

1 Minutes of the regular monthly meeting of the Planning Commission of the County of  
2 Henrico, Virginia, held in the Board Room of the County Administration Building in the  
3 Government Center at Parham and Hungary Springs Roads, Beginning at 9:00 a.m.  
4 Wednesday, December 15, 1999.

5

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

11

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

14

15 Others Present: Mr. John R. Marlles, AICP, Director of Planning, Secretary  
16 Mr. Randall R. Silber, Assistant Director of Planning  
17 Mr. David D. O'Kelly, Jr., Principal Planner  
18 Ms. Leslie A. News, CLA, County Planner  
19 Mr. James P. Strauss, CLA, County Planner  
20 Mr. E. J. (Ted) McGarry, III, County Planner  
21 Mr. Kevin D. Wilhite, County Planner  
22 Mr. Mikel C. Whitney, County Planner  
23 Ms. Jo Ann Hunter, County Planner  
24 Mr. Todd Eure, Assistant Traffic Engineer  
25 Ms. Diana B. Carver, Recording Secretary

26

27 Ms. Dwyer - The Planning Commission will now come to order. I would like to  
28 welcome everyone to this meeting of the Planning Commission, December 15, 1999, our last  
29 meeting of the millennium. All right. Mr. Secretary, shall we get started with the agenda  
30 items?

31

32 Mr. Marlles - Yes, Madam Chairman. Good morning ladies and gentlemen. We do  
33 have a quorum on the Planning Commission this morning. However, before starting the  
34 regular agenda I think it would be appropriate to recognize Mrs. Mary Wade. Basically, this  
35 is her last meeting as a member of the Planning Commission. She has served for 20 years  
36 very faithfully, and I believe that the Planning Commission has a special presentation for Mrs.  
37 Wade.

38

39 Ms. Dwyer - We are going to give you a big party and a big send off in the right way,  
40 but we did want to commemorate your meeting today. As Mr. Marlles mentioned, Mrs. Wade  
41 has survived 20 years on the Henrico County Planning Commission and that's quite a feat.  
42 And it may seem like a millennium to you judging by the amount of work that's been involved  
43 and the gracious and dedicated manner in which you've executed your responsibilities to the  
44 Three Chopt District, and we have a resolution to indicate some of your accomplishments. In  
45 addition to your daily duties as Planning Commissioner, Mrs. Wade has participated in the

46 preparation and adoption of two countywide land use plans; two major thoroughfare plans, two  
47 open-space plans, and numerous areas of study. When Mrs. Wade began her service Henrico  
48 County was a suburban bedroom community with considerable amounts of outline rural areas.  
49 But now, of course, Henrico is characterized by exemplary employment centers, high-quality  
50 residential developments, due in large part to Mrs. Wade's leadership, foresight and hard  
51 work. I won't read each of the items. You can take them home and read them in your leisure.  
52 But, the Planning Commission resolves that this resolution is adopted as a means of  
53 recognizing Mrs. Wade and as a way of expressing its appreciation for her 20 years of very  
54 dedicated service to the citizens of Henrico County and to the Planning Commission.

55

56 Mrs. Wade - No wonder the parking lot was so full this morning. Thank you very  
57 much. I appreciate this. As I have said on other occasions, when I've had the opportunity to  
58 be honored, it's been, as they say, opportunity for service, I hope I've made some  
59 contribution. I know we haven't been able to make everybody happy in the last 20 years but I  
60 think in general we've come out, with a good place to live and continue to make it, with  
61 everybody's help, a better place. I'm going to miss it. I've met a lot of wonderful people and  
62 I've worked with a lot of wonderful people. And there are times when I think I'll be glad to  
63 be out of some of these situations, but most of the time I think I'm going to miss it very much.  
64 Thank you for the opportunity and the support of all of you. Thank you.

65

66 Ms. Dwyer - I would like to give some of the other Commissioners an opportunity to  
67 say something to Mrs. Wade, if you are inclined.

68

69 Mr. Archer - Mrs. Wade, I remember my first night on the Commission and I came in  
70 and you said you can choose any seat that you like and I chose the most kindest, most gentle  
71 face that I saw to sit next to and I have enjoyed sitting there for the last four years talking a lot  
72 and learning a lot and I'll miss you.

73

74 Mrs. Wade - Thank you. And it has been a pleasure to serve with you, Mr. Archer.

75

76 Mr. Vanarsdall - Mary, I'll tell you and I've said this before. I remember when I was  
77 asked to be on the Planning Commission, by Mr. Glover, and I asked him what would I have  
78 to do and how long it would take and all of that. And he filled me in pretty good. He told me  
79 it would be 20 hours a week and I think the first case was 60 hours I think. Well, anyway,  
80 what I'm leading up to is when I got here and was on the Commission and when Chris was  
81 here the first couple of meetings, I heard you ask him if he was going to use White Pines or  
82 Leyland Cypress and then you pulled some kind of technical name and Chris said, gosh, I've  
83 got to learn all the trees and whatnot. And, I was thinking what building was that. But I soon  
84 found out. You should be proud to ride around in the County and look at the things that you  
85 were responsible for adding to and over and above the Code and everything. I think you have  
86 done an excellent job on trying to make it look good and things to be right. I don't know if  
87 there is anybody that puts their heart into it anymore. I congratulate you and if there is  
88 anyway I can help you. The only thing I hate about this, this makes me now the oldest one up  
89 here. And, I certainly don't mean in age, I mean in time.

90

91 Mrs. Wade - If you want to reach me by e-mail, I'm tree planner.

92

93 Mrs. Quesinberry - Well, Mrs. Wade, I've enjoyed the last year with you. I remember  
94 when I came on people were talking about you've been here almost 20 years and I was  
95 thinking "Good God, felons don't have to serve that long, this is a rough place." But, I've  
96 really enjoyed it and I've learned a lot from watching you do some of your cases and I was  
97 just wondering if you are available during the next couple of months to do some offsite  
98 consulting on big cases. I have two in mind. I'll talk to you later.

99

100 Mr. Marlles - Mary, speaking on behalf of the staff, many of whom are here by the  
101 way, I can tell you that you have really been an inspiration to the staff with your hard work  
102 and dedication. I think almost everything that you do you have always tried to maintained the  
103 highest principles and ideas of planning. That's something that really has been in inspiration  
104 to the staff so thank you on behalf of the staff.

105

106 Mrs. Wade - Thank you. We are blessed with a wonderful staff in the County. They  
107 have been extremely helpful to all of us.

108

109 Mr. Vanarsdall - If we had thought about it, we would have asked Mr. Kaechele if you  
110 could have the day off.

111

112 Mrs. Wade - Oh, no. I wouldn't have missed this. Thank you. Thank you all for  
113 coming.

114

115 Ms. Dwyer - Well, is that all the business we need to conduct today, Mr. Marlles?  
116 Can we go home now? All right, Mrs. Wade, we are going to get some more work out of you  
117 today. All right, Mr. Secretary, let's deal with the first agenda item.

118

119 Mr. Marlles - Okay. The first item on the agenda is the requests for deferrals and  
120 withdrawals. That will be presented by Mr. Kevin Wilhite.

121

122 Ms. Dwyer - Okay. Good morning, Mr. Wilhite.

123

124 Mr. Wilhite - Good morning, Madam Chairman, members of the Commission and  
125 ladies and gentlemen. We have one request for deferral and one request for withdrawal. The  
126 first one is on page six, the Cole Creek subdivision July 1999 Plan.

127

128 **SUBDIVISION (Deferred from the November 17, 1999, Meeting)**

129

Cole Creek  
(July 1999 Plan)

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

130

131 Mr. Wilhite -

The applicant is requesting a withdrawal of this development.

132

133 Ms. Dwyer -

Okay. Is there anyone in the audience in opposition to the withdrawal of Cole Creek Subdivision July 1999 Plan? No opposition. We are ready for a motion.

134

135 Mrs. Wade -

I move that the request for withdrawal Cole Creek subdivision be

136 granted.

137

138 Mr. Vanarsdall -

Second.

139

140 Ms. Dwyer -

The motion was made by Mrs. Wade and seconded by Mr. Vanarsdall.

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

142

143 At the request of the applicant, the Planning Commission, withdrew Cole Creek (July 1999 Plan) from any further consideration.

144

145 **PLAN OF DEVELOPMENT (Deferred from the November 17, 1999, Meeting)**

146

POD-86-99

The Virginia Urology Center

**Draper Aden Associates for Med Atlantic, 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, 17,800 square foot medical office building. The 1.4 acre site is located at the northeast intersection of Monument Avenue and Byrd Avenue on parcels 115-8-A-1 and 24. The zoning is O-1, Office District. County water and sewer. **(Three Chopt)**

147

148 Mr. Wilhite -

On page four, POD-86-99, The Virginia Urology Center, the applicant is requesting a deferral to the February 23, 2000, Planning Commission meeting.

149

150 Ms. Dwyer -

Okay. Is there anyone in the audience in opposition to the deferral of POD-86-99, The Virginia Urology Center? No opposition. We are ready for a motion.

151

152 Mrs. Wade -

I move that POD-86-99, The Virginia Urology Center, be deferred until February 23, 2000, at the applicant's request.

153

**December 15, 1999**

158 Mr. Vanarsdall - Second.

159

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

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

162

163 At the request of the applicant, the Planning Commission deferred POD-86-99, The Virginia  
164 Urology Center, to its February 23, 2000 meeting.

165

166 Ms. Dwyer - All right. The next item.

167

168 Mr. Marllles - The next item on the agenda is the expedited agenda. And, again, that  
169 will be presented by Mr. Kevin Wilhite.

170

171 Mr. Wilhite - There were two cases up for expedited approval. The first one is on  
172 page 16.

173

174 **LANDSCAPE PLAN**

175

LP/POD-127-98  
Dominion Chevrolet

**TIMMONS:** 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 10.133 acre site is located on W. Broad Street (U.S. Route 250) at N. Gayton Road Extended on part of parcels 36-A-46, 47 and part of 45. The zoning is B-3C, Business District (Conditional) and WBSO (West Broad Street Overlay District). **(Three Chopt)**

176

177 Mr. Wilhite - The staff recommends approval of this case.

178

179 Ms. Dwyer - Is there anyone in the audience in opposition to Dominion Chevrolet,  
180 LP/POD-127-9? That's on page 16 of our agenda. No opposition on the case. Are there any  
181 questions by Commission members? No questions. We are ready for a motion.

182

183 Mrs. Wade - Have all of the questions been answered, Mr. Wilhite.

184

185 Mr. Wilhite - I'll let Mr. Strauss answer.

186

187 Mr. Strauss - Good morning, Mrs. Wade. The applicant did come forth with a revised  
188 plan. It is in your addendum packet. They satisfied staff's request to revise three areas, which  
189 are shown as A, B, and C on the landscape plan in your packet. The second sheet has detailed  
190 areas which show the compliance with the West Broad Street Overlay District. And they did  
191 add, as you will see in area "C" additional evergreen planting along the east/west access road.

192

193 Mrs. Wade - Where they address the issue about the offsite (unintelligible).

194

195 Mr. Strauss - It is my understanding that when a POD is brought forth for that area,

196 the R-6 area, that will have additional landscaping on it. And that was mentioned in the  
197 minutes of the POD hearing. So staff would be knowledgeable about that aspect of the case  
198 when the POD comes forward at that time.

199

200 Mrs. Wade - So, are they in agreement with that? Is there anybody here for  
201 Dominion Chevrolet.

202

203 Ms. Dwyer - Is there anyone in the audience, again, here for Dominion Chevrolet.

204

205 Mr. Strauss - I was looking for Luigi Mignardi of TIMMONS. He's representing the  
206 applicant but I don't see him at the moment.

207

208 Mrs. Wade - Was everybody aware of it at the meeting?

209

210 Mr. Strauss - Yes. We had a meeting in the field and discussed the issues with the  
211 applicant yesterday.

212

213 Ms. Dwyer - Would you like to move this off the expedited agenda, Mrs. Wade?

214

215 Mrs. Wade - No. That's fine.

216

217 Ms. Dwyer - Okay. We have the revised plan.

218

219 Mrs. Wade - All right. I move that landscape plan LP/POD-127-98, Dominion  
220 Chevrolet, with the revised plan be approved with the standard conditions and the annotations  
221 on the plan.

222

223 Mr. Vanarsdall - Second.

224

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

227

228 The Planning Commission approved LP/POD-127-98, Dominion Chevrolet, subject to the  
229 standard conditions for landscape plans and the annotations on the plans.

230

231 Ms. Dwyer - All right. The next item.

232

233 Mr. Wilhite - The next item is on page 17, subdivision Four Mile Creek  
234 Drive/Espalier Court Road Dedication (December 1999 Plan).

235

236 **SUBDIVISION**

237

Four Mile Creek  
Drive/Espalier Court  
Road Dedication -  
Henricus Boulevard  
(December 1999 Plan)

**Goodfellow, Jalbert, Beard & Associates, Inc. for Essex Properties of Virginia, Inc., County of Henrico and Commonwealth of Virginia Department of Transportation:** The 7.47-acre site is located 1,500 feet southeast of I-295, between New Market Road and Buffin Road on parcels 249-A-51 and 51A. The zoning is B-3C, Business District (Conditional), A-1, Agricultural District and ASO (Airport Safety Overlay District). County water and sewer. 0 Lots **(Varina)**

238

239 Mr. Wilhite - On page 2 of your addendum there is a name change for this case. This  
240 will be known as Henricus Boulevard (A dedication of Henricus Boulevard and a portion of  
241 Henry Thorpe Way) (December 1999 Plan). With that change, staff can recommend approval.

242

243 Ms. Dwyer - Is there anyone here for Four Mile Creek Drive/Espalier Court Road  
244 Dedication? Is it "Henricus" or "Henricus"?

245

246 Mrs. Ouesinberry - Henricus, according to Dr. Nelson. Our resident historian expert out in  
247 Varina.

248

249 Ms. Dwyer - Well, we do have a conflict then because the Henricus Foundation which  
250 runs the park, which is now in Chesterfield County. I believe they pronounce it "Henricus."  
251 We are going to have the Po-white/Powwhite kind of controversy going on probably. Okay.  
252 Was there anyone here for Four Mile Creek Drive? Oh, we do have a speaker?

253

254 Mr. Jalbert - Well, I'm the surveyor.

255

256 Ms. Dwyer - Do you want to make a comment this morning, or just be available for  
257 questions?

258

259 Mr. Jalbert - I'm available for questions.

260

261 Ms. Dwyer - Okay. We were looking for anyone in opposition to the case. No  
262 opposition. Are there any questions by Commission members on this? No questions? We are  
263 ready for a motion.

264

265 Mrs. Quesinberry - I would like to make a motion for approval of the Four Mile Creek  
266 Drive Road Dedication, including the addendum, the annotations on the plan and the standard  
267 conditions for subdivisions served by public utilities.

268

269 Mr. Vanarsdall - Second.

270

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

273 The Planning Commission granted conditional approval to subdivision Four Mile Creek  
 274 Drive/Espalier Court Road Dedication (December 1999 Plan) which was changed on the  
 275 addendum to Henricus Boulevard (A dedication of Henricus Boulevard and a portion of Henry  
 276 Thorpe Way) (December 1999 Plan) subject to the standard conditions for subdivisions served  
 277 by public utilities and the annotations on the plan.

278

279 Ms. Dwyer - All right. That takes care of the Expedited Agenda items. The next  
 280 item, Mr. Secretary.

281

282 Mr. Marlles - The next item on the agenda is subdivision extensions of conditional  
 283 approval. Those will be presented by Mr. Kevin Wilhite.

284

285 Mr. Wilhite - We have a number of subdivisions up for extension this morning. Eight  
 286 showed up on your agenda. Five of these have been extended for at least four times  
 287 previously. Staff has contacted representatives for these five subdivisions and asked them to  
 288 attend the meeting today to answer any questions the Commission may have concerning the  
 289 status of their projects. I'll be happy to answer questions you may have of staff.

290

291 **SUBDIVISION EXTENSIONS OF CONDITIONAL APPROVAL**

292

<b>Subdivision</b>	<b>Magisterial District</b>	<b>Original No. of Lots</b>	<b>Remaining Lots</b>	<b>Previous Extensions</b>
<b>Cedar Park, Sec. 2 (Nov. 1997 Plan)</b>	<b>Fairfield</b>	<b>7</b>	<b>7</b>	<b>1</b>
<b>Chickahominy Hills Conventional Plan (Dec. 1994 Plan)</b>	<b>Varina</b>	<b>191</b>	<b>191</b>	<b>4</b>
<b>Fairfield Woods (Dec. 1993 Plan) (Formerly Dabbs Corner Dec. 1993 Plan)</b>	<b>Varina</b>	<b>140</b>	<b>64</b>	<b>5</b>
<b>Hunt Valley (Nov. 1990 Plan) (Extended from Nov. 17, 1999 Meeting)</b>	<b>Varina</b>	<b>401</b>	<b>401</b>	<b>8</b>
<b>Hermitage Hamlet (Dec. 1998 Plan)</b>	<b>Brookland</b>	<b>4</b>	<b>4</b>	<b>0</b>
<b>Laura Woods (December 1992 Plan) December 15, 1999</b>	<b>Three Chopt</b>	<b>5</b>	<b>5</b>	<b>6</b>

**Olde Colony Estates Varina 343 203 10**  
**(June 1989 Plan)**

**Telegraph Run, Fairfield 27 27 0**  
**Sec. C**  
**(Dec. 1998 Plan)**

293

294 Ms. Dwyer - Are there any questions of Mr. Wilhite on the subdivision extensions? Is  
295 there anyone in the audience here today to speak to these extensions of these subdivisions?

296

297 Mrs. Wade - I received a call from Mr. Lewis, who is the engineer for Laura Woods.  
298 He explained that they got kind of tangled up with the Pump and Church intersection decision.  
299 So that's delayed them somewhat.

300

301 Mr. Wilhite - Yes. That's what was indicated to staff yesterday.

302

303 Ms. Dwyer - Do you have questions on any of yours, Mrs. Quesinberry?

304

305 Mrs. Quesinberry - I don't know if there is anybody here to speak but I have Chickahominy  
306 Hills, Hunt Valley and Olde Colony Estates that have been extended greater than four times.  
307 And also Fairfield Woods has been previously extended five times and I think there is  
308 somebody here from Fairfield Woods.

309

310 Mr. Wilhite - I know we have representatives here from Chickahominy Hills, Fairfield  
311 Woods, Hunt Valley and I'm not sure about the Olde Colony Estates.

312

313 Mrs. Quesinberry - Well, let's just start with them. Is there anyone here from Olde Colony  
314 Estates or wants to speak to Olde Colony Estates extension?

315

316 Ms. Dwyer - How about Hunt Valley? Is there anyone here representing Hunt Valley  
317 subdivision?

318

319 Mrs. Quesinberry - There is one person.

320

321 Ms. Dwyer - Would you like to hear from him?

322

323 Mrs. Quesinberry - Yes, just briefly.

324

325 Ms. Dwyer - Would you come forward, please?

326

327 Mr. Pruitt - My name is Tommy Pruitt and I represent Hunt Valley, but just to begin  
328 with. I started in business just about the same time Mary went on the Commission. And,  
329 Mary, if you received a dollar an hour for every hour you put toward this Commission, you  
330 could retire with a very healthy retirement plan. I've spent many hours in Mary's living room

331 trying to work out different projects. And Mary is known for very, very, tough standards.  
332 She has the nicest way of telling you "No" and has for many years, but I really think Henrico  
333 County has been a beneficiary of these standard because you have held our feet to the fire but I  
334 really think we have got better developments because of it and I applaud you for your many  
335 years with Henrico County.

336

337 Mrs. Wade - (Unintelligible)

338

339 Mr. Pruitt - One more request. In 1990 we received zoning approval for Hunt  
340 Valley and also in 1990 we received conditional subdivision approval. At that time we had a  
341 desire for a planned community in the East End and we intended at that time to move forward  
342 very, very, quickly with the project but two things happened. Also in 1990 the real estate  
343 depression occurred it wasn't a recession but it was a depression that lasted for a number of  
344 years. And the second item was that our engineer had planned a gravity line sanitary sewer,  
345 and the County came back and asked us to put in a pump station which was probably going to  
346 increase the cost of about \$600,000. So, due to the depression and the County's desire to put  
347 in a pump station, we just dropped back and waited, really waited for things to improve. Over  
348 the past several years we have had a number of requests from different developers and also I  
349 guess tract builders to see if we wanted to sell Hunt Valley. But, we really would like to keep  
350 Hunt Valley and develop it in the concept that we had approved in 1990.

351

352 We have held off to this point because we want to stay with the same plan that we have now  
353 and I'm also encouraged recently we have seen a number of developments in that area that are  
354 probably in the price range that we would like to try. And that's more of the middle to upper  
355 range housing. We have seen some very nice developments occurring in that area now, which  
356 is encouraging to me that we can do this type of development and it could be successful. We  
357 have not had a lot of progress on this since the Commission has been extending this for  
358 probably eight or nine times in eight or nine different years. The only thing I would request if  
359 we could have one more year extension. If next year this time we do not have some positive  
360 concrete procedures moving forward, then I would expect this Commission to turn it down.  
361 But I would just like to ask for one 12-month request to try to get things moving in the right  
362 direction. And in that time, if we haven't done anything I would aspect you all to slam the  
363 gavel at that time. I'll be glad to answer any questions.

364

365 Ms. Dwyer - Thank you. Are there any questions for Mr. Pruitt? Okay. We have  
366 Fairfield Woods and Chickahominy Hills. Is there anyone here to represent those two?  
367 Would you step forward please?

368

369 Mr. Webster - Good morning, Madam Chairman, members of the Commission. I'm  
370 Gary Webster with Foster & Miller representing Fairfield Woods and the developer on that  
371 project for your consideration this morning. I can well understand the concern for the number  
372 of extensions and I'm not sure quite how detailed you want me to be as to why we have  
373 requested so many. But, in 1993 there were 140 lots. It was approved on a tentative at that  
374 time. Subsequent to that, we submitted Section A, which was 51 lots and that's recorded and  
375 built out. We shortly thereafter submitted a construction plan for Section B and in the

376 timeframe from when it started to the submittal, the CORPS changed there threshold for the  
377 Nationwide 26 wetland impacts from one acre down to a third of an acre. When we ran into  
378 that on Section B, the CORPS took the position that since we had not received a written  
379 approval to impact that one acre we were therefore not grandfathered therefore we could only  
380 impact one third. The developer we were working for at that time....

381

382 Mrs. Quesinberry - Mr. Webster, excuse me for interjecting here, but if you could just tell  
383 me very briefly what's going on with these 64 remaining lots and do you have any expectation  
384 of doing anything within the next six months. We can cut to the quick here.

385

386 Mr. Webster - Yes, ma'am. Sounds good to me. We've got Section B, which is 23  
387 lots in for recordation right now. We expect to record before the end of the year. We've got  
388 the engineering done on Section C, which incidentally, due to the wetland impacts and the  
389 layouts that were dictated by both the CORPS and the County, it's only going to be about a  
390 total of 100 lots and we expect to be totally through with that by June. So one extension  
391 should be fine. It is moving forward but we have had an owner pass away. We have had  
392 changes in regulations and we do have to meet the Chesapeake Bay water quality concerns, we  
393 do have to address those. I'll be glad to answer any questions. Was that thorough enough?

