mr. Taylor - And the features.

Ms. Dwyer - More than the majority, almost all.

Mrs. Hunter - I want to remind everybody that there are two ordinance amendments. That was advertised for today.

Mr. Vanarsdall - All right. We need a motion to do this and send it on to the Board.

Mr. Taylor - Then, Mr. Chairman, I would move that we adopt the multi-family development standards as offered by the staff considering the comments that we have heard from the speakers today and their development community. And use the pattern that the staff has developed as a pattern amended by what good they can take from the other proposals of the development community and bring them forth as a concept.

Mrs. Hunter - That would be the ordinance dated April 7, 2000, ordinance language of the multi-family ordinance.

Mr. Taylor - That would be the ordinance language dated April 7, 2000.

Ms. Dwyer - I'm not talking about the incentives, I'm talking about the ordinance.

Ms. Dwyer - Okay. Got ya.

Mr. Vanarsdall - All right. How was that? Was the motion all right, Mr. Silber?

Ms. Dwyer - So, now this means that whatever staff drafts will go to the Board. I hate to say this but does the Commission wants to look at it one more time before it goes to the Board?

Mr. Vanarsdall - Why do we want to look at it one more time?

Ms. Dwyer - Well, I know I don't but....

Mr. Vanarsdall - I think we should forward it on to the Board.

Mr. Taylor - Well, I think, while the motion is still on the floor, as a part of that motion I would hope that we listen to what Mr. Tyler and Mr. Theobald said and work with the industry a little bit to see what we can gleam from theirs and get the best composite of all of the thoughts we have heard of today. Is that appropriate?
Ms. Dwyer - And others who are not a part of the development community may also want input.

Mr. Taylor - Yes. Other parts of the public who would want to have input.

Ms. Dwyer - Could we do this? That the Commission receive a copy of what Ms. Hunter comes up with, and if we want to, we can give her our input. If there seems to be a substantial disagreement that staff is uncomfortable making decisions about or resolving then it could come back to the Commission, but, otherwise, we will send it to the Board. How about that?

Mrs. Hunter - What we can do is we can prepare the revised weighting system and then send it out to all the interested parties, the same mailing list, and give a two weeks time frame for people to provide us comments.

Mrs. O’Bannon - Can it be placed on the internet?

Ms. Hunter - Yes. We have been putting it on the internet. It is on the Planning Department web page.

Ms. Dwyer - And then staff would design a final version to be sent to the Board. And if there are some irreconcilable ...

Mrs. Hunter - And we would codify the language and include it with the multi-family ordinance.

Ms. Dwyer - And if there are some irreconcilable opinions that staff is uncomfortable with then bring it back to us otherwise and we will send it to the Board.

Mrs. Hunter - Okay.

Mr. Vanarsdall - We need a second.

Ms. Dwyer - Second.

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

The Planning Commission voted to adopt the multi-family development standards as offered by the staff.

Mr. Vanarsdall - Now we have one more thing. Ms. Hunter is going to do the rest, isn’t she?

Ms. Dwyer - I think you already presented that. I move that we approve and
Mr. Taylor - I'll second that.

M r. Vanarsdall - The motion was made by Ms. Dwyer and seconded by Mr. Taylor. All in favor say aye...all opposed say nay. The motion carries.

Mr. Vanarsdall - While we are waiting for Mr. Rapisarda to get here for the next item on the agenda, we will take a five-minute break.

WORK SESSION: Ordinance Amendments on Pertaining to Section 24-2, et al.

(Staff Presentation by Eric Lawrence)

Mr. Vanarsdall - All right. The Planning Commission will now reconvene and Mr. Secretary you can give us some guidance on what we are going to do.

Mr. Marles - Actually, Mr. Chairman, I'm going to let Mr. Silber read our appropriate motion.

Mr. Silber - At this point, Mr. Chairman, we are going to go into Executive Session so I would like to read the statement to go into Executive Session. The Planning Commission moves to go into a closed meeting pursuant to Section 2.1-344(A)(7) of the Code of Virginia for the purpose of consultation with legal counsel regarding legal issues concerning the proposed zoning ordinance amendment. So, we will need a motion and a second.

Ms. Dwyer - I move that we go into Executive Session for discussion as to what Mr. Silber stated.