394

395 Mrs. Quesinberry - That's fine.

396

397 Ms. Dwyer - Are there any other questions for Mr. Webster?

398

399 Mr. Vanarsdall - Mr. Bradley, always did say he was kind of long winded in his  
400 presentation.

401

402 Mr. Webster - That's why I didn't know how long she wanted me to be. I've got an  
403 order of going all the way through this. And, in closing, since you did bring that up. I've had  
404 the honor of knowing Mrs. Wade also, both from this podium speaking before her and seeking  
405 her approval, but also in other settings in the planning field. I think she has demonstrated a  
406 good attitude for Henrico and put forth a good positive posture and I know that's she been at a  
407 lot of the Planning seminars. Even though she's been there 20 years, she continues to attend  
408 the Planning Commission's seminars every year that a lot of the new Commissioners go to.  
409 So, you will be missed.

410

411 Mrs. Wade - Thank you.

412

413 Ms. Dwyer - Is there anyone here for Chickahominy Hills?

414

415 Mr. Puryear - Madam Chairman, members of the Commission, I'm Bob Puryear  
416 speaking on behalf of the developer. The developer has not proceeded with this particular  
417 project because of two reasons. They occupied with some other developments and the  
418 acquisition of an off-site sanitary sewer easement hadn't materialized yet and the option would  
419 be to build a pump station and the developer prefers not to build the pump station. And I feel  
420 like the Department of Public Utilities would prefer not to build a pump station too. So, while

421 they had other developments going on, and were still trying to get this easement, it hadn't been  
422 on the front burner. But, they are still trying to get the easement. It hadn't been completely  
423 ruled out and if it is not acquired probably within the next year, they will proceed with the  
424 pump station. But we would like the time to go ahead and continue trying to get the easement  
425 so that we can have a gravity system rather than a pump station.

426

427 Ms. Dwyer - Thank you, sir. Are there any questions?

428

429 Mrs. Quesinberry - No.

430

431 Ms. Dwyer - Thank you very much. Is there anyone here for Olde Colony Estates?

432

433 Mrs. Wade - Mr. Puryear, just one more question. Is there capacity out there now in  
434 the sewer lines for this number of units?

435

436 Mr. Puryear - Well, the sewer is not actually available to the site. It has to go across  
437 one property to get to an existing sewer so that it does have capacity.

438

439 Mrs. Wade - But, that would have capacity?

440

441 Mr. Puryear - Yes, ma'am.

442

443 Mrs. Wade - Thank you.

444

445 Ms. Dwyer - Is there anyone here from Olde Colony Estates? Do we have a motion  
446 on the requests for subdivision extensions of conditional approval?

447

448 Mrs. Quesinberry - I would like to make a motion, at least concerning the subdivisions that  
449 we talked about in the Varina area. I have a real concern over repeated extensions, especially  
450 in light of the fact that as a Commission we have been looking at ordinance changes, policy  
451 changes as they concern flag lots, setbacks, open-space buffers, things of that nature that  
452 affects the quality of the subdivisions that we are looking at in the future, in addition, to things  
453 like Chesapeake Bay and water quality that some of these subdivisions would have been  
454 approved prior to the existing of those. In light of that, I would like to make a motion that  
455 Chickahominy Hills extension be denied, Hunt Valley extension, denied, Olde Colony Estates  
456 denied and I would further like to make a motion to extend Fairfield Woods for six months  
457 only.

458

459 Ms. Dwyer - What did you say about Olde Colony, did you deny that?

460

461 Mrs. Quesinberry - Yes, deny it. That's the subdivision that's been extended 10 previous  
462 times.

463

464 Mr. Vanarsdall - Which ones are they again?

465

466 Mrs. Quesinberry - Chickahominy Hills, Hunt Valley, Olde Colony Estates, deny the  
467 extensions. And, in addition I would like to recommend an extension of six months for  
468 Fairfield Woods. And, that's only because they have already filed some of those plans and  
469 they are in motion and they should be able to address the remainder of that subdivision at least  
470 within six months.

471

472 Ms. Dwyer - And Mrs. Wade I think you are approving the extension for Laura  
473 Woods.

474

475 Mrs. Wade - Yes. They say the road question has been answered. They only have  
476 five lots here and actually they would like to increase the size of their parcel, which I think  
477 would be an improvement. So, at least another year and then you all can look at it to see if  
478 any progress has been made. Yes. So, I move then that Laura Woods be extended for 12  
479 months.

480

481 Ms. Dwyer - We have two in Fairfield, Mr. Archer, would you like to comment on  
482 those?

483

484 Mr. Archer - No. I don't have any problems with either one of those. They are  
485 relatively new.

486

487 Mr. Vanarsdall - And I don't have a problem with the one in Brookland.

488

489 Ms. Dwyer - Normally, we handle these in mass and with one motion. So, do I have  
490 a motion on all of the subdivision extensions of conditional approval? Or should we do them  
491 individually?

492

493 Mr. Silber - I think we could do them all in one motion.

494

495 Mrs. Wade - I move that Cedar Park, Fairfield Woods, Hermitage Hamlet, Laura  
496 Woods and Telegraph Run extensions be approved.

497

498 Mrs. Quesinberry - Second.

499

500 Mrs. Wade - And Chickahominy Hills and Hunt Valley and Olde Colony Estates be  
501 denied.

502

503 Ms. Dwyer - And Fairfield Woods be extended for six months.

504

505 Mrs. Wade - Correct. I'm sorry.

506

507 Mrs. Quesinberry - Second.

508

509 Ms. Dwyer - The motion was made by Mrs. Wade and seconded by Mrs.  
510 Quesinberry. All in favor say aye...all opposed say nay. The motion carries.



548 Ms. News - Right. That's right. It's in the Virginia Power easement. We did run  
549 into some issues with finding plant material that would provide suitable screening and meet  
550 Virginia Power's requirements, but Virginia Power has agreed to the plan that the applicant is  
551 proposing now.

552

553 Ms. Dwyer - All right. Are there any other questions for Ms. News? Thank you.  
554 Would you like to hear from the applicant first, Mrs. Quesinberry, or maybe see what the  
555 opposition has in mind?

556

557 Mrs. Quesinberry - I think maybe if we could hear from the residents that are here, the  
558 opposition, then maybe hear from the applicant that might clear it up, expedite it.

559

560 Ms. Dwyer - Would the opposition please come forward? Good morning.

561

562 Mr. Browning - Good morning. My name is Lyell Browning. I own the property right  
563 there, it's 3612 Dennison Road. The concerns that I have, we will be able to look out directly  
564 upon an eight-foot tall chain-link fence. The owner has moved from a position of being, I  
565 would say, totally inadequate with about a 25% coverage to basically half way inadequate to  
566 about a five-foot coverage with spaces in between. I don't see any reason why in this day and  
567 age, that if people could do it 200 year's ago and move 60 and 70-foot tall trees, why a  
568 developer with modern equipment cannot completely cover the BMP. We've got to live there  
569 afterward. We have property values which I believe are decreasing because of the placement  
570 of the apartments, which we have fought but unfortunately they have gone through. We are  
571 now trying to get the best possible view shared out of the side of our development there. And  
572 having that BMP with an eight-foot tall chain-link fence, not hidden by anything except for, as  
573 everyone says, a few years. We think it is totally inadequate. And we would urge you to  
574 require that vegetation be placed there that would immediately cover that unsightly fence  
575 around the outside of the BMP. And to also take into account the large piles of dirt and the  
576 unvegetated or wildly vegetated grass and emerging vegetation which is growing in the open  
577 space which wasn't there before this development proceeded. I understand it's still ongoing  
578 but there are limits that need to be imposed upon this thing. I would urge you to consider  
579 planting or having planted materials, which will shield this unsightly monstrosity totally from  
580 view. Thank you very much.

581

582 Ms. Dwyer - Are there any questions for Mr. Browning by Commission members?

583

584 Mrs. Wade - How far are you from the BMP, Mr. Browning?

585

586 Mr. Browning - I think it would be an estimate of about 200 feet. Basically, when I walk  
587 out the front of the house and turn right, that's what I see.

588

589 Ms. Dwyer - So, you are looking for taller plants?

590

591 Mr. Browning - The type of plant I'm not worried about. I just want it basically to be  
592 hidden and stay hidden. I understand because of the Virginia Power easements there are

593 restrictions on height. However, trimming these things, I don't think that is a big deal.

594

595 Ms. Dwyer - Thank you, Mr. Browning. Is there anyone else to speak to this case?

596

597 Mrs. Wade - Ms. News, do you know when this R-6 was rezoned for apartments  
598 across the street?

599

600 Ms. News - I believe with the comprehensive rezoning, I'm not aware of any recent  
601 rezoning on this.

602

603 Mrs. Wade - Was it 1960 or something.

604

605 Ms. News - And I would also like to point out that the fence is six-feet tall, not  
606 eight-feet tall.

607

608 Mr. Jones - I'm Frank Jones and we own 73 houses along Eastover Avenue. We  
609 would understand it was going to be there but when Hank Wilton talked to me I thought he  
610 said he would there, but, anyway, we need some kind of fence separating our houses from  
611 these apartments. Otherwise, the kids from the apartments will walk through into the  
612 backyards on Eastover Avenue. We just need some kind of picket fence or something to just  
613 to protect the residents there in these houses. We spent a great deal of money on these houses.  
614 We operate them ourselves and we just know what it would be if it didn't have a fence in  
615 between.

616

617 Mr. Vanarsdall - Mr. Jones, have you discussed this with Mrs. Quesinberry, your  
618 Planning Commissioner, have you discussed this with her?

619

620 Mr. Jones - I beg your pardon.

621

622 Mr. Vanarsdall - Mrs. Quesinberry is the Planning Commissioner for the Varina District.  
623 Have you discussed this with her?

624

625 Mr. Jones - No. I haven't discussed this. The apartments were zoned so we  
626 didn't.... But I just know that we would want some kind of protection from those kind of  
627 apartments that are going in here.

628

629 Mrs. Quesinberry - Mr. Jones, what the natural buffer like between your property and the  
630 apartment property line? Is it pretty thick through there, dense?

631

632 Mr. Jones - I'm sorry.

633

634 Mrs. Quesinberry - The vegetation along that property line, is it dense?

635

636 Mr. Jones - Well, not now. They have taken most of it down. Before that, it had  
637 trees and some pretty good woods there, but there wasn't anybody to come through there. But

638 now if you've put this many apartments, in this area, I know, and it backs up to this row of  
639 houses on Eastover Avenue, they will just walk right through. We will have no protection  
640 whatsoever for the residents there.

641

642 Ms. Dwyer - Thank you. Are there any questions for Mr. Jones?

643

644 Ms. Dwyer - Ms. News, there was something on my plan and I can't tell if it's dense  
645 or not.

646

647 Ms. News - There is a requirement for a 10-foot transitional buffer back there.  
648 There is existing vegetation that when I saw it and it's been probably about three weeks,  
649 before this deferred at the last meeting, it was very thick with brambles and material that  
650 would be difficult to pass at that time. I'm not aware if they have done any additional  
651 clearing. There is a power easement behind that, directly, a power line that runs along the  
652 property line and perhaps, maybe Mr. Wilton can remember if there is a fence. I thought I  
653 saw a shorter fence on the properties, out on the other side of the easement but I'm not  
654 positive about that.

655

656 Ms. Dwyer - What I'm looking at on the plan is protective of the trees now?

657

658 Ms. News - Yes. The fence that you see on there, that's correct

659

660 Ms. Dwyer - So, that's taken care of?

661

662 Ms. News - Yes. There is no permanent fence proposed with this development.

663

664 Ms. Dwyer - So, how much is the tree line there on the property?

665

666 Ms. News - The tree line goes from the property line very close to the back of the  
667 units back there. When I looked at it originally, they actually had some plant materials  
668 proposed back there and didn't have the existing trees shown on the plan, but it would have  
669 been difficult to even plant too many things back there that would have survived because the  
670 tree line was close to the buildings and it was shaded. So, unless they have done clearing out  
671 of that buffer, and I spoke with their landscape architect who indicated that there was no  
672 intention of doing any clearing in that buffer.

673

674 Ms. Dwyer - How wide is the buffer?

675

676 Ms. News - The buffer I would estimate is a minimum of ten feet, probably closer to  
677 15.

678

679 Ms. Dwyer - So, they would clear and leave a 10-foot buffer and then position and  
680 increases (unintelligible).

681

682 Ms. News - Right. In this case there was a lot of undergrowth. And, you are right,

683 there are not great quality trees back there by any means.

684

685 Ms. Dwyer - Thank you, Ms. News.

686

687 Mrs. Wade - If the applicant built a fence, it would only be behind, what, eight lots?  
688 Is there anything to prohibit the neighbors from building the fence there themselves?

689

690 Ms. News - To prohibit the neighbors from building a fence?

691

692 Mrs. Wade - Yes.

693

694 Ms. News - Well, there is a Virginia Power easement that runs back through there.  
695 There probably could be something on this property line. I would have to check with the  
696 Virginia Power people.

697

698 Mrs. Wade - Okay.

699

700 Ms. News - Perhaps the applicant might have some more information on what's  
701 happening on that property along with that easement.

702

703 Ms. Dwyer - We will call on the applicant. Is there anyone who would like to speak  
704 in opposition on the case?

705

706 Mr. Jones - Well, I'll tell you what. We have spent a good deal of money on this  
707 property and it's only a 10-foot buffer back there. And the Power cleared it some, I'm sure  
708 you understand. So, there's nothing to keep these people from just walking right in. So, I  
709 just don't think that is adequate for this kind of apartment to go in and back up to these  
710 houses. Thank you.

711

712 Mr. Gallmeyer - I'm William Gallmeyer and I own the property to the north of these  
713 apartments. We have woods there, which is really an enticement for children to go right on in.  
714 We would like to have a fence there, an eight-foot fence, a galvanized chain-link fence, an  
715 eight-foot tall one and barbwire on top. And the reason I say barbwire on top is because we  
716 own the property next to Lakefield Mews. There's a six-foot chain link fence there but they  
717 go over top of it. And with the barbwire on the top of it, it would be a deterrent and they  
718 would not attempt it. But, you can understand why we would want a fence there for the  
719 children's protection as well as ours because they can get hurt in our woods and you know  
720 how laws are and how we may be responsible. So, I think it's in the interest of the owners of  
721 this property to put this fence up to protect their tenants. So, this is what I'm asking and that  
722 it be maintained indefinitely by whoever owns the apartments. So, this is what I would like to  
723 request and Mr. Jones, as well, his property there on Eastover Avenue, I mean you talk about  
724 10-foot bufferring some bushes and honeysuckle and so forth there but it's very little to deter  
725 children from going on through. And you know how they are determined, if they will clear a  
726 six-foot fence you know what they will do with a little honeysuckle, they would go right  
727 through. So, we do need fencing on both sides for our protection. So I would appreciate it if

728 you would consider that.

729

730 Ms. Dwyer - Thank you, sir. Is there anyone else to speak in opposition to this case?

731

732 Mr. Hutchenson - Good morning. My name is Hutchenson, ladies and gentlemen. Since  
733 the fence thing came up, when this project first started I presented my concerns about a fence.  
734 I own the property on the east side where it says R-4, 9.67 acres. And then when this was  
735 before the Board before, I requested a fence between my property and Mr. Wilton's property  
736 for the simple reason that I know from the experience of people of Longdale coming and going  
737 to Ukrops. That the people from this apartments will cut right across that field. Then I have a  
738 little orchard next to Mr. Wilton's property and I'm sure that there will be no playground or  
739 nothing, that that field is just going to be a playground thing there, so I would definitely, as I  
740 presented before, I would like the same thing, a fence to keep them off of my property.  
741 That's quite a long stretch from Gay Avenue back over to Dennison Road. Thank you very  
742 much.

743

744 Ms. Dwyer - Are there any questions by Commission members? Anyone else to speak  
745 in opposition? Would the applicant come forward please?

746

747 Mr. Wilton - Good morning. For the record, my name is Henry Wilton and I  
748 represent Varina Station Associates, the developer of the apartments. If I could just go ahead  
749 and response to, basically, the three questions here. Number one. I have spoken to Mr.  
750 Jones. There is a fence on some of the lots that he owns and when you went back there, I  
751 believe she referenced it. There are some existing fences back there. It is not a condition of  
752 the POD to go ahead and fence that, but I will go ahead and agree to meet with Mr. Jones and  
753 I'll go ahead and run a fence down there to separate myself from his 70 some units. I can't go  
754 ahead, if you can see, this area right here (referring to map) is wetlands so I wouldn't be able  
755 to fence through there but I can run a fence along the back of the apartments, right there. Mr.  
756 Jones and I had spoken about that. I will go ahead and commit to a fence behind the  
757 apartments right there to make sure that there isn't traffic going back and forth between there.

758

759 In reference to Mr. Gallmeyer's comment, we have, if you can see, against his property,  
760 which is totally heavily wooded, we have actually landscaped that entire area. So we have a  
761 landscaping plan going through there. There are no houses built there, it's all woods. We  
762 don't think we should fence out the view of the woods. In fact, we went ahead and  
763 supplemented it on our landscaping strip. We don't want to go in and just arbitrarily put up  
764 fences. I understand Mr. Jones' consideration as far as people walking back and forth, but in  
765 this case the people, if they want to get to the other road, they are going to walk down the  
766 road or something. They are not going to go through the woods. So, in reference to a fence  
767 there, we are putting a landscape area.

768

769 In reference to Mr. Browning's comments. Mr. Browning's house, No. 1, is over 350 feet  
770 from his house. These are lots that I have planned to build houses on. We also own this  
771 property right here. This is the easement that we are talking about. Right now he is over 350  
772 feet from the BMP area. What we have proposed here, instead of 2 1/2 feet double row, in

773 order to get a good visual buffer from day 1, a continual visual buffer, according to our  
774 landscape architect. What we propose to do, and our alternative, which is to go ahead and take  
775 one row, five feet on center, five-foot Bayberries, the fence is only six feet, it's that dark  
776 metal, and basically run five-foot plants instead of the 2 1/2 foot plants scattered. This, again,  
777 will create a buffer. Again, he's 350 feet away. I will be building houses in front of them at  
778 some time. So, within those 350 feet houses will be built to create even more of a buffer at a  
779 later day. We do plan to develop this property at a later time, and, again, we have already  
780 plotted these three lots right here. So, looking at those alternatives, we can put plant material  
781 in there that can grow up to 10 feet. These Bayberries are fast growing evergreen material and  
782 they will grow between 10 and 15 feet. We will have to keep them maintained to 10 feet  
783 according to VEPCO and that's the reason why we basically changed the plan. We also put 50  
784 evergreen trees around it. So, I guess those are my comments and I'll be happy to take any  
785 questions.

786

787 Mrs. Dwyer - Are there any questions for Mr. Wilton?

788

789 Mrs. Quesinberry - So, to just clarify with the fencing situation. You are going to fence  
790 behind the apartments on Mr. Jones property line?

791

792 Mr. Wilton - Yes, ma'am. It's going to be a six-foot privacy fence where we can  
793 agree to put it.

794

795 Mrs. Quesinberry - And, will that run the entire length of the rear property line?

796

797 Mr. Wilton - The back property line against the existing houses where he is. Yes,  
798 ma'am.

799

800 Mrs. Quesinberry - I'm looking at Gilbert Gardens and it looks like your property touches  
801 lots 1 through 9.

802

803 Mr. Wilton - Yes, ma'am. It will run where it backs up, except for that small area  
804 where the wetlands is and that's totally wooded. And it's also wet. So, if anybody comes  
805 through there they are going to need rather high boots. So, I don't think that people are going  
806 to be walking through that area. But right behind the apartments from the wetlands area,  
807 which is right here (referring to map) all the way back this way, we will go ahead and put up a  
808 fence for Mr. Jones, a six-foot privacy fence.

809

810 Ms. Dwyer - Well, they are concerned about people walking from the apartments  
811 through to the houses. And if you stop the fence before you get to the end of the property  
812 line, then it would be very easy for people to walk around that fence.

813

814 Mr. Wilton - I can go as far as I can into the wetlands but I can't start clearing it. I  
815 can't do a lot of things in the wetlands.

816

817 Ms. Dwyer - Maybe you could carry the fence around the trees.

818 Mr. Wilton - Yes, ma'am. I'll work with Mr. Jones. I'll make Mr. Jones happy in  
819 regard to that fence. Obviously, not being out on the site, I don't know how wet.... I know  
820 those wetlands are wet most of the year. I'll extend the fence as much as I can into the  
821 wetlands.

822

823 Mrs. Wade - Well, what percentage of your project would you estimate as devoted to  
824 recreation use, Mr. Wilton?

825

826 Mr. Wilton - We have a pool and a playground area in this community. There are  
827 144 lots. That's about the breakeven point where you actually put a pool and it is maintained.

828

829 Mrs. Wade - And the playground will be what?

830

831 Mr. Wilton - The playground is right by the pool.

832

833 Mrs. Wade - Yes, I see it, but what's going to be done to it? Will it be equipment,  
834 what?

835

836 Mr. Wilton - Playground equipment, yes, ma'am.

837

838 Ms. Dwyer - Could you give us the percentage of this property that's devoted to these  
839 recreational uses?

840

841 Mr. Wilton - No. I really can't. The building is about 1,200 square feet and then  
842 obviously there is a pool, a large deck for the pool. And, in addition to that, the playground  
843 area is behind that. We felt a need to go ahead and keep it all together.

844

845 Ms. Dwyer - And what's your site coverage here?

846

847 Mr. Wilton - We have about 18 units per acres, if I'm not mistaken. We are close to  
848 the high density. You are allowed 19.6, I believe. We do have the BMP is off site, so it  
849 allowed us to use the property. If you took into consideration that our BMP area, our site  
850 coverage, is across the street, and we basically, the apartments owns the large BMP area, our  
851 site coverage isn't that great and our density would probably come down to around nine units  
852 per acre. We have just as much property across the street in the BMP areas as we do here.

853

854 Ms. Dwyer - Just looking at the site here where the structures are, not including the  
855 BMP portion, what percentage of this site is covered by impervious surface?

856

857 Mr. Wilton - I could not tell you but I could find out from the engineer. Obviously,  
858 its all been approved. The apartments are under construction.

859

860 Ms. Dwyer - We are looking at issues relating to multi-family.

861

862 Mr. Wilton - Yes, ma'am. I'm going to be at that work session at 10:30 and I've

863 reviewed the document. Because you are reducing the densities under the new program, this  
864 would not. Certainly, if you do change the ordinance to reduce the density this would not  
865 come under that.

866

867 Ms. Dwyer - Are there any other questions of Mr. Wilton?

868

869 Mrs. Quesinberry - Just on the BMP. Will there be any additional bufferring or  
870 improvement in the visual look of this BMP if we did two rows of the Bayberries instead of  
871 one?

872

873 Mr. Wilton - At five feet on center, our landscape architect, Mr. Clower, says it's  
874 going to be a continuous visual screen from day 1. That's why we went ahead and revised it.  
875 Again, these plants, we will have to start cutting them back in a couple of years because we  
876 can't go over the 10-foot height restriction. I do not think it's going to be that much  
877 difference. Again, being five feet on center, five-foot plants, Bayberries are large bushy  
878 plants.

879

880 Ms. Dwyer - Did you say, 10:30?

881

882 Mr. Wilton - I understood there would be a work session at 10:30 a.m.

883

884 Mr. Silber - Yes, ma'am. We have notified the public that no sooner than 10:30  
885 a.m. the Commission may consider this. But, we have it scheduled at the end of the POD  
886 agenda.

887

888 Mrs. Wade - Is it on the addendum somewhere, because I couldn't find 10:30 on the  
889 agenda?

890

891 Mr. Vanarsdall - I thought it was in the afternoon.

892

893 Mrs. Wade - I thought so too.

894

895 Mr. Silber - Well, because the agenda appeared as though it was short we wanted to  
896 try to let the public know that it could come up earlier. So, we sent out notices saying that it  
897 could be as earlier as 10:30 a.m. But we will take it at the end of the agenda, whenever that  
898 is.