Mr. Taylor - Second.

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

Mr. Silber - At this time we will need to move to another room, which the Demonstration Kitchen is being used, so we have reserved the Finance Conference room. It is across the courtyard. So, if you follow me, I will lead you over there.

Mr. Taylor - Should we take all of our papers?

Mr. Silber - No, because we will be coming back.
Mr. Taylor - What should we take with us?

Mr. Silber - The ordinance amendment and pad and paper or something.

AT THIS TIME THE COMMISSION DISMISSED TEMPORARILY TO GO INTO EXECUTIVE SESSION.

Mr. Vanarsdall - Okay. Mr. Lawrence.

Mr. Lawrence - Thank you, Mr. Chairman. As you can see by the slide, I've actually renamed this. This just isn't 24-2 but it is also 24-11 because it actually deals with two sections out of the code that we are looking at. You know a little bit of the background of why we are doing this now. The packet that was distributed to you this evening just has additional information. I went ahead and included all of the conditional uses by a special exception so that you can get an understanding as to what uses we consider. Then as we go through you will see what the changes are that we are talking about. What we are proposing for Section 24-2 is to strike the existing language which deals with minimum requirements, the greater restrictions being that if anything in this chapter is greater than some other language you find elsewhere in the chapter or code, the greater restriction applies. In the second paragraph of 24-2, which talks about the POD approval, which is when a plan of development is approved it supersedes the requirements for a special exception. We are proposing you strike that language and then you revise the language to deal with the minimum requirements in where the chapter imposes a greater restriction, the greater restriction controls. So, essentially, the significant change there is strictly striking the POD approval terminology and just rewording the minimal requirements so that it flows smoother.

Mr. Vanarsdall - (Unintelligible)

Mr. Lawrence - Okay. Why are we doing this? Well, we are doing it to be consistent with the State code. It’s been brought to staff’s attention that the way it is written right now is not consistent so that subtle change of removing the POD statement brings it into consistency with the State code. And what are the impacts of these changes? As of a result of the proposed amendments, the Planning Commission would no longer be able to grant special exception through approving a POD. Staff does propose amending the ordinance to enabling the Planning Commission to take an active role in consideration of request for greater building heights. As proposed, the Commission could consider building heights up to 65 feet when an applicant is able to satisfy some established criteria which we'll also be establishing with this amendment. We are still working on the drafting stages of the criteria, but we are looking at things dealing with utilities and emergencies services. Can a fire truck get to the higher levels of the building? Would the increase, in building in height, cause greater traffic congestion in the immediate area? And is the building height compatible with the surroundings? Staff is going to continue to work internally and also with the County Attorney to make sure that criteria is appropriate. Also, I want to point out that with building heights greater than 65 feet, up to 110 feet, we are proposing that you could achieve those heights with a provisional use permit. So, what it does is create three tiers, by right, a Planning Commission
Ms. Dwyer - So, you have taken out building height from the special exception category and put it in the PUP category.

Mr. Lawrence - That's correct.

Ms. Dwyer - So that it's properly before the Commission.

Mr. Lawrence - Correct.

Ms. Dwyer - So, it would come to the Commission and then the Board.

Mr. Silber - Oh, I'm sorry, on a PUP, yes. A PUP would take the normal course.

Mr. Lawrence - What it comes down to, any building request to go higher will come before you, anything above 65 feet will work its way to the Board of Supervisors for the ultimate decision. Now, that deals with the 24-2 areas. Section 24-11 talks about the permitted use. I just want to clarify something that was discussed earlier, it strikes the language that is currently in the ordinance which deals with County owned and County leased buildings and recreation areas. Staff is going to work with the County Attorney to make sure we word it in a way that is appropriate so that the permitted uses in the R districts would be something of a County owned facilities, recreation, and things of that nature. We are not going to change the use, we are just going to make it clearer as to what is intended as a permitted use. And then move language to Section 24-106, which deals with the POD and the Board of Supervisors' ability to review public uses, government building and fairgrounds and race tracks, things of that nature, which it currently reviews. We are just cleaning up the language, clarifying it and correcting the ordinance to reflect what currently happens. In a nutshell, that's what we are proposing. We are still working on the language, but conceptually I'm trying to illustrate what we are talking about. And, conceptually, we don't change too much, as we mentioned. It changes so that the Planning Commission can review height considerations. That's the significant change.

Mr. Silber - Eric, you may want to review.... I seem to recall that there were a couple of uses that we had shifted from the conditional use by special exception category into a permitted use, you may want to touch on those.

Mr. Lawrence - Okay. There were two uses actually that we have modified somewhat. In the R-5 district, there is a conditional use for permitted exceptions, special exception for nursing homes.
Mr. Silber - What page are you on?

Mr. Lawrence - I'm on page 3 of the handout. It's the R-5 district. What's being proposed is that nursing homes, convalescent homes, just using the same terminology essentially, be placed as a principal as a permitted use by right in the R-5 district. It takes it out of the conditional use consideration.

Mr. Silber - What we did was we went through all of the conditional uses by special exception and then tried to determine if any of those should come out of that category because that would now require BZA approval and determine whether it should come out of that category and be put into like a principal use category or into a provisional use permit category. As we went through there we basically found out that there really weren't too many that we felt should be moved, but nursing homes was one of those. We moved it out of this category. So, as proposed, it would be a permitted use in the R-5 district by right.

Mr. Taylor - The question that I had is nursing homes, convalescent homes, homes for the aging, that any such use has minimum by the area of five acres. We just did the case for Manor Care, was that a five-acre site or does that qualify as a nursing home?

Mr. Silber - Is that the one on Skipwith?

Mr. Taylor - Yes, the one on Skipwith.

Mr. Lawrence - That was an amended proffer. It was an already permitted use.

Mr. Taylor - Okay.

Mr. Silber - That was a five-acre site.

Mr. Vanarsdall - That wasn't five acres.

Mr. Lawrence - I'm not sure of the background on it.

Mr. Silber - Well, the background on that, as I recall, was that it was about 4.9 acres and they went out and actually bought the sliver of land from the apartment complex to make it five acres.

Mr. Taylor - So, that it is compliant, that is five acres?

Mr. Silber - Yes.

Mr. Taylor - Okay. My mind played a tape of that site and it doesn't seems like five acres. But, anyhow, thank you.

Mr. Silber - There is a school of thought from the assistant living community
April 26, 2000

Mr. Taylor - Thank you.

Mr. Lawrence - The other use within the conditional use with a special exception category, that we have discussed, is in the A-1 district. We haven't removed it from the conditional use classification, but we have added language. That would be on page nine. It is letter "M" which is private kennels. We propose adding language that, actually it's been revised based on County Attorney discussions, but it would say "within the confines of a residential subdivision" is what is being recommended at this point.

Mr. Taylor - Do we elsewhere define what is a kennel?

Mr. Lawrence - In the definition category of the zoning ordinance, it defines kennels.

Mr. Taylor - I think there is a limit on the number of animals you can have as pets. Am I correct, within a residential area, be it three or four?

Mr. Lawrence - I don't know what the number is but there is a limit.

That's really a summary of what's being changed. As you flip through the pages with the height consideration, we'll address the height considerations through the table, which in the footnotes, which indicates whether it is Planning Commission consideration or a provisional use permit. And with the office/service districts, there are two of them there, neither one of them is included in the table because the ordinance is designed so it can be a take out section, if you will. So, we will have to add the language to the office/service district, which is indicated in your packets here.

Ms. Dwyer - I have a question too, on the table. Paragraph "W" applies to certain of the zoning district. Paragraph "W" is the one that says "any building within a 100 feet of an "R" district shall not exceed 40 feet in height." But that wasn't included in the O-1 or the B-1 as I look at the table. Or I guess the office/service either. Oh, no, it's included in office/service I think in the verbal part but not in the... Any way I was wondering why that limitation wouldn't be added to A-1, O-1, B-1. It's added to M-1.

Is it not in B-1 because you can't go taller than 35 feet so it wouldn't apply?

Mr. Lawrence - Right. "W" says anything greater than 40 feet in height needs that additional setback.
Mr. Silber - Maybe "W" has not been imposed on those...

Ms. Dwyer - It can't go to B-1? Okay. That makes sense.

Mr. Silber - B-1 is the max 35 with no exception.

Ms. Dwyer - There's no exception to that in B-1. Okay.