899

900 Ms. Dwyer - Are there any other questions? Are we ready for a motion?

901

902 Ms. News - If I could just mention one thing. We have been talking about five-foot  
903 tall Bayberry and the plan calls for four foot tall. So, we are assuming that we are revising  
904 that to five feet.

905

906 Mr. Wilton - Yes, five feet tall.

907

908 Ms. Dwyer - So, the Bayberries will now be five feet instead of four feet. Will that  
909 be an annotation on the plan, Ms. News?

910

911 Ms. News - Yes, ma'am.

912

913 Ms. Dwyer - Mrs. Quesinberry, would you like to hear from anyone else or ask any  
914 other questions?

915

916 Mrs. Quesinberry - No. I think we are ready for a motion. Some of you may have notice  
917 that there were a few questions about the plan itself. This is a landscape plan today. The plan  
918 on this particular site had been previously approved. This is probably a good example of why  
919 we are looking at our multi-family ordinances and improving the quality in multi-family  
920 housing because it's a good example of a very bad example. And there's not a lot we can do  
921 with this at this particular time, except learn a few lessons. But, as far as the landscaping plan  
922 is concerned, which is what we are looking at today, I would like to recommend approval of  
923 the landscaping plan with the addition of the fence along Mr. Jones' property that Mr. Wilton  
924 will work with staff to make sure that that fence extends as far as reasonably possible across  
925 the entire back of that property. And increase the Bayberry plants around the BMP to five-foot  
926 tall. So, I recommend approval of the landscaping plans with all of the changes and  
927 annotations on the plan and the conditions for developments of this type.

928

929 Mr. Vanarsdall - Second. I would like to add that I think you should incorporate the date  
930 of this plan, December 15, 1999, revised plan.

931

932 Mrs. Quesinberry - Thank you, Mr. Vanarsdall.

933

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

936

937 The Planning Commission approved the revised landscape plan for LP/POD-104-98, The  
938 Glens at Millers Lane, subject to the annotations on the plans and the standard conditions for  
939 landscape plans.

940

#### 941 **LANDSCAPE PLAN**

942

LP/POD-64-97  
Overlook II

**Brandywine Realty Trust:** 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 12.45 acre site is  
located on Nuckols and Sadler Roads on part of parcels 28-A-  
23, 24-A, 35A, 35B and 35. The zoning is O-2C, Office  
District (Conditional). **(Three Chopt)**

943

944 Ms. Dwyer - Is there anyone in the audience in opposition to LP/POD-64-97,  
945 Overlook II, landscape plan? We have opposition. We will be with you in one moment.

946 Good morning, Mr. Strauss.

947 Mr. Strauss - Good morning, Madam Chairman members of the Commission. The  
948 applicant is seeking approval for a landscape plan for Phase II for this project. The landscaping  
949 for Phase I was approved on June of 1998 after extensive discussions with the neighborhood  
950 about the landscape buffer along Sadler Road. The lighting plan was also approved for this  
951 section of Phase II last July. This landscape plan is for the second building and the associated  
952 parking areas of this development. A revised annotated staff plan has been distributed to you  
953 with the addendum this morning. Staff has made four recommendations, which includes the  
954 following: That the applicant adjusts the location of two trees in the front of the building that  
955 conflict with fire hydrant and water line easement locations: Secondly. The staff has also  
956 requested that four additional light poles that were added to the parking area as of a result of  
957 the discussions of the previous lighting plan, be shown on this landscape plan: Third. The staff  
958 has requested that the trees at the stormwater detention pond at the rear be adjusted, according  
959 to the recommendation of the Department of Public Works, they do not like trees on the  
960 structural berm of the BMP. So, we have asked the applicant to move those to the outside:  
961 Finally, staff has requested additional evergreen screening for the generator pad located at the  
962 back of the sight near Nuckols Road. The applicant proposes seven to eight-foot Nellie  
963 Stephens Hollies. We have asked them to move them to the rear of the generator pad for  
964 screening for Nuckols Road. The applicant is in agreement with staff's recommendations, so  
965 with that, staff can recommend approval of this revised plan that was handed out with your  
966 addendum. I'll be happy to answer any questions you may have. Ms. Brenda Heartless is  
967 here with Brandywine Realty she can also answer some questions, if need be. Thank you.

968

969 Ms. Dwyer - Are there any questions for Mr. Strauss? Mrs. Wade, would you like to  
970 hear from the applicant first?

971

972 Mrs. Wade - I don't think so. I gather the applicant's in accord with the adjustments.

973

974 Ms. Dwyer - All right. Will the opposition come forward, please?

975

976 Mr. Lowery - Good morning. I know some of you already know me. I'm Wayne  
977 Lowery and I live adjacent to this development. I really don't have a problem with the  
978 changes that they have made in the landscaping as such. Being involved in it as I've have I've  
979 gotten to know some of the people. I called Jim Strauss last week to ask what changes had  
980 been made and at that time I asked him if there was a fence around the pond. I assumed that  
981 there would be and that if you go around the County and setting up ponds, there are numerous  
982 places where there is a fence as such. I have a 10-year-old son. I have grandsons that are two  
983 and eight. My concern is them getting back into the pond and there being an accident or  
984 drowning. In calling Jim Strauss, he indicated that that was a gray area, that up until about a  
985 year ago that you had required putting fences around sediment ponds. When this pond was  
986 initially proposed I went back and forth with the developer asking exactly what was going to  
987 be back there and he flip flop back two or three different times and then he indicated that it  
988 was going to be a wet pond. What has happened is the County allowed the developer to go  
989 into that pond and the material that was down below it was good fill material for the base for  
990 this second building. They had an excavator back there. I sell excavators with a 30-foot  
991 boom and I mean he went clean out of sight getting material out of that pond for the base for

992 that building. I have no idea how deep that pond is. There is a metal catch basin up at the top  
993 of it and in any other instances in the County where I've seen these basins, and there's one not  
994 two or three blocks at the YMCA right on Nuckols Road, there is a fence around that area.  
995 Now aesthetically I agree. If you put a chain-link fence around a pond it's not pretty, but  
996 some how, some way, I think that my children should be protected from this area.

997

998 Now in another instance, if I build a pool in my backyard, the County requires me to put a  
999 fence up for liability purposes to keep neighbor children from getting into my pool and  
1000 drowning and my property line is within 60 feet of this pond. And my question is there should  
1001 be some regulation and requirement of some type of a fencing there to protect my children.

1002

1003 Ms. Dwyer - Thank you, Mr. Lowery. Are there any questions for Mr. Lowery?  
1004 Mr. Strauss, you have a comment?

1005

1006 Mr. Strauss - Yes. I've not been to the pond, recently. I can tell you, from the  
1007 engineering drawing, that there is a, at the four-foot elevation mark, at the bottom of the pond,  
1008 there is an aquatic bench. And that appears to be about 10 to 12 feet wide and then it goes up  
1009 another six feet for a total of 10 feet. So, that would address the question Mr. Lowery had  
1010 about the depth of the pond. In regards to the fencing, we discussed this with Public Works  
1011 numerous times. They have chosen to leave the issues of liability to the applicant. Although,  
1012 staff often does recommend fencing we can't enforce it. There is no code item to require  
1013 fencing around a BMP. And that may be because many times we negotiate or work with the  
1014 neighborhood as to rather they would like to have a thick landscaping like Bayberry or if they  
1015 would like to discuss options. At one time we discussed having a requirement for a chin-link  
1016 fence... You have seen many BMP ponds that are not very attractive because of the type of  
1017 fence that gets put in. To summarize, we tend to let the applicant decide what his liabilities  
1018 issues and exposure are and offer some type of screening method.

1019

1020 Mrs. Wade - Would the applicant come forward please?

1021

1022 Ms. Dwyer - Would the applicant come forward to respond to questions?

1023

1024 Ms. Heartless - Good morning. I'm Brenda Heartless with Brandywine Realty Trust.

1025

1026 Mrs. Wade - Do you have any response to the request here? It sounds like it's deeper  
1027 than most ponds and you are basically in a residential area, the rest of this neighborhood. You  
1028 have some strong objection to putting some kind of low chain-link fence covered with black or  
1029 green. And with the landscaping you've got around there it would be that conspicuous.

1030

1031 Ms. Heartless - Right. At this time, it is not our preference to put a fence in there. I  
1032 have not addressed this with the Senior V. P. of our office, which I would need to do and get  
1033 his approval before I can say "yes" we can do that.

1034

1035 Mrs. Wade - Well, I would think a low-cut fence would be adequate, four feet or  
1036 something.

1037 Ms. Heartless - You know, I can appreciate Mr. Lowery's concern. I have two small  
1038 children myself and in my neighborhood they are extending it. There is a BMP there. I  
1039 personally just have instructed my children not to go near there. We do have a 50-foot natural  
1040 buffer between the property and this landscaping plan, including the BMP area, was approved  
1041 during the Phase 1. I think the Planning Commission and the Board of Supervisors and all of  
1042 the neighbors, we have gone through this plan very carefully many, many, times and there has  
1043 not been any mention of a fence in prior conversations. That's basically all I have to say and  
1044 just request approval without the fence.

1045

1046 Mrs. Wade - This was discussed, you said, at zoning time or with the original POD?

1047

1048 Ms. Heartless - Not a fence, no ma'am. Not at POD, not at zoning, not at landscape  
1049 one approval.

1050

1051 Mrs. Wade - And, of course, lots of time the fences are not included until at  
1052 landscape time. Some times this needs to be done sooner, obviously. Did you say you  
1053 haven't discussed this with the owners?

1054

1055 Ms. Heartless - This was just brought to my attention recently.

1056

1057 Mrs. Wade - Well, why don't we move on the rest of it and then save the BMP  
1058 section and you go back and talk to the owners with the neighbor's concerns and our concerns  
1059 and then work with staff on the fence issue.

1060

1061 Ms. Heartless - So, what would that mean in terms of the approval?

1062

1063 Mrs. Wade - Well, that would mean that everything else would be approved except  
1064 for whether or not there's going to be a fence around the BMP, basically. I think you might  
1065 convince your employers that the fence would be a good idea at this location. Of course, that  
1066 issue would have to be settled before final permits and all of that.

1067

1068 Ms. Heartless - Right. And then with the approval, for the BMP area, be handled  
1069 administratively or come back through the Planning Commission?

1070

1071 Mrs. Wade - I indicated administratively but we will have to give some guidance  
1072 though to the staff about how to handle that.

1073

1074 Mr. Silber - Mrs. Wade, I guess my concern would be if you are going to allow that  
1075 portion of it to be handled administratively, you are leaving it up to the staff to determine  
1076 whether a fence is appropriate.

1077

1078 Mrs. Wade - Yes. I understand that.

1079

1080 Mr. Silber - I think at this point I'm not so sure that a fence is all that necessary. If  
1081 you feel as though you would like for consideration to be given to a fence, I would suggest

1082 you just make that a part of the motion and require a fence.

1083

1084 Mrs. Wade - Well, a lot of the ponds don't have fences, but then they are not always  
1085 in this close proximity. Of course, there are, basically, residents across the street to the rear  
1086 too. Although, it's some distance from there.

1087

1088 Ms. Heartless - I'm not sure if you are aware of the other Brandywine and Childress  
1089 Klein properties in Henrico and Chesterfield, but just about all of our properties have BMPs,  
1090 next to residential neighborhoods. And we do not have fences next to those. So, this is a new  
1091 concept to us.

1092

1093 Ms. Dwyer - Is part of your reluctance to the fence, I remember some of the  
1094 discussions earlier on that this BMP would be an amenity and to be treated as an attractive area  
1095 where maybe office workers could look at it and walk around. I remember that discussion. I  
1096 don't remember the fence issue being raised.

1097

1098 Ms. Heartless - That is correct. It is for aesthetic purposes and amenity.

1099

1100 Ms. Dwyer - Is that a part of your concern, you are treating it as an amenity? I guess  
1101 I'm wondering if maybe a fence could be put somewhere out of sight, at the edge of the  
1102 buffer, just in that corner. That might be another alternative.

1103

1104 Ms. Heartless - Kind of like within the buffer, that 50-foot natural buffer?

1105

1106 Ms. Dwyer - Yes. I can't recall the specific proffers now. I don't know if we would  
1107 run into any problems there.

1108

1109 Ms. Heartless - I'm not sure if we are allowed to do that.

1110

1111 Ms. Dwyer - So, that would be another issue to work out.

1112

1113 Mr. Silber - Another alternative would be to run some type of fencing, maybe more  
1114 decorative in nature just to deter someone from approaching the pond would be to run it along,  
1115 not in the buffer, but sort of along that edge of the buffer, outside the buffer, between the  
1116 buffer and the pond.

1117

1118 Mrs. Wade - I would like for them to consider these alternatives, at the same time I'm  
1119 reluctant to put the whole thing off, which for what would be....

1120

1121 Ms. Dwyer - Well, another alternative would be to put thorny vegetation around the  
1122 BMP to discourage the children from walking in and out. I don't know what your restrictions  
1123 are, engineering wise around this BMP, but that might be another thought because it would  
1124 still be landscaping materials. It would not mar the appearance but it would also discourage  
1125 entrance. Hollies, Bayberries....

1126

1127 Mrs. Wade - Which is to say, hard to determine today. I was trying to come up with  
1128 some way to move on with this except for this particular issue. Of course, one might say here  
1129 again that if you have someone to protect you might do it with your own fence and it's your  
1130 responsibility to an eye on your children yourself. Children have grown up by ponds in a lot  
1131 of other houses through the years and tragedy is a rare occurrence. I'm sure they don't want  
1132 to be responsible for anything like that nor do we. At the same time, we are here at the sort of  
1133 the end of their approval process and we are talking about the possibilities.

1134

1135 Mr. Lowery - Can I say one thing? I have repeatedly asked questions during the  
1136 process and I was always told that the time to address these was at this point where you had  
1137 the meetings and you had the approvals. I called Jim early last week and I said look what  
1138 differentiates between where you have these fencing and not. And, he said it was a gray area  
1139 and that he would talk to Brenda about that. It's not like I just came in this morning and laid  
1140 this on somebody. I've asked this question. Now, personally I think if you have a pond  
1141 within so many feet of a residential area, somebody is liable and they should have a fence up  
1142 there. Now, whether the County should take it up upon themselves to require it or whether  
1143 the individual, that's between the County and the developer. I don't have anything to do with  
1144 it. And, again, I do instruct my kids to stay away from there and I am trying to keep them  
1145 away from there. But that pond is like a magnet to them. And I'm having problems and I'm  
1146 concerned about it. And they have a number of other children to visit with them all the time  
1147 and they are back there around the pond. There are ducks there and whatnot. The pond is  
1148 very pretty. I don't want to mess it up by putting a fence around it. But if you could put  
1149 something just around the backside. There is fence around two sides of it and that the  
1150 Highway Department abuts it and there's a fence there. But, if you could just come across the  
1151 backside to approximately where the parking lot is, with something there, it would help me to  
1152 keep them out of that area.

1153

1154 Mr. Strauss - Staff suggests at this point that we approve everything else and then take  
1155 a look at this BMP with maybe an evergreen shrub planting technique that we would work out  
1156 with Brenda and possibly Wayne. And if we remain at impasse, bring it back to the  
1157 Commission.

1158

1159 Mrs. Wade - Okay. That sounds fair enough. That's sort of what I had in mind.

1160

1161 Ms. Dwyer - Are we ready for a motion?

1162

1163 Mrs. Wade - I move therefore that the revised plan, revised as of today, for LP/POD-  
1164 64-97, Overlook II, be approved subject to the annotations and the standard conditions with  
1165 the exception of the landscaping in the immediate area of the pond which will be considered in  
1166 terms of its deterrent for allowing children to get in there and that staff will look at that and  
1167 they will try to work out something with the applicant and the applicant's representative will  
1168 go back and talk to the applicant about this, with Mr. Lowery, and hope that they can reach  
1169 some sort of satisfactory conclusion that we are really not in a good position to do today, and  
1170 if not, bring that part of it back to the Commission. So, I move it be approved with that  
1171 addition.

1172 Mr. Vanarsdall - Second.

1173

1174 Ms. Dwyer - The motion was made by Mrs. Wade and seconded by Mr. Vanarsdall.

1175 All in favor say aye...all opposed say nay. The motion carries.

1176

1177 The Planning Commission approved the landscape plan for LP/POD-64-97, Overlook II,  
1178 subject to the annotations on the plans, the standard conditions for landscape plans, with the  
1179 addition to consider a fence around the pond.

1180

1181 **SUBDIVISION**

1182

Dickens Glen  
(October 1999 Plan)

**Koontz-Bryant, P.C. for Rotunda Corporation:** The 5.38  
acre site is located on the east line of Bethlehem Road, 560  
feet south of Dickens Road on parcels 93-A-62 and 93-A-63.  
The zoning is R-3AC, One-Family Residence District  
(Conditional). County water and sewer. **(Brookland) 14**  
**4 Lots**

1183

1184 Ms. Dwyer - Is there anyone in the audience in opposition to subdivision Dickens  
1185 Glen (October 1999 Plan)? No opposition. Mr. Whitney.

1186

1187 Mr. Whitney - Thank you, Madam Chairman. Good morning. As Mr. Silber said, this  
1188 will be approval for 4 lots and a common area. I will outline what area of approval we are  
1189 talking about. It will be here, out to Bethlehem Road (referring to map) including the  
1190 common area here, which will include the relocated BMP. The previous approval was that of  
1191 the March 1999 plan, which included as proffered 13 lots. The applicant has gone back and  
1192 last night amended the proffer to allow for 14 lots on this subdivision. That was approved last  
1193 night, as I said. Staff can recommend approval of this October, 1999 plan to allow for the  
1194 total of 14 lots. I'll take any questions you may have.

1195

1196 Ms. Dwyer - Thank you, Mr. Whitney. Are there any questions for Mr. Whitney?

1197 Mr. Vanarsdall, would you like to hear from the applicant?

1198

1199 Mr. Vanarsdall - No. I don't need to hear from him.

1200

1201 Ms. Dwyer - We are ready for a motion then?

1202

1203 Mr. Vanarsdall - I recommend Dickens Glen (October 1999 Plan) be approved with the  
1204 annotations on the plan, the standard conditions for subdivisions served by public utilities and  
1205 conditions Nos. 12, 13, and 14.

1206

1207 Mrs. Wade - Second.

1208

1209 Ms. Dwyer - The motion was made by Mr. Vanarsdall and seconded by Mrs. Wade.

1210 All in favor say aye...all opposed say nay. The motion carries.

1211 Mr. Hinson - (Unintelligible).  
1212  
1213 Ms. Dwyer - I'm sorry.  
1214  
1215 Mr. Hinson - I'm Paul Hinson with Koontz-Bryant. For verification, does that include  
1216 the special exception for the double frontage lots.  
1217  
1218 Ms. Dwyer - We have a question raised about a special exception for double frontage  
1219 lots.  
1220  
1221 Mr. Whitney - Yes. I apologize There is an annotation that says Lots 11 through 14  
1222 are now subject to the current requirements under Section 19-4 as part of the code amendment  
1223 for subdivisions. This is up to the Planning Commission to look at these four lots, which back  
1224 up to Bethlehem Road, and see if they want to add a condition or if they are adequate as far as  
1225 the new guidelines, the new code requirements.  
1226  
1227 Ms. Dwyer - What condition is that?  
1228  
1229 Mr. Whitney - It's annotation No. 2, under Planning Office.  
1230  
1231 Mr. Vanarsdall - I don't understand where it is.  
1232  
1233 Mr. Whitney - It's on the staff plan.  
1234  
1235 Mrs. Wade - Did that information go out with the notice, do you know?  
1236  
1237 Mr. Whitney - I've got to check the file for that.  
1238  
1239 Ms. Dwyer - You are going to check on that?  
1240  
1241 Mr. Whitney - Actually, what am I thinking. There is no notice on subdivisions.  
1242  
1243 Mrs. Wade - Oh, you're right.  
1244  
1245 Mr. Whitney - You gave me a start there, Mrs. Wade. As you have done in the last 20  
1246 years, you continue to keep us on guard.  
1247  
1248 Mrs. Wade - We don't usually have a special exception with subdivisions.  
1249  
1250 Mr. Silber - I don't think that it requires a special motion.  
1251  
1252 Ms. Dwyer - So, it's part of the annotation on the plan that we approved.  
1253  
1254 Mr. Silber - That's correct. In fact the original subdivision included three lots with  
1255 the double frontage, so this would be just one additional lot. In addition, the Code does allow

1256 for double, frontage lots when one of the frontage is a road that's on the Major Thoroughfare  
1257 Plan, so I think the annotation really covers everything. It doesn't require any.... It's not a  
1258 special exception, it doesn't require notification, and it doesn't require a special motion.

1259

1260 Mr. Whitney - It's the wrong term, actually, for special exception. I think the wording  
1261 is granting of exceptions.

1262

1263 Mr. Silber - So, to answer the question from the audience. You have that approval.

1264

1265 Mr. Hinson - Thank you, Madam Chairman.

1266

1267 The Planning Commission granted conditional approval for subdivision Dickens Glen (October  
1268 1999 Plan), subject to the standard conditions served by public utilities, the annotations on the  
1269 plan and the following additional conditions.

1270

1271 12. The detailed plant list and specifications for the landscaping to be provided within the  
1272 25-foot-wide planting strip easement along Bethlehem Road shall be submitted to the  
1273 Planning Office for review and approval prior to recordation of the plat.

1274 13. Any necessary off-site drainage easements must be obtained prior to final approval of  
1275 the construction plans by the Department of Public Works.

1276 14. Prior to final approval, a draft of the covenants and deed restrictions for the  
1277 maintenance of the common area by a homeowners association shall be submitted to the  
1278 Planning Office for review. Such covenants and restrictions shall be in form and  
1279 substance satisfactory to the County Attorney and shall be recorded prior to recordation  
1280 of the subdivision plat.

1281

1282 **PLAN OF DEVELOPMENT (Deferred From the November 17, 1999, Meeting)**

1283

POD-79-99

Rainbow Station Child  
Development Center -  
Three Chopt Road

**Potts, Minter & Associates, P.C. for Wachovia Bank,  
N.A., Executor of the Estate of Philip J. Kennedy and R.  
Earl Johnson:** Request for approval of a plan of  
development as required by Chapter 24, Section 24-106 of  
the Henrico County Code to construct two, two-story day  
care buildings, totaling 17,500 square feet and a two-story,  
9,800 square foot office building (future). The 3.686 acre  
site is located approximately 235 feet east of the intersection  
of Three Chopt Road and Church Road on parcel 57-A-66.  
The zoning is B-1, Business District and O-1C, Office  
District (Conditional). County water and sewer. **(Three  
Chopt)**

1284

1285 Ms. Dwyer - Is there anyone in the audience in opposition to POD-79-99, Rainbow  
1286 Station Child Development Center - Three Chopt Road? We do have opposition. All right.

1287 Mr. Whitney.

1288

1289 Mr. Whitney - Thank you, again, Madam Chairman. You do have a revised staff plan  
1290 that has been passed out to you. Staff has completed its review of this plan. The applicant has  
1291 addressed all staff comments at this point. I'll point out to the Commission that this includes a  
1292 transitional buffer deviation to include the dumpster on the western boundary of the property,  
1293 in this location, (referring to slide/map) within the transitional buffer ten that's required along  
1294 this point out to Three Chopt Road. The applicant has provided also color architectural, s,  
1295 which are a part of this approval, as stated in the proffer under architecture. One of the final  
1296 issues that had to be worked out, the Department of Public Works has granted a waiver on a  
1297 portion of the water quality requirements.

1298

1299 Ms. Dwyer - I'm sorry. They granted a waiver on what?

1300

1301 Mr. Whitney - A portion of the water quality requirements. They are using a sand  
1302 filter. They weren't able to get all of the removal out in this without increasing the size of it,  
1303 therefore, constraining the site. So, they granted them a portion of their nutrient removal.  
1304 That waiver was granted by the Director, the County Engineer. With that, staff can  
1305 recommend approval at this time and I can take any questions.

1306

1307 Mrs. Wade - Looking at the notes here, Mr. Whitney, No. 7, tree cover and interior  
1308 greenspace calculations has yet to be provided?

1309

1310 Mr. Whitney - The applicant will be providing those as part of the final signature  
1311 process. They are aware that they need to provide that information to us.

1312

1313 Mrs. Wade - If they don't have that information, then how do you know that this  
1314 complies?

1315

1316 Mr. Whitney - I sort of glanced at it and did some rough numbers myself on this. As  
1317 far as the tree cover, they have some existing trees that they plan on saving, which would help  
1318 with their credit. And the interior greenspace they have more than the minimum requirement  
1319 for landscape islands within a parking area. We will just need to have those numbers on the  
1320 plan to verify that they are meeting it.

1321

1322 Mrs. Wade - And I notice No. 10 down here, that's still on here, recommending to  
1323 relocate the large recreation field? Where would you recommend that they relocate it?

1324

1325 Mr. Whitney - The recreation field that's in question is over in this area. I was  
1326 recommending that they just rotate it and move it over into this area (referring to map).  
1327 Basically, just bring it closer up to the pre-school building and angle it to fit into those two  
1328 saved trees.

1329

1330 Mr. Silber - So, Mr. Whitney, is the applicant agreeable to that relocation?

1331

1332 Mr. Whitney - No, he is not. It was discussed at the staff/developer meeting last  
1333 Thursday. He has indicated that he is not agreeable to doing that.

1334

1335 Mrs. Wade - But, the buildings are still ahead of the 150 foot setback, aren't they? I  
1336 believe that proffer was added at the Board hearing.

1337

1338 Mr. Whitney - Yes.

1339

1340 Mrs. Wade - And down at the bottom, in the middle of this plan, there's a note that  
1341 says clearing of site to be coordinated with owner. What does that mean?

1342

1343 Mr. Whitney - I believe you will have to ask Mr. Earl Johnson, the applicant, what he  
1344 intends to do with that note.

1345

1346 Mrs. Wade - And there were some reasons that came up at the staff/developer about  
1347 explanation for why this whole thing has moved back somewhat from Three Chopt.

1348

1349 Mr. Whitney - The main reason is the requirement for a right-turn lane on Three Chopt.

1350

1351 Mrs. Wade - And then what type of water quality facility are they doing, structure  
1352 they are putting here?

1353

1354 Mr. Whitney - It's an underground sand filter located between Three Chopt and the  
1355 parking area.

1356

1357 Mrs. Wade - Which is to take care of the drainage for the whole site or part of the  
1358 site?

1359

1360 Mr. Whitney - Yes, it would take care of the drainage for the whole site, the paved  
1361 area.

1362

1363 Mrs. Wade - The parking and the buildings. Okay. That's all the questions I have  
1364 for you.

1365

1366 Mr. Whitney - Okay. Thank you, Mrs. Wade.

1367

1368 Mrs. Wade - Oh, there is a circle around No. 9, over here, I know that came up the  
1369 other day about that space.

1370

1371 Mr. Whitney - Yes. There was a concern about that area. It's circled and says see note  
1372 No. 9. I was just concerned that it would be a place for children to not be observed. It was  
1373 pointed out to me that that will be a playground area, so there will be supervision of the  
1374 children in that area.

1375

1376 Mrs. Wade - Thank you.

1377

1378 Ms. Dwyer - Are there any other questions for Mr. Whitney? Thank you. Would

1379 you like for the applicant to come forth, Mrs. Wade?

1380

1381 Mrs. Wade - Yes, please.

1382

1383 Ms. Dwyer - Would the applicant come forward, please?

1384

1385 Mrs. Johnson - Good morning. I'm Dale Johnson and I'm not the construction person  
1386 but I'm the operator, and I think I'm here representing their project. My husband, Earl  
1387 Johnson, is also with me. He is the person coordinating the development of the project. As  
1388 you may or may not remember from previous meetings, that his project is simply to replace  
1389 what's already in existence across the street, that we grew out of several year's ago forcing us  
1390 to rent space in the shopping center next door and in the church that is adjacent to this  
1391 property. Obviously, and the opposition will probably bring to the forefront, we have tried  
1392 very diligently to communicate with the neighboring properties but the frustration is somehow  
1393 we are not doing a good job of that, because I think that the neighbors behind us, as well as  
1394 ourselves, have the same goal in mind, which is quality of life. Mine is quality of life for the  
1395 children enrolled. So when we talk about trees and greenspace I am trying desperately, and  
1396 that's what the note that you mentioned, Mrs. Wade, that the clearing of the site to be  
1397 coordinated by the owner. We are trying desperately to maintain as many trees as we can and  
1398 as much of the natural vegetation as we can for the children to experience, so that we don't  
1399 end up in a sterile environment for these children to spend 10 or 12 hours of their day.

1400

1401 Mrs. Wade - Could you be more specific about that, Mrs. Johnson, in terms of,  
1402 particularly, the grading that you are proposing for the rear part of the parcel because there are  
1403 some big trees there.

1404

1405 Mrs. Johnson - Okay. So that we will understand the playing field, this is not high-tech  
1406 Godwin High School playing field. This is a space where the children can play soccer, which  
1407 is our elementary and younger school age children. This is a sport that's really important to  
1408 them. It doesn't have to be regular in size it just needs to be a flat space that they can kick a  
1409 soccer ball around to two goals on the end of each of the spaces. So, it can be moved and  
1410 adjusted. It can be smaller, it can be whatever, to maintain the vegetation. If you look at the  
1411 back of the plan, that looks like mumbo jumbo to me. There is a dotted line with little x's on  
1412 it, that is the fence that we have proposed putting in front of the 25-foot buffer to shield the  
1413 neighbors. At that point is about where the major trees are. Now you see some curly cue  
1414 little lines, that describes the woods line. That's more describing where the underbrush is and  
1415 the overhang from the trees above. They are not major trees in that area. So, any grading  
1416 that would occur, no, we are not intending to take down any trees. If we can grade and take  
1417 out some underbrush and regain some playing field for the children, fine. But, if it's a tree  
1418 involved, no. And, I'm probably the biggest tree hugger of all as we've walked through the  
1419 space, and our say "what do you mean that tree has to come down" and I was told because  
1420 that's where the building is. So, that's the goal in my mine is that we are going to save every  
1421 tree we possibly can for the children. But underbrush, if it's not going to be an additive  
1422 affect, of course, it will be removed.

1423

1424 Mrs. Wade - There seems to be some misunderstanding here or something about just  
1425 how you are going to handle the back of that property. You said playground and then you said  
1426 soccer fields, even though it's not an official soccer field, it's still got to be somewhat leveled,  
1427 obviously.

1428

1429 Mrs. Johnson - Right. And that's why it can be made smaller, it can be moved forward,  
1430 it can be, do whatever it takes at that point once we get to the point of grading that we don't  
1431 take out any trees. I'm saying the same thing that I'm sure the neighbors are saying. "No, we  
1432 do not want to take our major trees in this process." So, when we get to the point that we are  
1433 leveling the ground, to put in this, trees is not the issue. Underbrush maybe removed but not  
1434 trees.

1435

1436 Mr. Silber - Mrs. Johnson, I think that the dilemma is that what the plans shows is  
1437 some fairly extensive grading in the area that's shown as a tree line or wooded area.

1438

1439 Mrs. Johnson - But, I think the woods that that is describing where the end of the  
1440 underbrush, and I don't know if you have been to the property, Mrs. Wade, you probably  
1441 don't remember, you've seen so many properties, that there are a bunch of trees and then there  
1442 is a lot of underbrush that extends in front of the trees. And, so that curly cue line describes  
1443 the end of the underbrush, not necessarily where any trees are, just all the stuff that's in there.

1444

1445 Mr. Silber - I understand that but I think, as you are saying, you would like to try  
1446 and save as many trees as possible. The plan doesn't reflect that. So, I think that the plan  
1447 needs to reflect where the grading will be and won't be. And I think it has to be very clear at  
1448 some point in time, where that's going to be, not a note that just says "That as many trees as  
1449 possible will be saved by the owner." That just won't be acceptable.

1450

1451 Mrs. Johnson - So, from your perspective what would be acceptable?

1452

1453 Mr. Silber - To know where that tree line will be on a plan.

1454

1455 Mrs. Wade - Actually, I was out there Monday. There are pink ribbons on some of  
1456 the trees. I couldn't decide whether that was a line marking a property line or marking the  
1457 trees to be saved or removed.

1458

1459 Mr. Johnson - I'm Earl Johnson. Those pink ribbons are marking the overhang.  
1460 That's the tree line of the wooded line. So, that's where... this line, right here (referring to  
1461 map on the screen) that's where you saw those pink ribbons. So, that's the overhang of the  
1462 trees.

1463

1464 Mrs. Wade - Okay. And you are not planning on clearing, except as you said, the  
1465 underbrush back to the 25 feet. What about outside of the 25 feet?

1466

1467 Mr. Johnson - We are not clearing anything outside, within that 25-foot buffer. I  
1468 mean, we made a proffer of that. That's what my understanding is, we are legally committed

1469 to. We don't disturb that 25-foot buffer.

1470

1471 Mrs. Wade - Outside?

1472

1473 Mr. Johnson - Yes. And the 25-foot buffer, now, that's the other thing I think we need  
1474 to understand. That's the 25-foot buffer right there. So, nothing is happening behind that  
1475 fence and within that buffer that we have proffered that we would not disturb.

1476

1477 Mrs. Wade - So, tell me again then what you said you were going to do outside of the  
1478 25 feet. How are you going to grade and fill without disturbing that area, which is what I  
1479 think I keep hearing you say.

1480

1481 Mr. Johnson - My question is, we went through a very difficult process during the  
1482 rezoning and in that we established a 25-foot buffer, which is 15 feet more than what is  
1483 required by the zoning requirements. To guarantee that the neighbors would have an adequate  
1484 buffer...

1485

1486 Mrs. Wade - It's now required by the zoning requirements.

1487

1488 Mr. Johnson - But at that point, well it's now required and that's what we have met.  
1489 So, now what we are saying is on our side, our side being the developed property side, that  
1490 what our intention is to save every tree we can. Now, it is my understanding that if we don't  
1491 save anything on that side, we still would have met the proffer. So, I don't really understand  
1492 what we are arguing about. We are saying that within our commitment, we intend to save  
1493 everything we can in this area and that includes the trees. The actual trees are in that area just  
1494 in front of that 25-foot fence. So, we can fill, and that's all we are talking about, we are not  
1495 talking about any cutting at all. If you have seen the property, you will see that it goes back...  
1496 well you can take a look at the grade lines here, it goes back and then drops off a little bit and  
1497 then continues to drop slowly down to the wood line. So, we will fill in this area to level that  
1498 soccer field or recreational field, which is all it is, as much as possible, so the children will  
1499 have a relatively flat area to play in. What we will not do is take this back in here.... What we  
1500 are committing ourselves to not do is go back in this area and take down any trees.

1501

1502 Mrs. Wade - Okay. And what are you doing then to prevent that?

1503

1504 Mr. Johnson - That's what that note, "clearing to be coordinate with the owner" on the  
1505 plan it's for. It's so that when we get out there, and we get to this point, we will say we are  
1506 not going to take down this tree. If we need to, as my wife said, if we need to make this field  
1507 a little smaller, if we need to orient it a little bit more, then we will do that. But, what Mr.  
1508 Whitney said is that I would not move the field. What I said is that we have playground  
1509 equipment for this preschool that would go in this area. So, what I don't want to do, and said  
1510 at that point, that I would not do, is to move this field up into this area and the have no room  
1511 for playground equipment.

1512

1513 Mrs. Wade - Yes, I understand that.

1514

1515 Mr. Johnson - What I prefer to do, and what that note is intended for, is to vary this  
1516 field as much as possible. It could be 100 x 40 for that matter. It doesn't have to be 120 x 60  
1517 to give these children an area that they can play soccer on and yet retain the ability to put in  
1518 the required playground equipment for the preschool.

1519

1520 Mrs. Wade - Okay. So, what, basically.... I'm out there now with the bulldozer and  
1521 the grader and whatever, what am I going to be doing as I get to the back of this property?  
1522 Are you bringing in dirt?

1523

1524 Mr. Johnson - We are taking dirt that is required when we level this site, here, and this  
1525 site here (referring to map on screen) and we are moving it back into this area here.

1526

1527 Mr. Silber - Mrs. Wade, I think it's safe to say that what is shown on this plan is a  
1528 fair amount of filling towards the back of this property. Mr. Johnson is correct. The 25 feet  
1529 would be preserved. There would be a fence there. What I just don't want anyone to be  
1530 mislead on is the area inside the fence, more than likely will not contain any significant trees.  
1531 The Johnson's have indicated that they will try to save some trees there. The plan doesn't  
1532 show that. I don't want the community to think that it may be trees in there because the plan  
1533 does not reflect that. If he wants to move the field, I think the field should be adjusted on the  
1534 plan. I think the contour line should reflect that. But this plan does not show that and I think  
1535 we can cut to it very quickly by saying, "This plan shows very few trees outside the 25 feet."  
1536 If the Commission is comfortable with that they can approve it, if not the plan needs to be  
1537 adjusted.

1538

1539 Mrs. Wade - I understand that. And I think the neighbors are concerned about that,  
1540 as a practical matter, as he points out. You know there may not be many left because there's  
1541 nothing about this plan that assures that. Is that dotted line that goes to make the rectangle for  
1542 the recreation field anticipated to be the back line of the recreation field. But, still you get  
1543 back there and that's going to be higher than what's behind it.

1544

1545 Mr. Johnson - Yes, ma'am.

1546

1547 Mrs. Wade - And for the grading, you are going to have to move dirt, are you not,  
1548 towards the fence through the trees. But, you don't think so.

1549

1550 Mr. Johnson - There are no trees there. That's underbrush. That's my point. I have a  
1551 suggestion, and I heard it several times this morning, in discussion to work out these things  
1552 with staff. Perhaps if we simply made the commit that we are not going to take down any  
1553 trees, I mean, let's establish site. I don't want to be restricted to taking down a bush that's  
1554 underbrush and that has potential of attracting snakes and things of that nature that I don't  
1555 want there for the children playing on the playground. Perhaps if we made the restriction that  
1556 we would coordinate with the staff on site and not remove any of those trees, or maybe this is  
1557 even better. We will go back and identify where the trees are on this plan and we will have  
1558 our engineer do that and we will commit to not removing any trees in that area.

1559 Mrs. Wade - And not put any fill around them, the base.  
1560

1561 Mr. Johnson - That will kill them, yes, ma'am. That's the same thing as removing  
1562 them.  
1563

1564 Mrs. Wade - Well, I think that's probably where the concern is. I just want you to  
1565 tell us exactly what it is you are going to do about that. That sounds reasonable. Now, you  
1566 are willing then to meet with somebody from the staff to get specific about what you are going  
1567 to do out there?  
1568

1569 Mr. Johnson - Absolutely.  
1570

1571 Mrs. Johnson - We are all on the same page, we are just not saying the words right, I  
1572 think. That's where we are. And perhaps, from your perspective, you needed to be a little bit  
1573 more clearer. We will certainly make it more clear.  
1574

1575 Mrs. Wade - Yes. I think we are getting there. But, you understand the neighbors  
1576 back there, it's going to be an adjustment for them as it always is and you've got basically,  
1577 you know, it involves children, yes, but it's a business and it's going to be a fairly large  
1578 business with lots of participants. So, they just want to be sure that they have all of the  
1579 protection that's available reasonably back there.  
1580

1581 Mr. Johnson - We want to protect our children from the neighbors, too. I was just  
1582 kidding.  
1583

1584 Mrs. Wade - I understand. Okay.  
1585

1586 Ms. Dwyer - Are there any more questions of the applicant? Okay. Thank you.  
1587 Would the opposition come forward please? While the opposition is coming forward, I would  
1588 like to state that on our agenda we have scheduled our work session on Multi-Family Design  
1589 Standard and Open Space for Buffer Areas Along Major Roadways. That is schedule for after  
1590 lunch. We did advertise it at 10:30 a.m. because it was believed that this would be a short  
1591 agenda today. We have had a lot more opposition than was anticipated for many of our cases  
1592 this morning, which obviously increases the time that needs to be set on each case. So we  
1593 probably will not be getting to that until at least 1:00 p.m. Is that safe to say, Mr. Secretary?  
1594

1595 Mr. Silber - I think so.  
1596

1597 Ms. Dwyer - So, I wanted to make that announcement now in case... We will commit  
1598 to not hear that before 1:00 p.m. if there is anyone that would like to leave and then come  
1599 back at 1:00 p.m. It would save you sitting here for the next two hours. We apologize for the  
1600 expectation of ours that this would be a shorter agenda than it has turned out to be. We will  
1601 be meeting where, Mr. Silber?  
1602

1603 Mr. Silber - We will be meeting right here.

1604

1605 Ms. Dwyer - In this same room. So those of you who are here for that, we will see  
1606 you at 1:00 p.m. in this location. Thank you very much.

1607

1608 Mrs. Wade - Will the opposition please take into consideration the discussion we just  
1609 had so that we won't go over all the details any more than necessary.

1610

1611 Mr. Vanarsdall - Madam Chairman. What is this we were just handed? Where did it  
1612 come from? What's the date on it? What is this?

1613

1614 Ms. Dwyer - I don't know.

1615

1616 Mr. Kovacs - It might be the notes I prepared last night. Is it two pages?

1617

1618 Mr. Archer - Yes.

1619

1620 Mr. Kovacs - And it starts out with a situation on the top?

1621

1622 Mr. Archer - Yes.

1623

1624 Mrs. Wade - And you live here? Are you a neighbor?

1625

1626 Mr. Kovacs - I live in the area.

1627

1628 Mrs. Wade - Would you identify yourself please?

1629

1630 Mr. Kovacs - Yes, I will. My name is David Kovacs. I've been before you several  
1631 times before with Cross Keys Association. Also, I have worked with many of the other  
1632 neighborhood associations in our areas. We deal with the zoning or land use issues that come  
1633 forward, and have been working with the Coles Way folks throughout their process on this  
1634 particular property. My wife asked me, "Why are you going today" and I said, well it's just  
1635 so frustrating that the communications don't occur and all the information that could be  
1636 brought forward isn't brought forward. And the folks on Coles Way are quite frustrated and  
1637 as we see today there has been a bit of a change of how the commitment has been made to  
1638 save the trees in the back. But I have come to address this matter, and also today, John  
1639 Spratlin is here and his wife. They are the property owners right next door. And I would also  
1640 like to say positive words to Mikel for recognizing this situation once he got brought up to  
1641 speed, and suggesting changes to be able to take care of the problem that Randy and Mrs.  
1642 Wade has pointed out about the encroachment of the fill.

1643

1644 Just before I get into talking about the back of the property a little bit, if the building is moved  
1645 back 30 feet further to the south, this north building, then the site plan that you had seen that  
1646 was proffered to you at the end, and it wasn't because of the right-hand turn lane for Three  
1647 Chopt, but it set further back from the parking lot. And there are ways that that whole  
1648 building could be moved 30 feet further to the north. I won't go over all of the discussion

1649 about the buffer in the previous discussion, but as Mr. Silber pointed out, this plan does show  
1650 fill within that tree line area. Also, this is another part of the plan that's in front of you. And  
1651 this one you have, right at this location (referring to the map on the screen), a sedimentation  
1652 trap, which is if it is of the size that's describe on the plan, it's 15 x 20 or 30 feet. Also, you  
1653 have, at this point, this ditching and trenching for drainage purposes. Now, the sediment trap  
1654 is exactly on the same location where there is a 33-inch diameter tree. Up through this area,  
1655 and Mr. Johnson is correct in everything that he pointed out, here is where a lot of the trees  
1656 are, you have a group of a cluster of three trees with 90-inch trunks in here. You've got  
1657 another cluster of trees over there, you have got other clusters of trees over here. But, what  
1658 you are seeing is on the engineering plan, the drainage devices coincide with the trees. Also,  
1659 as one walks up the fence line, you find that the fence line runs into some of the trees. And  
1660 the problem is that as you have plans that are a part of the package that's approved, and when  
1661 it comes down later it's, well these are the plans, they were approved, this is the drainage, we  
1662 have to go back and change x, y, z. Now, I did write up a condition that I would recommend  
1663 that stays in line with your codes. But, because you always like to have, how you can do  
1664 things under your code and the code provisions. That's on the second sheet. Where last night  
1665 I picked up information out of the landscaping codes. And under Section 24-106.2 (c) 3 it  
1666 says: Tree preservation. Preservation of existing trees in shrubs shall be maximized wherever  
1667 practical. Tree removal may be approved or site design modification is not feasible. Now,  
1668 what it is saying is that you should be looking at that physical environment and try to work  
1669 around it. As where as when you get plans like this, it's here, I will give you an engineering  
1670 solution to something and you are not trying to working around it. And, you have  
1671 requirements for tree protection plan, and in your landscape manual it says: At least the Phase  
1672 II protection plan should come through with your POD plan. If all that information were here,  
1673 then Mr. Johnson could have said "Look, here is where those trees are and here's how we  
1674 have engineered around it and has solved the problem." So, part of it is if we would have  
1675 gotten the better information, then the problem would have been well identified and the  
1676 solution could have been well identified.

1677

1678 Under the tree coverage, and while Mikel did a good job, it's like saying, well if all of these  
1679 trees stay and they are going to make it, they are required, because of the agreements when  
1680 this thing was zoned. We are talking about the back side of the property, we are talking about  
1681 15% of tree cover on the land area, that's the O-1C, that comes up to almost 12,000 square  
1682 feet, 11,700 feet of tree canopy. So, it's really in their benefit to retain as much of those trees  
1683 as possible and as the drainage devices go in, which cost significant dollars, as shown take out  
1684 trees that cost significant dollars, which then have to be replace with other trees that cost  
1685 significant dollars. It's sort of like, I think in business you call it quality engineering. You  
1686 look at the first plan that the engineers put together and say now how can we make this thing  
1687 better for everybody. And just as we have done other ones, I think there are ways to save  
1688 money. They have got nine extra parking spaces that they don't need. They could take out a  
1689 whole row of parking spaces and save all that asphalt to move buildings forward. And maybe  
1690 they don't want to do that sort of thing. But at least on the backside of the property, it appears  
1691 that there are some savings that could be done.