Mr. Silber - What was the other category?

Ms. Dwyer - O-1.

Mr. Taylor - What page is that on?

Mr. Lawrence - It's on page 17, the table. In the O-1 district, again, you've got a 30-foot maximum height.

Ms. Dwyer - Okay. No exceptions?

Mr. Lawrence - That's correct.

Ms. Dwyer - Are you sure about that?

Mr. Lawrence - Are you looking for the exceptions to allow?

Mr. Lawrence - A-1, we could consider it for churches, clubs and fraternities, if that's something you want to consider. It's the by right height in A-1 is 45 feet so it's only five feet higher than the 40 foot limit.

Ms. Dwyer - You can't make it bigger?

Mr. Silber - No. You couldn't go higher than what the chart says or a footnote to the chart.

Ms. Dwyer - Okay. And what is the footnote that says you can go higher, which one is that?

Mr. Lawrence - Yes. Which one is that, "z"?
Mr. Lawrence - Yes. It is "X" and "Z." "Z" goes to the Board of Supervisors. That's your provisional use permit and "X" is the provision where the Planning Commission gets to consider it.

Ms. Dwyer - But only where you have an "X" and a "Z" you would need a "W."

Mr. Lawrence - Yes. That was the logic we were using.

Mr. Silber - Yes. The "X" and the "Z" would allow you to go higher than that number in that box.

Ms. Dwyer - Now, O-3 doesn't have an "X" or "Z" but has a "W." Oh, but that's 110 by right.

Mr. Lawrence - That's a by right.

Ms. Dwyer - Okay. Got ya. So, it wouldn't apply to A-1. How about O/S-1 and O/S-2?

Mr. Silber - For some reason I thought that was already covered.

Ms. Dwyer - I think it's covered in the verbiage for O/S-1 and O/S-2. All right. I just wanted to make sure we weren't leaving that out. All right, thanks. Now what about stage towers and scenery lofts exception? I know it's not apart of this special exception deal, they are allowed by right, but I was thinking since we are looking at height, 24-95 exempts stage towers and scenery lofts from height exceptions.

Mr. Silber - It's not a part of this.

Ms. Dwyer - I know but you could throw it in there if you were inclined.

Mr. Silber - Why don't you make a note of that, Eric. Just take a look at 24-95. Do you want the subsection?

Ms. Dwyer - No, I just want (unintelligible).

Mr. Silber - Provides for allowance for certain taller structures.

Mr. Lawrence - Okay.

Ms. Dwyer - There might be other ones you want to look at but stage towers and scenery lofts is one that comes to mind.

Mr. Taylor - What page is 24-95 on?
Mr. Lawrence - It's not in the package.

Ms. Dwyer - It in the Code.

Mr. Silber - That is not a part of this amendment at this time.

Mr. Lawrence - Staff will take a look at that then.

Mr. Vanarsdall - All right, is that it?

Mr. Lawrence - Yes, sir.

Mr. Vanarsdall - What do we do with this now, Randy?

Mr. Taylor - Do we move this be accepted or what?

Mr. Silber - Well, this is a work session to go over this first draft. We will be going back and incorporating some more County Attorney comments and your comments. You would probably want to set a public hearing now.

Ms. Dwyer - We don't have a quorum. Do we need a quorum to take action like that?

Mr. Silber - Yes.

Mr. Vanarsdall - We can't do much of anything.

Mr. Silber - We can't set a public hearing.

Mr. Lawrence - Well, we can come back on the 24th and give them an update.

Mr. Taylor - Yes. Do it at our next meeting when we have a quorum.

Mr. Silber - How about we have another work session on the 24th, come back with an update and we will set a public hearing then.

Mr. Vanarsdall - All right. That sounds like a winner. Have we finally finished today?

Ms. Dwyer - Do we have to stay here because we don't have a quorum to vote to adjourn?

Mr. Silber - Yes, you can adjourn.

Mr. Taylor - Mr. Chairman, I move we adjourn.

Ms. Dwyer - Second.
On a motion by Mr. Taylor and seconded by Ms. Dwyer, the Planning Commission adjourned its meeting at 4:30 p.m.

Ernest B. Vanarsdall, C.P.C., Chairman

John R. Marlies, AICP, Secretary