1692

1693 Now, there are two ways of exceptions to the tree protection things. One is for a play field

1694 and one is for grading within the drip line when it's approved by the Director. We would  
1695 certainly encourage that you have a condition that says neither of those two exceptions would  
1696 be considered. And, indeed, would adhere to the tree canopy requirements and protection.  
1697 And in the manual, your landscape manual, which goes along with your code, it says, and I've  
1698 underlined it at the bottom: Grading shall not take place within the drip line of trees to be  
1699 retained. So, I just bring before you, you don't have everything that you could have had, I  
1700 believe. And if you did, then this problem, you would be able to say "Hey, here's the solution  
1701 or not." So, I don't think that you have got all of the information. I think Mr. Johnson's  
1702 offer is great. But, you do see significant conflict with the engineering plans for him to reach  
1703 to that. And a condition that I would recommend is that "Except for the clearing of the  
1704 underbrush and the construction of the fencing, the area within the south woods line shall not  
1705 be disturbed. The soil fill and grading associated with the day care shall occur away from the  
1706 woods line." And further, during the formal consideration of the tree protection plan, the  
1707 Director of Planning shall not grant exceptions or deviations to allow grading within the drip  
1708 line of the south woods line. And, with that direction, then it means you have to go back and  
1709 redesign the back part of the site to be able to accommodate. Also, we didn't see the drainage  
1710 device materials until we came in to look at the plans this morning. So, another  
1711 recommendation would be that the drainage be redesigned to minimize the impact upon the  
1712 trees. And the same thing, with respect to the fencing, that the fence line be gerrymandered so  
1713 as to minimize the impact and removal of trees. This basically is saying that the fence, the  
1714 drainage should avoid removal of the trees and then the grading should be within the drip line.  
1715 And that's grading out within the drip line, preservation of the existing trees are feasible,  
1716 that's all a part of your codes. Thank you and maybe Don or John may want to address you.  
1717

1718 Ms. Dwyer - Are there any questions of Mr. Kovacs? Thank you, sir. If you want to  
1719 speak in opposition, come forward please. How many more people do we have to speak in  
1720 opposition to the case? Perhaps two more?

1721  
1722 Mr. Owen - Good morning. I'm Don Owen. I'm a property owner on lot 21  
1723 adjacent to the plan of development. I'm in this lot, right here, which has direct view of the  
1724 proposed development. I would agree with Mr. and Mrs. Johnson. The intent all along was  
1725 to save the natural wooded buffer and we have heard that from our first meeting and even  
1726 when we jointly walked the property line. I was very disappointed to see this site plan not  
1727 indicating any of the trees back there to be saved. I was also very disappointed to notice a  
1728 drainage ditch being installed there. I'm not a surveyor but I did walk back there this morning  
1729 and I plotted the trees and I would like to put this under the projector, if I may.

1730  
1731 Mrs. Wade - The plan that we have doesn't have any major drainage structure on it.  
1732

1733 Ms. Dwyer - It just shows one box. I think the one that Mr. Kovacs referred to does,  
1734 but our plan doesn't show the ditching.

1735  
1736 Mr. Owen - It's the next page of the plan set. There are six pages of the plan set.  
1737 This rectangular was a concern when I saw the plan. I'm not sure what that was and after  
1738 looking into it realized there was this ditching along this area where some of the major trees

1739 are. You can see here that this is a huge tree. I think Mr. Kovacs mentioned that. It's the  
1740 biggest tree out there. It provides the largest canopy covering and screening from the  
1741 residential area back here to the proposed development. So, where that drainage is located, it  
1742 doesn't appear that there was much effort put into identifying where the trees currently exist  
1743 and where the construction would occur that would provide the neighbor the assurance that we  
1744 need that we are going to have the natural screening that was proposed and committed to by  
1745 the developer from the start. So, that's the major concern that I've got as a property owner is  
1746 on that view and the trees that may be taking out. And the field that's proposed, doesn't  
1747 appear. You can see that some of these trees are in the field area. We measured those this  
1748 morning as closely as I can, not being a surveyor, so I think there needs to be some efforts in  
1749 identifying those trees on the tree protection plan so that we will have some assurance that the  
1750 buffer area is there as intended during the rezoning hearing and the commitments made then.  
1751 Are there any questions that I can answer?

1752

1753 Ms. Dwyer - Are there any questions for Mr. Owens?

1754

1755 Mr. Archer - Sir, did you say your lot is Lot 21?

1756

1757 Mr. Owens - Yes.

1758

1759 Mr. Archer - Okay.

1760

1761 Ms. Dwyer - Thank you, sir. Is there anyone else to speak in opposition?

1762

1763 Mrs. Spratlin - My name is Cheryl Spratlin and I just want to make just two quick  
1764 comments. You have heard today that we are on the same page and that we are just not stating  
1765 things correctly. I would just like to say that we have sat in, my husband and I, on each and  
1766 every meeting that's been held. And saving the trees has been one of the utmost discussion  
1767 points. So, I feel like we really are not, at this point, on the same page because each time we  
1768 are surprised with new information that suggest that things aren't going to be as we were lead  
1769 to be and the same with the drainage coming out as of this morning. So, I would really  
1770 appreciate your consideration in this because I think there is a lot of frustration and confusion  
1771 between the two parties.

1772

1773 Ms. Dwyer - Thank you. Are there any questions by Commission members? Mrs.  
1774 Wade, would you like to hear from someone else?

1775

1776 Mrs. Wade - Well, I would like for somebody, either Mr. Johnson or the engineer or  
1777 Mr. Whitney, to talk a minute about this drainage system. Of course, we don't get the whole  
1778 massive pages of plans that have all of this on it, necessarily. And it doesn't show up on the  
1779 plans that we have. So, how is it going to interfere with what they have been indicating that  
1780 they intend to do?

1781

1782 Mr. Cook - Good morning. My name is Tom Cook and I am the engineer on this  
1783 project. The sediment trap, the staff wanted a sediment trap back there to make sure it didn't

1784 get into common area of the adjacent subdivision. That can be moved away from any trees of  
1785 significance. And, also, what's being referred to as a ditch is actually a berm. It's to help  
1786 direct the drainage to the sediment trap. That's a temporary berm as well. Once everything is  
1787 stabilized you just pull the berm up. It's a standard practice for just about all erosion control  
1788 plans.

1789

1790 Mrs. Wade - But, you are going to be moving the dirt around back there.

1791

1792 Mr. Cook - Yes. But that, again, that can be meandered throughout the trees. It  
1793 doesn't necessarily have to keep that alignment. And when you start the construction, the time  
1794 when we meet with the site inspector, the erosion control inspector, and if there needs to be  
1795 some minor modification, we could do it then. But there's nothing etched in stone about  
1796 where that berm is going to the sediment trap. As well as the sediment trap, we can move  
1797 that.

1798

1799 Mrs. Wade - Okay. Because I know water does stand behind there.

1800

1801 Mr. Cook - Right. I understand there is a low area right behind the subdivision.

1802

1803 Mrs. Wade - Because your facility in the front, given the topography, is not going to  
1804 take care of the rear drainage.

1805

1806 Mr. Cook - Well, the way we laid out the plan is to minimize the amount of drainage  
1807 that went to the back and taking it all to the front. Taking all the runoff off the buildings and  
1808 putting it into the...

1809

1810 Mrs. Wade - And all that goes to the front, yes. But when I asked that question....

1811

1812 Mr. Cook - Naturally, most of it, about half the drainage goes to the back of the site  
1813 and half of the drainage comes to the front.

1814

1815 Mrs. Wade - Well, I know that. I've got a snap shot of water standing in the back.

1816 Okay. Thank you.

1817

1818 Ms. Cook - So, it's designed to specifically not to put any more water that's already  
1819 going to the back of the property then it is presently.

1820

1821 Mrs. Wade - Thank you. Mr. Whitney, now what would you suggest to make sure  
1822 that all of this is going to happen?

1823

1824 Mr. Whitney - I see two options. One, you are approving this plan with the note on it  
1825 that says that the owner will do what it can to save the trees. It's not indicated here, as Mr.  
1826 Silber pointed out to you. The other option is for you to require a revised plan to take care of  
1827 the situation, to show where the grading will be, where the erosion control will be and how it  
1828 will affect the existing trees.

1829

1830 Ms. Dwyer - So, the revised plan would then be to show the trees that are intended to  
1831 be saved that are outside of the 25-foot buffer.

1832

1833 Mr. Whitney - Yes. And how they are going to protect them with a tree protection  
1834 plan, which would have tree protection at the drip line, not just at the tree trunk. And we do  
1835 have a condition that satisfies this as well. It says, they wouldn't get final plan signature until  
1836 all of the erosion control and tree protection was in place and certified by the engineer to that  
1837 affect before they got their plans released for land disturbance.

1838

1839 Mrs. Wade - So, in other words, your annotations will take care of that adequately.

1840

1841 Mr. Whitney - And a condition I think could take care of it.

1842

1843 Mrs. Wade - And a condition. Okay. So, to include it in a condition? Then who is  
1844 going to be responsible for seeing that this happens?

1845

1846 Mr. Whitney - Well, the engineer would have to contact the Planning Office to show  
1847 us, inspecting the field that tree protection is in place before their plans could be released at  
1848 the pre-construction meeting. How that would be worded I'm not exactly sure.

1849

1850 Mrs. Wade - So, there won't be any clearing or anything until this is done.

1851

1852 Mr. Whitney - Correct.

1853

1854 Mrs. Wade - So, you want to come up with the wording for a condition, Mr. Silber?

1855

1856 Mr. Silber - I guess, Mrs. Wade, that perhaps it could be handled with a condition.  
1857 In some regard, and I'm not sure that I have a clear understanding as to where that line may  
1858 end up until we get more information. Whether you feel comfortable in leaving that up to the  
1859 staff to work with the applicant and determine where the tree line may be. I'm okay with that,  
1860 as long as the Commission is okay with that. I think until we pinpoint some of the larger  
1861 trees, we just won't know exactly what trees should be attempted to be saved. I think in  
1862 defense of the applicant, what was proffered at the time of zoning was a 25-foot buffer and a  
1863 fence at that location. So, they really have not violated the proffered condition. I think maybe  
1864 more thought should have been given to where the existing trees are on the site and try to work  
1865 around some of those. I just think this plan maybe hasn't taken everything into consideration  
1866 that should have been. Another option is to defer this and let the next Commissioner from the  
1867 Three Chopt District deal with this with the staff.

1868

1869 Mr. Whitney - It may be the best avenue to take. To defer it and get the information up  
1870 front so that everyone is satisfied instead of just leaving it to hang out there.

1871

1872 Mrs. Wade - Okay. I know they have deferred it once or twice, we haven't.

1873

1874 Mr. Whitney - I believe the applicant deferred it one time.  
1875

1876 Mrs. Wade - Well, there's a long time between now and the next POD. I should have  
1877 probably said that in the beginning and save us all this time. All right. This does, of course,  
1878 basically, require cooperation of the applicants here. All right, Mrs. Johnson.  
1879

1880 Mrs. Johnson - If an option is to not defer and that we can deal with the conditions and  
1881 obviously we cannot disturb the land without a final signature, I would certainly prefer that.  
1882 As I mentioned in my beginning comments, that we are replacing property that we grew out of  
1883 and I have a gun to my head as far as construction to get out because my lease is expired and  
1884 I've got a year's reprieve so if this continues to be deferred we will run into really big  
1885 problems because we can't finish the construction in time. So, at one point the conversation  
1886 was going that we could work, well, you certainly can't sign off on disturbing the land until  
1887 we meet the conditions and we certainly would want to save all the trees. And, no, I don't  
1888 want to take that big tree down. So, if we can work it out with a signature that you are not  
1889 going to release the site plan anyway until it's done, I would prefer that because then we can at  
1890 least keep the momentum going and have a better shot at finishing construction before I have  
1891 big landlord issues to deal with.

1892

1893 Mrs. Wade - I understand this. This has been deferred several times. We just have to  
1894 have a comfort level here.

1895

1896 Mr. Kovacs - I would just like to make a comment. I'm not going to disagree with  
1897 Mrs. Johnson, and I think from an adjacent property owner point of view, we would also like  
1898 to see the condition written to make sure that we do achieve a mutual outcome. I don't think  
1899 this is in their best interest to defer this as well. I think from a neighborhood point of view we  
1900 want to see the trees remain, we want to see the detailed plan that's there. However, the  
1901 process can work with the Commission and the Planning Department would be okay with us.  
1902 We just want to make sure it happens. I would like to ask though, that the landscape plan be  
1903 reviewed possibly by the Commission when that comes up.

1904

1905 Mrs. Wade - Okay. I already have a note to that affect. All right. We are back to  
1906 the condition now, Mr. Silber. Something that's strongly enough worded that they will take  
1907 these loose ends into consideration here. Can you come up with that now or can we work on  
1908 that why we work on the next item?

1909

1910 Ms. Dwyer - Are you looking at the condition proposed by the opposition, Mrs.  
1911 Wade?

1912

1913 Mrs. Wade - Okay. Well, we now need to take in consideration that drainage. Will  
1914 this cover that?

1915

1916 Ms. Dwyer - Well, I think so. It says there's no filling, grading within the woods  
1917 line. It seems to me that the drainage structure in the berm lies within that designated woods  
1918 line. So, this is a very strong language in the condition that reflects what you intend to do

1919 here.

1920

1921 Mrs. Wade - Are you looking at the one....

1922

1923 Ms. Dwyer - The one handed out by Mr. Kovacs.

1924

1925 Mrs. Wade - At the bottom of the second page?

1926

1927 Ms. Dwyer - No. On the first page.

1928

1929 Mrs. Wade - I don't really want to defer it either, but I wanted to be sure it was clear  
1930 enough.

1931 Ms. Dwyer - Mr. Silber, do you have a proposal?

1932

1933 Mr. Silber - I think we have an excellent staff, they are always working. I think that  
1934 my position is maybe the condition has been offered by Mr. Kovacs may be perhaps beyond  
1935 what we think may be appropriate at this stage, but we think that much of the intent can be  
1936 fulfilled with a condition that might read as follows: Prior to final plan approval, the tree save  
1937 areas shall be maximized to the extent practicable and the tree protection installed to the  
1938 satisfaction of the Planning staff. So, this would allow us to, prior to the final plan approval,  
1939 work out the details of the tree save area. This would address the drainage issues that  
1940 associated with the back of the property.

1941

1942 Mrs. Wade - Okay. That's basically what I was aiming at from the beginning. But, I  
1943 think that should cover it. Would you read that one more time now so that everybody can  
1944 understand what it is?

1945

1946 Mr. Silber - Prior to final plan approval, the tree save areas shall be maximized to the  
1947 extent practicable and the tree protection installed to the satisfaction of the Planning staff.

1948

1949 Mrs. Wade - Okay. Will that accomplish what everybody wants to accomplish? We  
1950 do have.... Okay. That will be No. 34. All right. Is there anything else?

1951

1952 Ms. Dwyer - Are there any other questions by Commission members? All right. We  
1953 are ready for a motion.

1954

1955 Mrs. Wade - I move that POD-79-99, Rainbow Station Child Development Center,  
1956 that is the plan dated today, December 15, 1999, to be approved subject to the annotations on  
1957 the plan, I don't have any problem with the deviation to allow the dumpster over there. It's  
1958 next to the business in the transitional buffer on the northwest side. The annotations on the  
1959 plan. Conditions Nos. 9 and 11 amended to bring the landscape and lighting plan back,  
1960 conditions Nos. 23 through 34. No. 34. Prior to final plan approval... and so forth as read by  
1961 the acting secretary. I move it be approved.

1962

1963 Mr. Vanarsdall - Second.

- 1964 Ms. Dwyer - The motion was made by Mrs. Wade and seconded by Mr. Vanarsdall.
- 1965 All in favor say aye...all opposed say nay. The motion carries.
- 1966
- 1967 The Planning Commission approved POD-79-99, Rainbow Station Child Development Center
- 1968 - Three Chopt Road, subject to the standard conditions attached to these minutes, the
- 1969 annotations on the plan and the following additional conditions:
- 1970
- 1971 9. **AMENDED-** A detailed landscaping plan shall be submitted to the Planning Office for
- 1972 review and Planning Commission approval prior to the issuance of any occupancy
- 1973 permits.
- 1974 11. **AMENDED** -Prior to the installation of the site lighting equipment, a plan including
- 1975 depictions of light spread and intensity diagrams and fixture mounting height details
- 1976 shall be submitted for Planning Office review and Planning Commission approval.
- 1977 22. The right-of-way for widening of Three Chopt Road as shown on approved plans shall
- 1978 be dedicated to the County prior to any occupancy permits being issued. The right-of-
- 1979 way dedication plat and any other required information shall be submitted to the
- 1980 County Real Property Agent at least 60 days prior to requesting occupancy permits.
- 1981 23. The easements for drainage and utilities as shown on approved plans shall be granted to
- 1982 the County in a form acceptable to the County Attorney prior to any occupancy permits
- 1983 being issued. The easement plats and any other required information shall be submitted
- 1984 to the County Real Property Agent at least sixty (60) days prior to requesting
- 1985 occupancy permits.
- 1986 24. The required building setback shall be measured from the proposed right-of-way line
- 1987 and the parking shall be located behind the proposed right-of-way line.
- 1988 25. The developer shall provide fire hydrants as required by the Department of Public
- 1989 Utilities in its approval of the utility plans and contracts.
- 1990 26. A standard concrete sidewalk shall be provided along the south side of Three Chopt
- 1991 Road.
- 1992 27. Any necessary off-site drainage easements must be obtained in a form acceptable to the
- 1993 County Attorney prior to final approval of the construction plans by the Department of
- 1994 Public Works.
- 1995 28. Deviations from County standards for pavement, curb or curb and gutter design shall
- 1996 be approved by the County Engineer prior to final approval of the construction plans by
- 1997 the Department of Public Works.
- 1998 29. Storm water retention, based on the 50-10 concept, shall be incorporated into the
- 1999 drainage plans.
- 2000 30. Insurance Services Office (ISO) calculations must be included with the utilities plans
- 2001 and contracts and must be approved by the Department of Public Utilities prior to the
- 2002 issuance of a building permit.
- 2003 31. Approval of the construction plans by the Department of Public Works does not
- 2004 establish the curb and gutter elevations along the Henrico County maintained right-of-
- 2005 way. The elevations will be set by Henrico County.
- 2006 32. The conceptual master plan, as submitted with this application, is for planning and
- 2007 information purposes only. All subsequent detailed plans of development and
- 2008 construction plans needed to implement this conceptual plan may be administratively

2009 reviewed and approved and shall be subject to all regulations in effect at the time such  
2010 subsequent plans are submitted for review/approval.

2011 33. Prior to final plan approval, the tree save areas shall be maximized to the extent  
2012 practicable and tree protection measures installed to the satisfaction of the Planning  
2013 staff.

2014

2015 **At this time the Commission took a break.**

2016

2017 **Mr. Marles returns during this time and resumed his position as Secretary.**

2018

## 2019 **PLAN OF DEVELOPMENT**

2020

POD-96-99  
7202 Impala Drive  
Office/Warehouse

**Bay Design Group, P.C. for Oscar M. Thompson and Bertozzi Family Limited Partnership:** 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, 15,000 square foot warehouse addition. The 1.26 acre site is located on the northwest corner of Impala Drive and Lafayette Avenue on parcels 82-13-A-29, 31, 32 (part), and 82-18-A-9. The zoning is M-1, Light Industrial District and R-4, One-Family Residence District. County water and sewer. **(Brookland)**

2021

2022 Ms. Dwyer - Is there anyone in the audience in opposition to POD-96-99, 7202  
2023 Impala Drive Office/Warehouse? No opposition. Good morning, Mr. McGarry.

2024

2025 Mr. McGarry - Good morning, Madam Chairman. Staff has a revised recommendation  
2026 on this. The plan appears to be simple enough but in reevaluation staff has identified three  
2027 elements that when taking together impact the site that really wasn't anticipated by the staff at  
2028 the preparation of the agenda. Those three elements I will go over them briefly and then go  
2029 into more detail. The first one is that there is an R-4 strip that abuts this M-1 site. Once you  
2030 get into the reason for its creation you will understand our concern. No. 2. A transitional  
2031 buffer alternative has been requested. No. 3. BMPs are restricted in transitional buffers and  
2032 that applies even if there is a non-conforming transitional buffer, which we have here.

2033

2034 First of all, the rezoning of the site to M-1, back around 1965, left a 50-foot-wide strip of R-4  
2035 as a buffer to the neighborhood to the east. There have been two attempts to rezone that to  
2036 industrial and both were not approved. So, staff feels that this buffer needs to be not violated,  
2037 this R-4 strip. 2. Dealing with the transitional buffer alternative the alternative request requires  
2038 the Director of Planning to be in agreement. And in light of the history, for this R-4 zoning  
2039 strip, the Director no longer recommends that. Therefore, the staff feels the applicant must  
2040 meet the full transitional 50 buffer rather than reduce it to 30 feet, as he has requested. 3. The  
2041 surface BMP is prohibited in the transitional buffer by the Department of Public Works Water  
2042 Quality Manual. The plan proposes the BMP be located on an abutting parcel. In an effort to  
2043 provide a 25-foot-yard setback for that BMP staff, asked that the BMP be relocated away from

2044 the R-4 to an area that occupied by a paved parking lot. Although, existing as a paved parking  
2045 lot it is technically a non-conforming transitional buffer area, therefore, the BMP can not go  
2046 into the transitional buffer. Staff has been advised that there is a revised plan. We have not  
2047 seen it. Some of these issues may have already been resolved with the revised plan. And  
2048 since the plan, if they do bring one, would require a separate motion to waive the time because  
2049 it did not come in by four o'clock on Friday as the policy states.

2050

2051 Ms. Dwyer - Excuse me, Mr. McGarry. Did you say you have not seen the revised  
2052 plans?

2053

2054 Mr. McGarry - I have not seen a revised plan to address the three issues and the three  
2055 elements that staff is trying to bring to a closure on this. So, staff's recommendation at this  
2056 point is that we recommend the site be redesigned to meet those three criteria including an  
2057 appropriate berm and landscaping in the transitional buffer 50, and the BMP relocated out of  
2058 any transitional buffer. Should you recommend approval of this, staff indicates that there are  
2059 certain standard conditions including No. 9 amended and Nos. 23 through 27, which would be  
2060 appropriate for this case. The last thing that staff was going to say, if there is a revised plan  
2061 coming, staff would need to work with the applicant on any landscaping plan for this  
2062 transitional buffer and that's why 9 amended is now recommended. So, if there is any berm  
2063 or wall proposed, the landscaping perhaps on both sides would be appropriate. With that, I'll  
2064 be happy to answer any questions.

2065

2066 Ms. Dwyer - Thank you. Are there any questions for Mr. McGarry?

2067

2068 Mr. Vanarsdall - Mr. McGarry, I believe I have, from Mr. Blackley, received this, maybe  
2069 you want to put this on the table. Is this the most updated one we have?

2070

2071 Ms. Dwyer - So this plan that you have, has not been submitted to staff for review  
2072 yet?

2073

2074 Mr. Clay Blackley - We have sat down with staff and gone over it with them but we haven't  
2075 formerly presented it to them.

2076

2077 Mr. Vanarsdall - Sir, you will have to identify yourself.

2078

2079 Mr. Blackley - It hadn't been formerly submitted. We sat down with them and  
2080 presented it and went over the issues but they said to hold on to it, not to submit.

2081

2082 Ms. Dwyer - Mr. Vanarsdall, do you think it would be appropriate to defer the case  
2083 until someone can review the revised plan?

2084

2085 Mr. Vanarsdall - No, indeed. We have been working on it since Saturday and Sunday.  
2086 And Mr. and Mrs. Johnson are the people that are impacted the most and they are satisfied  
2087 with this plan.

2088

2089 Ms. Dwyer - All right. Are there any questions of Mr. McGarry? Mr. McGarry,  
2090 maybe you would like to make a comment later about the revised plan.  
2091  
2092 Mr. McGarry - That would be fine.  
2093  
2094 Mr. Vanarsdall - Mrs. Johnson was having problem hearing you, Ted. Could you speak a  
2095 little louder?  
2096  
2097 Mrs. Johnson - Can I come forward? Yes. I'm Jean Johnston and we live on the  
2098 corner, me and my husband, we live on the opposite corner of this at 2928 Lafayette Avenue.  
2099 And I am having a little hearing problem. Were they talking about taking the buffer out?  
2100  
2101 Mr. Vanarsdall - Taking what out?  
2102  
2103 Mrs. Johnson - Taking the buffer out.  
2104  
2105 Mr. Vanarsdall - They are going to put up a 10-foot wall. Maybe, Mr. O'Kelly can  
2106 explain it to you. The wall will still be back a 100 feet back from the street.  
2107  
2108 Mrs. Johnson - If he will go along with that, that's fine with us.  
2109  
2110 Mr. O'Kelly - I think, Mr. Vanarsdall, Mrs. Johnson's question was "is he going to do  
2111 anything with the R-4 buffer," the space buffer that's been left there since....  
2112  
2113 Mr. Vanarsdall - I think we should ask Mr. Bertozzi that. You would like to know what  
2114 he owns near where you live and what he intends to do with it.  
2115  
2116 Ms. Dwyer - Would the applicant come forward please? We have some questions  
2117 obviously for the applicant. Ma'am, if you would like to have a seat and then we will have  
2118 the applicant explain what they are going to do and then if you have any further concerns or  
2119 questions we will call on you. Okay. Good morning.  
2120  
2121 Mr. Blackley - Good morning, I'm Clay Blackley with Bay Design Group representing  
2122 Mr. Bertozzi and Mr. Pat Lamberti. We are not disturbing the existing R-4 district that's  
2123 there. Anything that would be done, would be outside of that all in the M-1 District. At one  
2124 time we were going to put our BMP up near the existing entrance but the staff said that wasn't  
2125 allowed so we changed our plan to reflect a different layout.  
2126  
2127 Ms. Dwyer - Excuse me. On this plan I can't tell where the R-4 is. Could you point  
2128 that out?  
2129  
2130 Mr. Blackley - The R-4 runs right along in here (referring to map) that's the R-4  
2131 district, the rest is all M-1 and I think that's a 10 foot strip between the property line and the  
2132 R-4 district.  
2133

2134 Mr. McGarry - The R-4 is 50 feet wide abutting the west line of Impala Drive.  
2135

2136 Ms. Dwyer - Thank you. All right. Do you have any other presentations to make?  
2137

2138 Mr. Blackley We do have materials, if there are issues that come up, if there are no  
2139 issues then we are not going to waste your time. We do have boards that can show the walls,  
2140 we have pictures that we can present to you, if you are interested in that. We have renderings  
2141 of landscaping if you want to see that. The BMP we want to put in this area, right in here  
2142 (referring to map). Previously, we had shown it in here but that wasn't allowed. Other  
2143 options that we can pursue would be to put underground the BMP in this area or possibly back  
2144 in this area, most likely it's going to go in this area. We wanted it to be above ground but it  
2145 could be underground at this point with all the landscaping required.  
2146

2147 Ms. Dwyer - Could you respond to the staff's three concerns?  
2148

2149 Mr. Blackley - Their concerns I think were the screening or the buffering between the R  
2150 district and the building. I think we have addressed that by putting up the wall and the  
2151 landscaping in the area between the building and the wall. We are putting significant  
2152 landscaping out on the edge of Lafayette Avenue also. The other issue was the building being  
2153 inside that 50-foot buffer. So, the 50-foot buffer runs along in there about 10 feet inside that  
2154 building. To reduce that we want to put the wall up and reduce it to a 30-foot buffer, which  
2155 reflects on this rendering with the green space. And, I do have another board that kind of  
2156 shows that. It's the County standard for landscaping in that type of buffer.  
2157

2158 Mrs. Wade - What is it that we are supposed to be approving today?  
2159

2160 Ms. Dwyer - Does this plan that's been submitted for approval....  
2161

2162 Mr. Blackley - This plan encompasses an addition onto an existing building that's used  
2163 as an office/warehouse. The addition is just warehouse that would allow for more space. It  
2164 would have three loading docks to it, so it would have parking lot maneuvering area for  
2165 trucks. And we were adding three more parking spaces in the area to the back of the  
2166 warehouse for employees or for other uses, anybody else that would be coming into the  
2167 warehouse. On site we had more than adequate parking that's existing. In this operation there  
2168 are a few people that will be using the building, mostly in the office area.  
2169

2170 Mr. Vanarsdall - Clay, let me ask you. Here are the important issues for Mr. and Mrs.  
2171 Johnson who are impacted the most and by the looks of the building. The R-4 has shifted the  
2172 building, right?  
2173

2174 Mr. Blackley - Right.  
2175

2176 Mr. Vanarsdall - Then, show me where the wall will be.  
2177

2178 Mr. Blackley - It's going to be 10 feet off of that.

2179  
2180 Mr. Vanarsdall - Now, show me on the plan.  
2181  
2182 Mr. Blackley - It's labeled here if you can't read the text on it, but it runs....  
2183  
2184 Mr. Vanarsdall - And that's going to be a 10-foot masonry wall, all the way across.  
2185  
2186 Mr. Blackley - All the way across, that's right, along the building.  
2187  
2188 Mr. Vanarsdall - There will be landscaping.  
2189  
2190 Mr. Blackley - And then landscaping in between.  
2191  
2192 Mr. Vanarsdall - Where is the landscaping going to be? You can't landscape it on the R-  
2193 4.  
2194  
2195 Mr. Blackley - No. All of the landscaping would be in the M-1 district, between the  
2196 building and the wall. The wall sets 10 feet inside the M-1 district.  
2197  
2198 Mr. Vanarsdall - Ten feet inside the M-1 district and you are going to move the building  
2199 10 feet to the left of that.  
2200  
2201 Mr. Blackley - Right.  
2202  
2203 Mr. Vanarsdall - Now.  
2204  
2205 Mr. Blackley - So, there would only be a 30-foot distance between the wall and the  
2206 building.  
2207  
2208 Mr. Vanarsdall - Where is the BMP going to be?  
2209  
2210 Mr. Blackley - Between the wall and the building. We have to get our drainage into  
2211 that area to get it clean before it leaves the site.  
2212  
2213 Mr. Vanarsdall - We would like to know what Mr. Bertozzi intentions are of that R-4  
2214 piece?  
2215  
2216 Mr. Blackley - The R-4 piece, maybe he can address that.  
2217  
2218 Mr. Bertozzi - Sir, we don't own the R-4 piece.  
2219  
2220 Mr. Vanarsdall - The same man owns it that did own the rest of it.  
2221  
2222 Mr. Bertozzi - Yes, he did. When I purchased the property and realized that there was  
2223 R-4, not when I purchased it, but when I starting discussing it with the County and found out

2224 that that property was R-4, there had been three zoning cases turned down.

2225

2226 Mr. Vanarsdall - I know that.

2227

2228 Mr. Bertozzi - And I decided I did not want to fight that battle so I didn't buy it. There  
2229 is a building permit to build a home on that lot.

2230

2231 Mr. Vanarsdall - Why?

2232

2233 Mr. Bertozzi - I presume somebody wants a house to live in.

2234

2235 Mr. Vanarsdall - There is one now?

2236

2237 Mr. Bertozzi - Yes. The building permit should be approved today or tomorrow. But,  
2238 I don't own the first 60 feet. The County map....

2239

2240 Mr. Vanarsdall - I know you don't own it I just thought maybe you had... you've already  
2241 told me the answer, somebody is going to build a house on it. That's all I want. So, for the  
2242 benefit of them, for us, and you, you are going to put up a 10-foot masonry wall.

2243

2244 Mr. Bertozzi - One exception. You said on the line. I would probably like to move  
2245 that back three feet and we could put something in that three-foot area to....

2246

2247 Mr. Vanarsdall - You are going to have landscaping in front of it.

2248

2249 Mr. Bertozzi - Yes. There is going to be a little bit of landscaping in the front.

2250

2251 Mr. Vanarsdall - And it will not reduce the 100 feet that's in there. You have 50 feet R-4  
2252 and you have 50 feet of the green space, 100 feet.

2253

2254 Mr. Bertozzi - No.

2255

2256 Mr. Vanarsdall - And you don't intend for the wall to reduce anything.

2257

2258 Mr. Blackley - We are going to reduce it by 10 feet. We are going to reduce the 50 by  
2259 10, that's with the wall.

2260

2261 Mr. Bertozzi - By 20.

2262

2263 Mr. Blackley - There's 10 feet there between the R district....

2264

2265 Mr. Bertozzi - Well, it's 10 feet already over on the other side.

2266

2267 Mr. Blackley - And then there's 30 feet between there. So, that would make it 40  
2268 instead of 50.

2269

2270 Mr. Vanarsdall - Okay. Thank you. Now, we need somebody, either you or Clay or Ted  
2271 or Dave O'Kelly to explain to Mr. and Mrs. Johnson what we are doing before you sign off on  
2272 it. Mrs. Johnson, do you understand what we are doing?

2273

2274 Mrs. Johnson - Yes. I understand what he is doing.

2275

2276 Mr. Vanarsdall - Good. Let the record show that Mrs. Johnson said it would be fine and  
2277 shook her head on that.

2278

2279 Mr. Blackley - The R district line is about right in there (referring to map to the  
2280 Johnson). It's about 10 feet off the wall. So, there would be a 10-foot distance that's M-1  
2281 that would be on that other lot. Then you would have....

2282

2283 Ms. Dwyer - I'm totally confused.

2284

2285 Mr. Archer - Could we erase that and start over.

2286

2287 Ms. Dwyer - You have a plan that we are looking at and it seems like we have a kind  
2288 of a moving and changing plan here.

2289

2290 Mr. Blackley - This rendering, here, represents the landscaping to the wall, the building  
2291 would be at the 30-foot line. This is the "R" district line right here. So, there's 10 feet  
2292 between the "R" district and the wall. So, we will put some landscaping right in there in front  
2293 of the wall in that three feet. Then there will be 27 feet of landscaping here between the  
2294 building and the wall and then there will be the building beyond that, it would extend outward.  
2295 But, it will be screened by large trees that will canopy upward and probably cover the whole  
2296 side of that building I would think over time, maybe not in the beginning but say over five  
2297 years or so it should canopy up to cover that building.

2298

2299 Mrs. Quesinberry - I have a question. Am I to understand that you have 30 feet of  
2300 landscaping behind the wall?

2301

2302 Mr. Blackley - Right.

2303

2304 Mrs. Quesinberry - So, the landscaping is between the building and the wall?

2305

2306 Mr. Blackley - That's correct.

2307

2308 Mrs. Quesinberry - Is that any good reason for that?

2309

2310 Mr. Blackley - Well....

2311

2312 Mr. Vanarsdall - Well, you understand you don't have to put that behind the wall if you  
2313 don't want to.

2314

2315 Mr. Blackley - Well, we would rather not but for aesthetic reasons to get some greenery  
2316 we were going to do some out there. We would prefer not to do the whole lot because it  
2317 becomes hard to maintain and it's more likely to die over time and not look as good as it  
2318 could.

2319 Ms. Dwyer - So, are you putting anything between the wall and Impala Drive, any  
2320 landscaping there?

2321

2322 Mr. Blackley - No. Well, three feet, three feet of bushes and trees along the wall to  
2323 break it up a little bit.

2324

2325 Ms. Dwyer - Where does that show on the plan?

2326

2327 Mr. Blackley - Right now it doesn't, but....

2328

2329 Ms. Dwyer - I'm concerned that the plan is not showing what you are committing to  
2330 do.

2331

2332 Mr. Blackley - Right, now it would be along in here, three feet of landscaping along  
2333 that front of the wall, just to get a little bit of green and break it up so that it doesn't look like  
2334 a flat wall. That's something that Mr. Bertozzi just suggested that we weren't originally going  
2335 to do. We were just going to put the wall on the property line.

2336

2337 Ms. Dwyer - So, in the original plan, that we have, the R-4 strip has something in it  
2338 that was....

2339

2340 Mr. Blackley - There was a BMP in there, originally, and then there was also an  
2341 entrance that we deleted because the staff said that it wasn't allowed in the "R" district.

2342

2343 Ms. Dwyer - So, the BMP and the entrance is no longer in R-4?

2344

2345 Mr. Blackley - No. The existing entrance will function as it is. We will leave it as it is  
2346 as an entrance to the existing condition.

2347

2348 Ms. Dwyer - Are you still asking for the transitional buffer deviation?

2349

2350 Mr. Blackley - We are asking for the deviation so that the building can exist as it's  
2351 shown on the plan. The deviation is by 10 feet. Instead of being 50 feet off the "R" zone, it's  
2352 40 feet off the "R" zone.

2353

2354 Ms. Dwyer - Our plan shows 30 feet. So, you are talking about the revised plan that  
2355 you brought today?

2356

2357 Mr. Blackley - Your plan says 30 feet between the property line and the building.

2358

2359 Mr. Vanarsdall - Our plan show 60 and 30, 90 feet.  
2360  
2361 Ms. Dwyer - No. I'm talking about from the R-4 to....  
2362  
2363 Mr. Blackley - On the other side of that line that's where the 30 foot dimension is.  
2364 There's a 10-foot dimension between the "R" district and the property line. It doesn't show  
2365 the "R" district though. It just shows the....  
2366  
2367 Mrs. Wade - Is staff satisfied with what you know about this?  
2368  
2369 Mr. Blackley - No.  
2370  
2371 Mrs. Wade - Mr. Vanarsdall, are you satisfied with what you know about this?  
2372  
2373 Mr. Vanarsdall - Am I satisfied with what?  
2374  
2375 Mrs. Wade - Are you satisfied with what he is proposing?  
2376  
2377 Mr. Vanarsdall - Yes. I'm satisfied I got here this morning and said everything has been  
2378 worked out but evidently it hasn't. So, would you put the plan back on here that we have?  
2379 Mrs. Wade, I can't answer your question because I'm not satisfied yet. Here, is the corner  
2380 (referring to the map on the screen) this is Impala and Lafayette. There is 90 feet from Impala  
2381 back to Mr. Bertozzi's building. Whether it be 60 in an R-4 or 30, it's been different feet so I  
2382 believe Mr. O'Kelly told me that it is 50/50. So, there 50 in the R-4 and 50 in the other. And  
2383 this is a crucial question. From the property line at Impala Drive back, how many feet is it?  
2384 Is it 90 or 100 feet? It's always been 90 and Dave told me if you move the building 10 feet  
2385 then that's 100 feet. I hate to defer this but if we don't get it straight I'm going to defer it.  
2386  
2387 Mr. Blackley - This distance is 50 feet and then 40 it's 90 feet. So, it's 90 feet between  
2388 Impala Drive and the building.  
2389  
2390 Mr. Vanarsdall - Ninety feet.  
2391  
2392 Mr. Blackley - Right.  
2393  
2394 Mr. Vanarsdall - So, it's 50 and 40.  
2395  
2396 Mr. Blackley - It's 50 and 40, that's correct.  
2397  
2398 Mr. Vanarsdall - Madam Chairman, we don't know where the 60/30 came from but it's  
2399 supposed to add up to 90.  
2400  
2401 Ms. Dwyer - Well, I was just looking at my plan and it shows a 30-foot distance  
2402 between R-4 and the building.  
2403

2404 Mr. Blackley - I believe the 60/30 came from the... The 60 feet is the width of that lot,  
2405 but there is 10 feet of M-2 district on that lot there. When they drew up the zoning line that's  
2406 how it was done.

2407

2408 Mr. Vanarsdall - So, you are going to put the wall how many feet back?

2409

2410 Mr. Blackley - Off the property line or off the "R" district? Off the "R" district it will  
2411 be 13 feet. Off the property line it will be three feet.

2412

2413 Mr. Vanarsdall - And they are going to put three feet of landscaping in front of the wall?

2414

2415 Mr. Blackley - Right, to break it up.

2416

2417 Mr. Vanarsdall - And I am going to have it brought back to the Commission as No. 9  
2418 amended landscaping, so you will have to work with the landscaper on what you are going to  
2419 put in there. And that over on the side, you have 10 feet of green space. Now, why do you  
2420 need a deviation?

2421

2422 Mr. Blackley - Because the building best sits in this location for loading, for  
2423 maneuvering. We prefer to put the parking lot on the backside of the building so that you  
2424 can't see all of the truck traffic. It's better screened on the other side versus sliding the  
2425 building all the way down to the rear yard.

2426

2427 Mr. Vanarsdall - The loading is in the back?

2428

2429 Mr. Blackley - Right. The loading is in the back. With this layout it gives us better  
2430 screening from the neighborhood, you know, with the green area. It allows us to get the  
2431 distance that we need between the building and the property line to get trucks turned around  
2432 and maneuvering for loading purposes.

2433

2434 Mr. Vanarsdall - Ted, do you want to bring it all together for us so we can vote on it?

2435

2436 Ms. Dwyer - Would the opposition like to speak?

2437

2438 Mr. Vanarsdall - They have.

2439

2440 Mr. McGarry - Clay, as I understand it, from the wall to the bottom of the screen is  
2441 toward Impala Drive.

2442

2443 Mr. Blackley - That's correct.

2444

2445 Mr. McGarry - So, all the landscaping is going back next to the building.

2446

2447 Mr. Blackley - Between the wall and the building.

2448

2449 Mr. McGarry - Why?  
2450

2451 Mrs. Quesinberry - That was my question.  
2452

2453 Mr. Blackley - Well, I guess that does provide that required landscaping that's needed  
2454 on any site and then also....  
2455

2456 Mr. Vanarsdall - Would you come to the mike, we are having a hard time hearing you  
2457 from there?  
2458

2459 Mr. Blackley - It does give the required landscaping that would be required on any site  
2460 as far as trees, bushes, other vegetation. It will be canopy up above the wall so there will be  
2461 some benefit.  
2462

2463 Mr. Vanarsdall - Madam Chairman, I tell you what we are going to do. We are going to  
2464 bypass this and you all can go out into the hall and get it all straight and then come back and  
2465 tell me what it is. Then we will act on it. Otherwise, I will defer it until next year.  
2466

2467 Mrs. Quesinberry - And before you walk away, as you go out into the hall, my question on  
2468 that landscaping between the wall and the building, who benefits from that? Are there  
2469 windows on that side of the building? Do employees see that? In other words, as you walk  
2470 down this aisle to the back would you think about, would it be maybe more appropriate to  
2471 have landscaping that is adding to the streetscape rather than...  
2472

2473 Mr. Bertozzi - The idea came from....  
2474

2475 Mrs. Quesinberry - I don't care where the idea can from, just a question, head on back  
2476 towards the back and talk out there. Thank you.  
2477

2478 Ms. Dwyer - I would also like to say that I have a real concern about a revised plan  
2479 that has not been reviewed by the staff. The staff is still trying to analyze a lot of these issues  
2480 when they haven't had the benefit of the revised plan. And advise them that it doesn't have  
2481 the information on it that we need.  
2482

2483 Mr. Vanarsdall - The information is there. We just have to get it. You all just go ahead  
2484 and come on back.  
2485

2486 Ms. Dwyer - All right. We will bypass this case and go on to the next case.  
2487

2488 **At this time POD-96-99, 7202 Impala Drive Office/Warehouse was bypassed and heard**  
2489 **later during the meeting. This case continues on page 83**

2490 **PLAN OF DEVELOPMENT (Deferred from the November 17, 1999, Meeting)**

2491

POD-70-99  
Red Robin Restaurant -  
Virginia Center Commons  
Shopping Center

**Bengston, DeBell & Elkin for North Park Peripheral Associates L.P. and Red Robin International, 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, 6,157 square foot restaurant with 650 square feet of outdoor dining. The 1.65 acre site is located on the north line of J.E.B. Stuart Parkway, approximately 1,100 feet east of its intersection with Brook Road (U.S. Route 1) in the Virginia Center Commons Shopping Center on part of parcel 24-A-7E. The zoning is B-3C, Business District (Conditional). County water and sewer. **(Fairfield)**

2492

2493 Ms. Dwyer - Is there anyone in the audience in opposition to POD-70-99, Red Robin  
2494 Restaurant - Virginia Center Commons Shopping Center? No opposition. Ms. News.

2495

2496 Ms. News - Staff has completed its review of the revised plan that's just been  
2497 distributed to you. The applicant is in agreement with the annotations on the plan. In addition  
2498 to revising the site plans, the applicant has agreed to revise the architectural plans in an attempt  
2499 to more compatible with the existing outparcels within the shopping center. The revised  
2500 architecturals are in your packet, and the original architectural that we started with is down  
2501 here on the board if you want to see where we've come from. Staff believes the building has  
2502 come along way toward meeting this goal. The basic color of the building is now beige or  
2503 cream color compatible with several other buildings. The applicant has agreed to remove a  
2504 corrugated metal roof screen for screening of the rooftop HVAC, and use materials consistent  
2505 with the rest of the building, although, they prefer to use a contrasting color. The red accents,  
2506 although they are not in line with the mall structure, have been used on several of the  
2507 outparcels. Staff can recommend approval of the revised plan.

2508

2509 Ms. Dwyer - Are there any questions of Ms. News on the Red Robin Restaurant? Mr.  
2510 Archer.

2511

2512 Mr. Archer - Ms. News, how will be dumpster be accessed? Maybe I should ask the  
2513 applicant. I don't see how they will quite get to it.

2514

2515 Ms. News - When I asked the applicant that question before, they told me the  
2516 dumpster would be on wheels and it would be rolled out to be emptied. They can address  
2517 whether that's changed. They are nodding that that's what they are still planning to do.

2518

2519 Mr. Archer - So, I wasn't crazy when I asked myself that question then.

2520

2521 Ms. News - No. We had the same question. I've also passed out a color sample  
2522 board that you have up there, of the colors of the building. We do have the architect and the  
2523 applicant here if you have any questions of them.

2524 Ms. Dwyer - Would you like to hear from the applicant, Mr. Archer?  
2525

2526 Mr. Archer - Yes, I think we do.  
2527

2528 Ms. Dwyer - Would the applicant come forward, please?  
2529

2530 Mr. Hedrick - Good afternoon, Madam Chairman. My name is Kurt Hedrick and I'm  
2531 with Bengston, DeBell & Elkin representing Red Robin, the engineer on the project.  
2532

2533 Mr. Archer - Are you going to roll the dumpsters, is that what you are saying?  
2534

2535 Mr. Hedrick - The dumpsters as I understand it are actually small. They are not large  
2536 size dumpsters, but they are smaller rolling dumpsters that are brought out of the enclosed area  
2537 where all of the utility activities for the buildings will be enclosed. It will be rolled out  
2538 through the gates to empty the trash that way. It's not a typical dumpster arrangement with a  
2539 large dumpster that's emptied by a truck.  
2540

2541 Mr. Archer - I notice that there is a compactor back there also. Ms. News, does that  
2542 satisfy you?  
2543

2544 Ms. News - I've seen this before on projects where they have had rolling dumpsters  
2545 in conjunction with the compactor. I don't have any reason to believe that it wouldn't work.  
2546 It's not your typical BFI large metal dumpster like we are used to seeing.  
2547

2548 Mrs. Quesinberry - Is this like a larger version of a home compactor? So the refuse is  
2549 compacted up into some kind of bags that are then picked up by BFI.  
2550

2551 Mr. Hedrick - The specifics of how the compactor works, I'm afraid, is going to be a  
2552 little bit out of my area of knowledge. I understand the principle, it is something like that, a  
2553 larger version of a compactor and then the refuse is in a smaller volume that can be removed  
2554 in smaller portions than with a big dumpster.  
2555

2556 Mrs. Quesinberry - I think we all just want to be assured that there is not piled up garbage or  
2557 trash at the back of the building waiting for someone to pick it up. If there's adequate  
2558 screening, whatever containers they are, we want to make sure that they are screened from  
2559 public view, appropriately.  
2560

2561 Mr. Hedrick - If you look on the site plan, it does show an area to the, on the  
2562 northwest corner of the building, which is a completely enclosed walled court area in which  
2563 the compactor, the rolling dumpster containers and any other utility type materials would be  
2564 fully enclosed. So, it's completely screened off from everything by the gate that opens and  
2565 closes.  
2566

2567 Mrs. Wade - And they keep them inside I guess.  
2568

2569 Mr. Hedrick Everything is kept inside that enclosed wall.  
2570  
2571 Mr. Archer - All right. I'm satisfied.  
2572  
2573 Ms. Dwyer - Are there any more questions for Mr. Hedrick?  
2574  
2575 Mr. Archer - I don't have any, Madam Chairman.  
2576  
2577 Ms. Dwyer - Thank you. Are you ready for a motion?  
2578  
2579 Mr. Archer - Yes, I am, Madam Chairman. I would like to thank Ms. News for the  
2580 considerable amount of time she's put in on this and as you can see by the sample that was  
2581 passed out we've come a long way from the original rendition of that color. One of the things  
2582 that we always run into out in this area is trying to be compatible with the other businesses that  
2583 are already established there. We've come along way towards getting that done. We don't  
2584 have a lot to work with because there are no proffered conditions that actually say that the  
2585 colors have to be matched with. We appreciate the applicant cooperating with us in that  
2586 regard also. And with that, I move approval of POD-70-99, Red Robin Restaurant, subject to  
2587 the standard conditions for developments of this type, and the additional conditions Nos. 23  
2588 through 29.  
2589  
2590 Ms. Wade - Second.  
2591  
2592 Ms. Dwyer - The motion was made by Mr. Archer and seconded by Mrs. Wade. All  
2593 in favor say aye...all opposed say nay. The motion carries.  
2594  
2595 The Planning Commission approved POD-70-99, Red Robin Restaurant - Virginia Center  
2596 Commons Shopping Center, subject to the standard conditions attached to these minutes, the  
2597 annotations on the plan, and the following additional conditions:  
2598  
2599 23. The easements for drainage and utilities as shown on approved plans shall be granted to  
2600 the County in a form acceptable to the County Attorney prior to any occupancy permits  
2601 being issued. The easement plats and any other required information shall be submitted  
2602 to the County Real Property Agent at least sixty (60) days prior to requesting  
2603 occupancy permits.  
2604 24. The developer shall provide fire hydrants as required by the Department of Public  
2605 Utilities in its approval of the utility plans and contracts.  
2606 25. Insurance Services Office (ISO) calculations must be included with the utilities plans  
2607 and contracts and must be approved by the Department of Public Utilities prior to the  
2608 issuance of a building permit.  
2609 26. The developer shall install an adequate restaurant ventilating and exhaust system to  
2610 minimize smoke, odors, and grease vapors. The plans and specifications shall be  
2611 included with the building permit application for review and approval. If, in the  
2612 opinion of the County, the type system provided is not effective, the Commission  
2613 retains the rights to review and direct the type of system to be used.

- 2614 27. Any necessary off-site drainage easements must be obtained in a form acceptable to the  
 2615 County Attorney prior to final approval of the construction plans by the Department of  
 2616 Public Works.
- 2617 28. Deviations from County standards for pavement, curb or curb and gutter design shall  
 2618 be approved by the County Engineer prior to final approval of the construction plans by  
 2619 the Department of Public Works.
- 2620 29. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the  
 2621 Planning Office and approved prior to issuance of a certificate of occupancy for this  
 2622 development.

2623

2624 **PLAN OF DEVELOPMENT & SPECIAL EXCEPTION**

2625

POD-92-99  
 Gayton Terrace Addition -  
 Gayton Road  
 (POD-24-97 Revised)

**E. D. Lewis & Associates for Aspen Gayton Terrace, LLC:** Request for approval of a revised plan of development and special exception for a building exceeding three stories, as required by Chapter 24, Sections 24-106 and 24-94(b) of the Henrico County Code to construct a four-story, 73,982 square foot assisted living facility addition to an existing site. The 9.874 acre site is located along the east line of Gayton Road, approximately 600 feet south of Ridgefield Parkway on parcel 65-A-2. The zoning is R-6C, General Residence District (Conditional). County water and sewer. **(Tuckahoe)**

2626

2627 Ms. Dwyer - Is there anyone in the audience in opposition to POD-92-99, Gayton  
 2628 Terrace Addition? No opposition. Mr. Whitney.

2629

2630 Mr. Whitney - As it states on your agenda, staff doesn't make any recommendation on  
 2631 the special exception. Mr. Monte Lewis from E. D. Lewis is here for the applicant to make  
 2632 his presentation. I would remind the Commission that this is a revised POD. It was approved  
 2633 in 1996. It's essentially the same. That approval also included the special exception for four  
 2634 stories. It was just handed out to you a printout of an e-mail I received from Building  
 2635 Inspections Department. There was one final issue that had yet to be worked out. With this  
 2636 new building addition there were questions about fire code and building code situations. Staff  
 2637 and the applicant was not able to obtain enough information at this point to know where they  
 2638 stand as far as fire walls and other situations. So, Building Inspections recommended the  
 2639 condition that's attached here.

2640

2641 Ms. Dwyer - Okay. This is the first I've heard of this issue. If you could explain this  
 2642 to me please?

2643

2644 Mr. Whitney - I think maybe Monte Lewis can add to my brief explanation here, but  
 2645 with the addition on the existing building, it changes the fire wall and separation issues. Since  
 2646 the existing building is so old, the building permit is not in our archives, it's a review. So, the  
 2647 architect basically has to go in and re-map the building, locating existing fire walls from a  
 2648 premise to go forward. When they get that information to Building Inspections then they will

2649 know the size of fire wall that would be required to separate this addition from the existing  
2650 building. I believe that's the situation we have right here.

2651

2652 Ms. Dwyer - So, in other words, the building is so old that we don't have some of the  
2653 plans for that building, and the concern is that the addition might, in some way, make the  
2654 entire building noncompliant with the fire and building codes?

2655

2656 Mr. Whitney - Exactly.

2657

2658 Ms. Dwyer - And, so, this condition basically says that can't happen. Fire regulations  
2659 must be complied with in order for this building to go forward.

2660

2661 Mr. Whitney - Right.

2662

2663 Ms. Dwyer - In order for the building permit to be issued. Is that an accurate  
2664 summary?

2665

2666 Mr. Whitney - That is an accurate summary, yes. I've shown this condition to Mr.  
2667 Lewis and he indicated to me at that time that he's not going to go forward with any plans  
2668 until the architect gets this issue resolved. So, it's a very major aspect with him going forward  
2669 with this project to determine where they stand with the building code issues, especially fire  
2670 codes.

2671

2672 Ms. Dwyer - Are there any other outstanding issues?

2673

2674 Mr. Whitney - I do not believe there are any other outstanding issues.

2675

2676 Ms. Dwyer - Are there any questions of Mr. Whitney? Thank you, Mr. Whitney.  
2677 Would the applicant come forward?

2678

2679 Mr. Whitney - I apologize, Ms. Dwyer, for not letting you know about this issue until  
2680 now.

2681

2682 Ms. Dwyer - That's all right.

2683

2684 Mr. Lewis - Ladies and gentlemen my name is Monte Lewis. I'm with E. D. Lewis  
2685 & Associates representing the applicant. I have also with me Janet Broughton who is at the  
2686 facility in the day to day operations, and Mr. Dave Moorely who has flown in from Colorado  
2687 in case you have any questions about the operation of the facility. As Mikel explained it, in  
2688 March of 1997 the POD and the exception was granted. That is only good for two years. At  
2689 that time another company owned the facility. The approval expired this past March and  
2690 shortly after that it was purchased. All they are looking for is to renew the approval that was  
2691 provided earlier.

2692

2693 I would like to point out one thing that I'm not sure about, but just for the record. On the

2694 square footage, the total square footage is 76,924, which is on the architectural plans, which  
2695 has been given to the County staff. The issue with the fire wall has to do with the existing  
2696 building. Mikel explained it fairly well. They want to make sure that this addition won't put  
2697 the existing building into nonconforming with the fire code. Frank Castelvechi, with  
2698 Building Inspections, could not come up with the plans. They do have plans, it's a fairly  
2699 extensive study that the architect has to do. He couldn't do it in the time allotted, so I told  
2700 Frank that it would be fine with us, a condition, because we have to meet his fire code  
2701 anyway.

2702

2703 Ms. Dwyer - The condition that's proposed by Mr. Castelvechi is acceptable to you?

2704

2705 Mr. Lewis Yes, ma'am.

2706

2707 Ms. Dwyer - And the only outstanding issue that I have is just what is your argument  
2708 for the special exception?

2709

2710 Mr. Lewis - The special exception. I brought a photo of the existing building, which  
2711 is a four-story brick building. This addition will also be four story brick to match exactly with  
2712 the existing facility out there. By allowing us to go four stories, these 88 additional units that  
2713 this provides... if we couldn't go four stories we would have to go outward. To go outward  
2714 we would have to clear additional land, remove additional trees. The BMP as designed would  
2715 not work because we would be increasing the impervious area. When the zoning case for this  
2716 came up, I think it was about three years ago, the neighborhood, especially behind us, was  
2717 very concerned that all the trees be saved. We have a proffered buffer that we are staying out  
2718 of, plus we are staying about 60 feet away from that buffer in addition to that. Just to keep as  
2719 much landscaping between us and the neighbors as possible. We do not think this would be a  
2720 detriment to the neighborhood. South of us is an apartment complex that would probably be  
2721 impacted most with the visual effect of the building. The encroachment of the four story is not  
2722 much greater than the existing building there now, if you can see on the site plan that is before  
2723 you. It's kind of nestled in with the building, coming southward, it only extends maybe 70  
2724 feet from where it is now.

2725

2726 Ms. Dwyer - How would it affect Ginter Hall West?

2727

2728 Mr. Lewis - Ginter Hall West. The existing building now is closest to it, Ginter Hall  
2729 West, than their proposed addition. As you can see from the site plan that staff has prepared,  
2730 Ginter Hall West I believe is a three-story addition. I don't know the height of that building  
2731 versus the height of this building but it looks very conforming to both sites. The additional  
2732 story I don't think will impede their operations or the look from our site. We will not be  
2733 removing any trees between our site and Ginter Hall West also.

2734

2735 Ms. Dwyer - Will you be removing any trees, though, that will affect the apartments  
2736 next door?

2737

2738 Mr. Lewis - Yes, ma'am. With the addition, we have to provide additional parking

2739 spaces. We will be removing trees for the parking spaces and for the BMP, which is adjacent  
2740 to the parking. We have kept the BMP as close as possible to the parking. Public Works has  
2741 required that we landscape the BMP to hide it from our site. And, in addition, we can provide  
2742 landscaping on the apartment side of that to help screen the BMP, which is a dry basin BMP  
2743 and not a wet basin, which the wet basin one seems to provide most of the troubles.

2744

2745 Ms. Dwyer Okay. Are there any questions of Mr. Lewis by Commission members?  
2746 Did I ask for opposition? Is there any opposition to POD-92-99, Gayton Terrace Addition?  
2747 We do have opposition. Would you come forward please?

2748

2749 Mr. Mundy - My name is Paul Mundy and I represent Conotti Corporation, which  
2750 owns Ginter Hall West and the adjacent property backing up behind Ginter Hall West to  
2751 Popular Forest Drive. Our objection is to the four stories instead of three. Our building is  
2752 three stories and it appears that his reasons for wanting four stories is that they already have  
2753 four stories and they have smaller ponds. If that's acceptable to you, well you have the right  
2754 to do that. But, we intend, at some point, to expand on our adjacent property as well and we  
2755 could make the same arguments. But, we would have a four story attached to a three-story  
2756 building which probably wouldn't be so aesthetically pleasing and I'm just wondering if we are  
2757 setting a standard here for four story buildings. I mean, it suits me because I would like to  
2758 have a four-story building, but that's not in front of you today, what's in front of you today is  
2759 a four-story addition to a four-story building and it is an exception. That's all I have to say.

2760

2761 Ms. Dwyer - So, you are saying this is a four-story addition to an existing four story  
2762 building.

2763

2764 Mr. Mundy - Yes, it is.

2765

2766 Ms. Dwyer - And what you have is a three-story building.

2767

2768 Mr. Mundy - Yes, I do.

2769

2770 Ms. Dwyer - And your concern is by having a four-story addition to the existing four-  
2771 story building is....

2772

2773 Mr. Mundy - Well, it's just more site line. The rear of our area is where all of our  
2774 meals are taken and there are large windows and that's where we look out on, three times a  
2775 day for every one of our residents. We are assisted living as well and we have 212 beds.

2776

2777 Ms. Dwyer - Are there any questions for Mr. Mundy? Thank you, sir. Mr. Lewis,  
2778 would you come forward, please? What is the distance between your property line and the  
2779 new addition, your property that abuts Ginter Hall West property?

2780

2781 Mr. Lewis - Presently, the existing building is approximately at 75 to 80 feet to the  
2782 property line with Ginter Hall. Our addition is well over 125 feet from the property line of  
2783 Ginter Hall West.

2784 Ms. Dwyer - And will you be cutting down any trees that now exist between the  
2785 Ginter Hall West property line and existing building and the proposed building?

2786

2787 Mr. Lewis - No, ma'am. We will not be removing trees in between Ginter Hall and  
2788 the existing building. There will be a few shrub trees and bushes that are east of our site that  
2789 will be removed and this is for the addition plus the fire lane that the Fire Marshall has  
2790 requested.

2791

2792 Ms. Dwyer - I see a tree line noted on my copy of the plan, will any of the trees in  
2793 that area be removed?

2794

2795 Mr. Lewis - Is this east of the proposed addition?

2796

2797 Ms. Dwyer - My maps says north.

2798

2799 Mr. Lewis - If Mikel can bring it up on the monitor, I can mark where we are  
2800 removing trees.

2801

2802 Ms. Dwyer - It doesn't appear that anything is going (unintelligible).

2803

2804 Mr. Lewis - Nothing north but there will be some that will be removed that are east  
2805 of the existing building, and there is some south where the parking lot and the BMP addition  
2806 are.

2807

2808 Ms. Dwyer - And nothing more.

2809

2810 Mr. Lewis - No, ma'am.

2811

2812 Ms. Dwyer - Are there any other questions for Mr. Lewis by Commission members?  
2813 All right. Thank you. I am ready for a motion.

2814

2815 First I will make a motion on the special exception for a four-story building. Because it does  
2816 permit exception to be granted, the Commission is suppose to take into account the effect of  
2817 the additional story on the adjacent properties and also to consider if there will be increased  
2818 congestion, public danger from fire, whether this would impair the character of the district,  
2819 whether this is incompatible with the Land Use Plan, etc. It seems to be that this addition  
2820 which extends to the rear of an existing four-story building would be an appropriate addition as  
2821 a four-story building. It will match the materials and all the other characteristics design of the  
2822 existing building. As far as how it affects the neighboring property, the extension is  
2823 proceeding in an easterly direction, it's not in a northerly direction. In fact, the addition is  
2824 somewhat behind the existing building so it would not effect Ginter Hall residents as far as the  
2825 building would not be closer to Ginter Hall West. There are trees and the tree line that exist  
2826 will be preserved between the addition and the existing building and Ginter Hall West  
2827 property. Also, there is a substantial buffer protecting the neighborhood off of Popular Forest  
2828 Drive. There is a proffered 90-foot buffer. The addition will still be, I don't have the exact

2829 quotation, but another 90 feet from the buffer to the building. So, that's a fairly substantial  
2830 protection area there. So, with that, I move that the special exception for a four-story building  
2831 on this site, POD-92-99 be granted.

2832

2833 Mrs. Quesinberry - Second.

2834

2835 Ms. Dwyer - The motion was made by Ms. Dwyer and seconded by Mrs.  
2836 Quesinberry. All in favor say aye...all opposed say nay. The motion carries. The special  
2837 exception is granted.

2838

2839 The Planning Commission granted a special exception for a four-story building for POD-92-  
2840 99, Gayton Terrace Addition - Gayton Road (POD-24-97 Revised).

2841

2842 Ms. Dwyer - As far as the POD is concerned, this is the same POD that we approved  
2843 some time ago, and it had expired and it has a new owner for the property who is now going  
2844 to take action on it. I think all of the issues as far as I am concerned have been resolved. Mr.  
2845 Lewis and I did talk about having a substantial dumpster construction of metal with wood  
2846 bolted on, rather than the standard wood dumpster. It is fairly hidden from both the road and  
2847 the surrounding properties. So, I think that ought to be adequate. We do have the additional  
2848 condition No. 31, which is the exact condition as proposed by Frank Castelvechi, which has  
2849 been handed out to us in an e-mail and dated December 10, 1999. Staff has a copy of that, so  
2850 I don't think there are any questions as to what that states and I don't think we need to read  
2851 that in the record. I would like to add No. 9 amended to the case so that we can examine the  
2852 landscaping around the BMP to make sure that the apartments are adequately protected by the  
2853 additional landscaping. With that, I recommend approval of this POD with those two  
2854 additions to the conditions and also conditions Nos. 23 through 30. Also subject to the  
2855 annotations on the plan and the standard conditions for developments of this type.

2856

2857 Mrs. Wade - Second.

2858

2859 Ms. Dwyer - The motion was made by Ms. Dwyer and seconded by Mrs. Wade. All  
2860 in favor of the motion say aye...all opposed say nay. The motion carries.

2861

2862 The Planning Commission approved POD-92-99, Gayton Terrace Addition - Gayton Road  
2863 (POD-24-97 Revised) subject to the standard conditions attached to these minutes, the  
2864 annotations on the plans, and the following additional conditions.

2865

2866 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for  
2867 review and Planning Commission approval prior to the issuance of any occupancy  
2868 permits.

2869 23. The easements for drainage and utilities as shown on approved plans shall be granted to  
2870 the County in a form acceptable to the County Attorney prior to any occupancy permits  
2871 being issued. The easement plats and any other required information shall be submitted  
2872 to the County Real Property Agent at least sixty (60) days prior to requesting  
2873 occupancy permits.

- 2874 24. The developer shall provide fire hydrants as required by the Department of Public  
2875 Utilities in its approval of the utility plans and contracts.
- 2876 25. Before the final plan is approved, the developer shall submit to the Department of  
2877 Public Works and the Planning Office a report prepared by a qualified professional  
2878 engineer specifying the proposed treatment of mine shafts and scars.
- 2879 26. Any necessary off-site drainage easements must be obtained in a form acceptable to the  
2880 County Attorney prior to final approval of the construction plans by the Department of  
2881 Public Works.
- 2882 27. Deviations from County standards for pavement, curb or curb and gutter design shall  
2883 be approved by the County Engineer prior to final approval of the construction plans by  
2884 the Department of Public Works.
- 2885 28. The loading areas shall be subject to the requirements of Chapter 24, Section 24-97(b)  
2886 of the Henrico County Code.
- 2887 29. Insurance Services Office (ISO) calculations must be included with the utilities plans  
2888 and contracts and must be approved by the Department of Public Utilities prior to the  
2889 issuance of a building permit.
- 2890 30. Approval of the construction plans by the Department of Public Works does not  
2891 establish the curb and gutter elevations along the Henrico County maintained right-of-  
2892 way. The elevations will be set by Henrico County.
- 2893 31. Construction of the addition shall not make the existing building non-compliant with  
2894 the building code. A height and area analysis, including the results of a survey  
2895 indicating the existing construction type, along with proposed modifications to the  
2896 existing building to comply with the height and area limitations of the Virginia Uniform  
2897 Statewide Building Code shall be provided to the building inspections office with the  
2898 application for a building permit for this project.
- 2899

2900 **PLAN OF DEVELOPMENT**

2901

POD-94-99  
Richmond Conference  
Center  
(POD-90-80 Revised)

**TIMMONS for Cornerstone Real Estate Advisers, 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 five-story, 182 unit hotel and to  
renovate two existing office buildings to a conference center  
with office space, meeting rooms, ballroom and expanded  
restaurant facilities. The 20.00 acre site is located at 1000  
Virginia Center Parkway, approximately 0.85 mile east of  
Brook Road (U.S. Route 1) on parcel 33-A-67. The zoning is  
O-3, Office District and B-2, Business District. County water  
and sewer. **(Fairfield)**

2902

2903 Ms. Dwyer - Is there anyone in the audience in opposition to POD-94-99, Richmond  
2904 Conference Center? No opposition. Good afternoon, Mr. O'Kelly.

2905

2906 Mr. O'Kelly - Good afternoon, Madam Chairman, members of the Commission. This  
2907 is a revised POD. It's a revision to POD-90-80, which was approved on this site and

2908 constructed almost 20 years ago. Mrs. Wade's first year on the Commission.

2909

2910 Ms. Dwyer - Do you remember this one, Mrs. Wade?

2911

2912 Mrs. Wade - Oh, yes. It was one of the first couple of things we had, this and  
2913 Parham and Route 1.

2914

2915 Mr. O'Kelly - She's been a million miles since then. Since the preparation date of the  
2916 agenda, the staff has received additional information from the applicant and after their  
2917 presentation to you I believe we are in a position to recommend approval of the Richmond  
2918 Conference Center. This is the site of the former Figgie International Headquarters and more  
2919 recently the Pittston Company World Headquarter. Pittston I believe is relocating to the  
2920 Innsbrook area. It's already a high-quality development and the applicant purposes to enhance  
2921 this quality with a very upscale business conference center with the most modern technology  
2922 and comfort. The applicant owns and operates several similar facilities on a somewhat larger  
2923 scale. Two of those are the Cheyenne Mountain Conference Resort in Colorado Springs,  
2924 Colorado and also the Scottsdale Conference Resort near Phoenix, AZ. Scottsdale has 325  
2925 guestrooms and suites and a wide range of meeting and banquet facilities. The Cheyenne  
2926 Conference Center has 316 guestrooms and approximately 40,000 square feet of meeting  
2927 facilities and the staff, for the Commission's information, has brochures on both of those high-  
2928 quality developments.

2929

2930 The Richmond Conference Center proposal, although, on a smaller scale with 182 guestrooms  
2931 in Phase 1, and 21,000 square feet of meeting space will be on par, in terms of quality with  
2932 Scottsdale and Cheyenne. The point that was of most concern to the staff is that the zoning  
2933 ordinance provides for a reduction in required parking for certain mix uses in joint use  
2934 facilities, which because of variations in the parking demands of uses and differences in hours  
2935 of operation as well as the complimentary nature of the uses, Planning Commission under the  
2936 ordinance is authorized to reduce the required number of parking spaces otherwise required if  
2937 all uses were computed separately.

2938

2939 There are several conditions that required parking may be reduced to no less than 70% of the  
2940 total parking otherwise required. Areas are to be reserved on site where if the need dictates  
2941 additional parking can be added. And the applicant shall provide evidence that the mixture of  
2942 uses and the operation qualify for the reduction of spaces. The parking otherwise required for  
2943 this facility, if all uses were computed separately, would be 517 spaces. The applicant is  
2944 requesting a reduction of approximately 30% and initially will provide 363 parking spaces on  
2945 site. Most of the conferees attending the meetings in conference areas will be hotel guest.  
2946 Many of the guests will not travel by car, they will arrive by several options, carpooling, air  
2947 port shuttle or taxi, for example. The average occupancy for the hotel, in the information  
2948 provided by the applicant, will be 64% to 70%. And the required reserved parking area on  
2949 this site could be accommodated by a parking deck, which the applicant has shown the location  
2950 of. This would be a two-story deck ultimately with 155 spaces. And the applicant certainly  
2951 my want to address the parking situation more comprehensively with their request for shared  
2952 parking.

2953

2954 All of the remainder of the staff's concerns have been adequately addressed. The applicant is  
2955 in agreement with the annotations on the plans and the conditions recommended by the staff.  
2956 The building renovations and additions will be very attractive. Kevin, is going to display the  
2957 architectural rendering for the guest facility. And, of course, we have the architect here who  
2958 may want to elaborate on the design more comprehensively. Staff recommends approval  
2959 subject to the annotations on the plans, the arrangements for reduced parking, the standard  
2960 conditions for developments of this type, which I might add requires that sufficient parking be  
2961 provided if experience indicates the need. And also recommend approval in accordance with  
2962 the additional conditions listed on the agenda. Madam Chairman, the applicant is well  
2963 represented here. This morning we have Matt Dunn with TIMMONS, the site engineer. Also  
2964 we have Chip Baker with JNA, the architect. And we have Mr. David McGregor with  
2965 Cornerstone Realty Trust who is the applicant. I'll be happy to answer any questions.

2966

2967 Ms. Dwyer - Are there any questions of Mr. O'Kelly by Commission members?

2968

2969 Mrs. Wade - Well we would hope that people would rent cars and stay in the area,  
2970 when they come.

2971

2972 Ms. Dwyer - Would you like to hear from the applicant, Mr. Archer?

2973

2974 Mr. Archer - Yes, ma'am. I think we need to.

2975

2976 Ms. Dwyer - Would the applicant come forward, please?

2977

2978 Mr. Baker - Madam Chairman, and members of the Board (sic), we appreciate this  
2979 opportunity to present this. We want to also thank Mr. O'Kelly and his staff for all their hard  
2980 work. We have had many meetings beginning with, preliminary master plan hearings. We  
2981 have been working with the staff throughout for a number of months on this project, and hope  
2982 that it has finally come to an approval process at this point. As Mr. O'Kelly mentioned, there  
2983 is the one issue of a request for shared parking, which is my understanding is not an exception,  
2984 but it is just a form of request that we have to submit to you justifying why we feel that's  
2985 warranted. In the code it states that if you have a hotel and a conference center that are owned  
2986 by the same person, on the same property, that's one stipulation for that type of use. What we  
2987 have here is 182 guestrooms, approximately 21,000 square feet of meeting space, of which  
2988 you will have about, again, 65% to 70% occupancy. Of that, 80% of those people will  
2989 probably be conferees and about 20% transient business people. The typical duration of a  
2990 conference is anywhere from 3 1/2 to 5 days. Typically, people come and go in the afternoon.  
2991 In the off hours there will a number of social events throughout the year, approximately 40 or  
2992 so, that will be held on the weekends and the evening hours.

2993

2994 In reference to the other two conference facilities, Cornerstone has been operating for over 10  
2995 years and is double the size of this project. Both of those facilities have over 500 parking  
2996 spaces for guestrooms in excess of 300 with a ratio of 1.5 to 1.7 per guestroom. Here we  
2997 have a ratio of two spaces per guestroom. So, we have exceeded that even further. We have

2998 shown on the POD the two-story structure parking should it be needed to get to the 512. The  
2999 applicant has indicated that should by what ever means the number of people exceed the  
3000 parking for whatever reason, that they fully intend to increase that as needed, but there is no  
3001 reason to think that at this point in time.

3002

3003 We have met with the abutters of the Cross Links, the Golf Course. We have met with Roy  
3004 Amason and we met with the Golf Course people as well. It was very well received. There  
3005 were no stipulations or concerns there. And we also met with Mr. Chris Archer, the Planning  
3006 Commissioner to which was well received as well. So, at this point I'll be happy to take any  
3007 questions.

3008

3009 Mr. Archer - Sir, I think between you and Mr. O'Kelly we have just about talked to  
3010 death of the need for the reduction in parking. But, could you show us on the overview, on  
3011 the end, where the additional parking could go if it is necessary for the benefit of my  
3012 colleagues.

3013

3014 Mr. Baker - Certainly. This building right here (referring to map on screen) is the  
3015 Jefferson Building, which....

3016

3017 Mr. Vanarsdall - Do we have the portable microphone over there for him to use? We  
3018 can't hear him.

3019

3020 Mr. Baker - If you refer to the main site elevations, which looks into the courtyard,  
3021 you have the Jefferson Building, which is the original Jeffersonian colonial building there in  
3022 the middle of the quad, if you will, because this is a very formal plan. To the left of that you  
3023 have Rollins Building, which is a lot of the meeting space and then you have the new  
3024 guestroom building to the right of that. The Jefferson building on the site plan sits right here  
3025 (referring to screen) the guestroom building to the left and the Rollins Building to the right.  
3026 The proposed two-story structure parking that you are referring to would be located in this  
3027 area down here, should it be required. And the only other thing to point out about that is we  
3028 have a BMP located on the downhill side here of guestroom building and have expanded  
3029 parking from the existing, from this point around over to here.

3030

3031 Mr. Archer - How many spaces would that two-story parking deck provide, or has that  
3032 been decided? Would it be enough to bring it back up to whatever the standard conditions are?

3033

3034 Mr. Baker - Oh, yes. It will make up the difference of the 517. Currently, we  
3035 propose 363 and we need 362 and that will take up the difference at that point. I mean, that's  
3036 one of the stipulations on the shared parking. If you reduce it to 70% you still have to show  
3037 graphically or by other means how it can be achieved.

3038

3039 Ms. Dwyer - Would you state your name for the record, please?

3040

3041 Mr. Baker - Oh, I'm sorry. Chip Baker with Jonathan Nehmer & Associates, the  
3042 architects.

3043

3044 Ms. Dwyer - Are there any questions of Mr. Baker by Commission members? Yes,  
3045 Mr. Marlles.

3046

3047 Mr. Marlles - Madam Chairman, actually this is not related to the plan but I am  
3048 curious to know whether or not the conference center is going to incorporate some of the  
3049 technology that is being incorporated in these types of conference centers around the country.  
3050 Can you comment on the technology that will be built into the conference center?

3051

3052 Mr. Baker - I can make a couple of brief statements and then I will probably defer to  
3053 the owner on that aspect. There is fiber optic that's on site and T1 lines. So, this being  
3054 business oriented and for the conferees each room will have a data port to plug into so he will  
3055 actually be able to have those capabilities. We do have the ballroom. We will have a full AV  
3056 system in the ballroom itself, mobile, for those types of facilities.

3057

3058 Mr. Marlles - Thank you.

3059

3060 Ms. Dwyer - Are there any other questions for Mr. Baker? Are you ready for a  
3061 motion, Mr. Archer?

3062

3063 Mr. Archer - I believe so, Madam Chairman. I would like to thank Mr. O'Kelly for  
3064 all of the extra time he put in on this. We weren't so sure we could go with this as of last  
3065 Thursday or so. And, also the applicant in providing the information that Mr. O'Kelly had  
3066 requested. This I think will be a welcomed and first class addition to Henrico. I wish we  
3067 could call it the Henrico Conference Center instead of Richmond Conference Center.

3068

3069 Mr. Baker - Well, the name has not been decided yet.

3070

3071

3072 Mr. Archer - But, it will provide something that I think is much needed in Henrico  
3073 where we can have a large enough place and we can have large meetings from time to time.  
3074 With that, Madam Chairman, I recommend we move for approval of POD-94-99, The  
3075 Richmond/Henrico Conference Center subject to the standard conditions for developments of  
3076 this type, and with the reduction in parking spaces as requested by the applicant, along with  
3077 additional conditions Nos. 23 through 28.

3078

3079 Mr. Vanarsdall - Second.

3080

3081 Ms. Dwyer - The motion was made by Mr. Archer and seconded by Mr. Vanarsdall.  
3082 All in favor say aye...all opposed say nay. The motion carries.

3083

3084 The Planning Commission approved POD-94-99, Richmond Conference Center (POD-90-80  
3085 Revised) subject t the standard conditions attached to these minutes, the annotations on the  
3086 plans, the reduction in parking spaces and the following additional conditions:

3087

3088

3089 23. The easements for drainage and utilities as shown on approved plans shall be granted to  
3090 the County in a form acceptable to the County Attorney prior to any occupancy permits  
3091 being issued. The easement plats and any other required information shall be submitted  
3092 to the County Real Property Agent at least sixty (60) days prior to requesting  
3093 occupancy permits.

3094 24. The entrances and drainage facilities on Brook Road (U.S. Route 1) shall be approved  
3095 by the Virginia Department of Transportation and the County.

3096 25. A notice of completion form, certifying that the requirements of the Virginia  
3097 Department of Transportation entrances permit have been completed, shall be submitted  
3098 to the Planning Office prior to any occupancy permits being issued.

3099 26. The developer shall provide fire hydrants as required by the Department of Public  
3100 Utilities in its approval of the utility plans and contracts.

3101 27. Deviations from County standards for pavement, curb or curb and gutter design shall  
3102 be approved by the County Engineer prior to final approval of the construction plans by  
3103 the Department of Public Works.

3104 28. Insurance Services Office (ISO) calculations must be included with the utilities plans  
3105 and contracts and must be approved by the Department of Public Utilities prior to the  
3106 issuance of a building permit.

3107

#### 3108 **PLAN OF DEVELOPMENT & SPECIAL EXCEPTION**

3109 **(Deferred from the November 17, 1999, Meeting)**

3110

POD-81-99

Town Center at Twin  
Hickory - Nuckols Road

**Hankins & Anderson, Inc. for Retlaw 100 L.L.C., Realti  
Corporation and Edens and Avant Properties, L.P.:**

Request for approval of a plan of development and a special  
exception for the outdoor display of merchandise as required  
by Chapter 24, Sections 24-106 and 24-56(b) of the Henrico  
County Code to construct a shopping center with a one-story,  
38,000 square foot grocery store, a one-story, 15,400 square  
foot retail building, and a one-story, 4,800 square foot retail  
building. The 19.32 acre site is located on the northwest  
corner of Nuckols Road and Twin Hickory Road on parcel  
18-A-22E. The zoning is B-2C, Business District  
(Conditional). County water and sewer. **(Three Chopt)**

3111

3112 Ms. Dwyer - Is there anyone in the audience in opposition to POD-81-99, Town  
3113 Center @ Twin Hickory? No opposition. Mr. Wilhite.

3114

3115 Mr. Wilhite - As mentioned, this case was deferred from last month's meeting. This  
3116 proposed plan includes the first phase of a shopping center. There is also a special exception  
3117 request to allow exterior display of merchandise in front of the grocery store located in the  
3118 shopping center here. This area would be limited to no more than 10 feet in front of the  
3119 building allowing for a minimum of five feet of sidewalk area. And this would have to be  
3120 something separated off with a fence or railing detail separate from the sidewalk. Currently,

3121 there is a zoning case that went through the Planning Commission last week. It's headed to  
3122 the Board of Supervisors for next month to amend the proffer conditions on the site. Due to  
3123 that, the master plan that's supposed to be approved with the first phase of the POD will have  
3124 to be put off until the amended proffers have been approved by the Board of Supervisors. We  
3125 would expect the master plan to be put on the next Planning Commission meeting in January.  
3126 There are two other conditions that appear on page 3 of the addendum. First of all, the one  
3127 that deals with the master plan and require Planning Commission approval. Also, the said  
3128 master plan has to incorporated into the sets of construction plans for signature.

3129

3130 In addition, there has been some discussion about a 7-foot-high fence to be placed within the  
3131 50-foot buffer area between this proposed site and the existing single family residential area to  
3132 the west. The applicant is agreeable to providing that 7-foot fence. There is, and we have  
3133 negotiated a change in the wording of the last sentence of condition No. 35 on your addendum.  
3134 That change will read: Said fence shall be constructed concurrently with the first phase of  
3135 land disturbance on the site. The applicant is agreeable to the wording of that condition. Staff  
3136 would recommend approval of this first phase plan with the conditions shown on the agenda  
3137 and additional conditions Nos. 34 and 35 on the addendum. I'll be happy to answer any  
3138 questions you may have.

3139

3140 Ms. Dwyer - Thank you, Mr. Wilhite. Are there any questions for Mr. Wilhite?

3141

3142 Mrs. Wade - So this meets all their proffers and requirements, new proffers, old  
3143 proffers, proffers yet to be?

3144

3145 Mr. Wilhite - This plan currently meets all current proffered conditions on the site.

3146

3147 Ms. Dwyer - But not future proffers.

3148

3149 Mr. Wilhite - The future proffers are still up in the air.

3150

3151 Mrs. Wade - The future proffer just says that the fence in the back to be included  
3152 instead of the buffer area being landscaped, it says include additional screening, which would  
3153 allow fencing in the back. That's being proposed for the....

3154

3155 Mr. Wilhite - At this point, staff is comfortable with it to recommend approval of this  
3156 first phase. However, if something were to occur by the time they act on this project,  
3157 theoretically, this plan may have to come back to the Planning Commission as a revision if the  
3158 proffers have changed in such a manner.

3159

3160 Mrs. Wade - But this say, basically, meets the proffers that are current and coming.

3161

3162 Mr. Wilhite - It meets the proffers currently on site.

3163

3164 Mrs. Wade - And the conceptual plan that was submitted with the zoning.

3165

3166 Mr. Wilhite - The conceptual plan, the proffers being considered by the Board come  
3167 January, affect the conceptual plan greatly. Therefore, the conceptual plan would have to  
3168 come back to one of the future Planning Commission meetings for approval. And before  
3169 construction plans are signed, for the first phase of development, that master plan would have  
3170 to receive Planning Commission approval and be incorporated into the sets for signature.

3171

3172 Mrs. Wade - I think I had a question about added condition No.35 on the addendum.  
3173 "A 7-foot opaque wood fence will be constructed within the 50-foot buffer area." It doesn't  
3174 say where in there.

3175

3176 Mr. Wilhite - This condition specifically did not address that because of the proffers  
3177 that were being amended concerning that 50-foot buffer. The applicant possibly could nail  
3178 down the location of the fence with the proffered condition approved by the Board, or they  
3179 could come back, and, certainly, the plans would be signed, would have to reflect the location  
3180 of the fence that's going to meet the adjusted proffer. At this point, they are recommending or  
3181 at least what's being proposed is a 25-foot natural area immediately adjacent to the residential  
3182 neighborhood. With that type of wording that fence can not be located within that 25-foot  
3183 natural area.

3184

3185 Mrs. Wade - Okay. Thank you.

3186

3187 Ms. Dwyer - Are there any other questions for Mr. Wilhite by Commission members?  
3188 Mrs. Wade, would you like to hear from the applicant?

3189

3190 Mrs. Wade - I don't think so unless they have something to add. I gather that they  
3191 are in concurrence. If they want to come down and say that.

3192

3193 Mr. Goode - My name is Reed Goode and I'm a regional partner with Realti  
3194 Corporation. And, yes, I'm in agreement with Kevin's presentation and on the fence. It's  
3195 something that came up at the last minute when the leaves came off the trees. I'm in  
3196 agreement to do it and I think it is a good idea.

3197

3198 Mrs. Wade - Okay. Thank you. No, it didn't come as a surprise. When you met  
3199 with the neighbors in June things looked a little different. So, now they have agreed that a  
3200 fence would may be appropriate there. Otherwise, it has great promise and we shall look  
3201 forward to your implementation of this fine project. Okay.

3202

3203 Ms. Dwyer - Are you ready for a motion?

3204

3205 Mrs. Wade - Yes. I move that POD-81-99, Town Center at Twin Hickory, which is  
3206 basically Phase 1 and the concept plan. Mr. Wilhite, is that right?

3207

3208 Mr. Wilhite - What would be approved today would be the Phase 1. The master  
3209 would come back at a future Planning Commission meeting.

3210

3211 Mrs. Wade - Okay. Phase one.  
3212

3213 Mr. Wilhite - There is a need to act on the special exception as well, Mrs. Wade.  
3214

3215 Mrs. Wade - Oh, all right. Mr. Goode, come back and state your comments about  
3216 the special exception. They plan on having outside display of merchandise here. I don't know  
3217 if it is a good idea to have a whole lot of stuff out in front of a shopping center.  
3218

3219 Mr. Goode - I think the intent is for the seasonal merchandise. And I might defer to  
3220 Chris Doyle who is actually going to be building the shopping center. Chris, if you would like  
3221 to explain that.  
3222

3223 Mr. Doyle - Sure. Hi, I'm Chris Doyle and basically the intent is that, as we see  
3224 with all grocery stores today comes certain seasonal times of year. They do have merchandise  
3225 that is displayed outdoors and that's the reason and speaking with Kevin why we had to ask for  
3226 this request.  
3227

3228 Mrs. Wade - And I understand that you are expected to provide a fence or some kind  
3229 of architectural feature right there.  
3230

3231 Mr. Doyle - Yes, ma'am.  
3232

3233

3234 Mrs. Wade - Okay. I don't know if that is a great idea, but most of them are doing it  
3235 anyway so at least you will be in conformance here. Okay. Thank you.  
3236

3237 Ms. Dwyer - Mrs. Wade, can the special exception be limited to the grocery store  
3238 only?  
3239

3240

3241 Mr. Doyle - That's fine. Again, that's the sole intent. This is not a matter of having  
3242 that go anywhere else.  
3243

3244 Mrs. Wade - I was wondering about that too. Or, shall we say just say any grocery  
3245 store.  
3246

3247 Mr. Doyle - You can just basically speak to the anchor tenant as shown on that plan,  
3248 38,000 square foot anchor tenant.  
3249

3250 Mrs. Wade - Okay. The anchor tenant.  
3251

3252 Mr. Doyle - And, again, just to clarify, based on the conversations with Kevin, we  
3253 did meet with the neighbors on that issue with the fence. The intent is to place that at the  
3254 limits of construction, basically the 25-foot area that would be undisturbed immediately  
3255 adjoining that would be this fence. The neighbors had a change of heart, not only as of a

3256 result of the foliage coming down through the fall and now looking at what may be the  
3257 visibility. But, the second issue is also security. A lot of these families that are in Avery  
3258 Green and subsequent neighborhoods have young children and obviously this will serve as a  
3259 means to keep them from treading into a traveled commercial area. And we will address, as  
3260 part of our landscape and lighting plan, which we will be back to you on probably within  
3261 several months, you know, what we plan to do. But, again, we have met with the neighbors  
3262 and we will meet with the neighbors again before we come before you and make sure that they  
3263 are in fully in agreement. And, based upon their representative today, they did shift from just  
3264 the natural screening to the board fence. I've also cleared it with HH Hunt because this also  
3265 had to be understood as a result of the CCR's that are on the property, that this would be  
3266 allowed and I did get that permission today.

3267

3268 Mrs. Wade - Okay. Thank you. Yes, you had indicated all along that you would be  
3269 willing to work with the neighbors on these matters.

3270

3271 Mr. Doyle - Yes, that would make it a lot easier on all of us.

3272

3273 Mrs. Wade - Okay. Thank you.

3274

3275 Ms. Dwyer - Thank you, Mr. Doyle.

3276

3277 Mrs. Wade - All right. Then, I move for POD-81-99 for the special exception to be  
3278 granted to display merchandise outdoors in connection with the.... Well with the 38,000  
3279 anchor tenant, can we be that specific, as it occurs in Phase 1? That the outside display be  
3280 limited to that and that it be appropriately screened, not screened but designated.

3281

3282 Mr. Wilhite - Delineated, I would think.

3283

3284 Mrs. Wade - So, I move that the special exception be granted.

3285

3286 Mr. Vanarsdall - Second.

3287

3288 Ms. Dwyer - The motion was made by Mrs. Wade and seconded by Mr. Vanarsdall.

3289 All in favor of the special exception say aye...all opposed say nay. The motion carries.

3290

3291 The Planning Commission approved the special exception for POD-81-99, Town Center at  
3292 Twin Hickory, to have outdoor display.

3293

3294 Mrs. Wade - And for the POD-81-99, Town Center Phase I, I move it be approved,  
3295 the last plan submitted, with the annotations on the plans, the standard conditions, Nos. 9 and  
3296 11 amended and Nos. 23 through 33 and Nos. 34 and 35 on the addendum be approved.

3297

3298 Mr. Vanarsdall - Second.

3299

3300 Ms. Dwyer - The motion was made by Mrs. Wade and seconded by Mr. Vanarsdall.

3301 All in favor say aye...all opposed say nay. The motion carries.

3302

3303 Mrs. Wade - And No. 35 was amended to say "said fence shall be constructed  
3304 concurrently with the first phase or land disturbance on the site.

3305

3306 The Planning Commission approved POD-81-99, Town Center at Twin Hickory - Nuckols  
3307 Road, subject to the standard conditions attached to these minutes, the annotations on the plan  
3308 and the following additional conditions:

3309

3310 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for  
3311 review and Planning Commission approval prior to the issuance of any occupancy  
3312 permits.

3313 11. **AMENDED** - Prior to the installation of the site lighting equipment, a plan including  
3314 depictions of light spread and intensity diagrams and fixture mounting height details  
3315 shall be submitted for Planning Office review and Planning Commission approval.

3316

3317 23. The right-of-way for widening of Nuckols Road and Twin Hickory Lane as shown on  
3318 approved plans shall be dedicated to the County prior to any occupancy permits being  
3319 issued. The right-of-way dedication plat and any other required information shall be  
3320 submitted to the County Real Property Agent at least 60 days prior to requesting  
3321 occupancy permits.

3322 24. The easements for drainage and utilities as shown on approved plans shall be granted to  
3323 the County in a form acceptable to the County Attorney prior to any occupancy permits  
3324 being issued. The easement plats and any other required information shall be submitted  
3325 to the County Real Property Agent at least sixty (60) days prior to requesting  
3326 occupancy permits.

3327 25. The required building setback shall be measured from the proposed right-of-way line  
3328 and the parking shall be located behind the proposed right-of-way line.

3329 26. The developer shall provide fire hydrants as required by the Department of Public  
3330 Utilities in its approval of the utility plans and contracts.

3331 27. A standard concrete sidewalk shall be provided along the south side of Nuckols Road.

3332 28. Outside storage shall not be permitted.

3333 29. Any necessary off-site drainage easements must be obtained in a form acceptable to the  
3334 County Attorney prior to final approval of the construction plans by the Department of  
3335 Public Works.

3336 30. Deviations from County standards for pavement, curb or curb and gutter design shall  
3337 be approved by the County Engineer prior to final approval of the construction plans by  
3338 the Department of Public Works.

3339 31. Insurance Services Office (ISO) calculations must be included with the utilities plans  
3340 and contracts and must be approved by the Department of Public Utilities prior to the  
3341 issuance of a building permit.

3342 32. Approval of the construction plans by the Department of Public Works does not  
3343 establish the curb and gutter elevations along the Henrico County maintained right-of-  
3344 way. The elevations will be set by Henrico County.

3345 33. The ground area covered by all the buildings shall not exceed in the aggregate 25

3346 percent of the total site area.  
3347 34. A master plan for the entire site shall be approved by the Planning Commission prior to  
3348 Planning Office approval of the construction plans for the first phase of the  
3349 development. A copy of the said master plan shall be incorporated into the sets of  
3350 construction plans for signature.  
3351 35. A 7-foot opaque wood fence shall be constructed within the 50-foot buffer area adjacent  
3352 to the single-family residential area to the west. Said fence shall be constructed  
3353 concurrently with the first phase of land disturbance occurring on this site.  
3354

3355 **PLAN OF DEVELOPMENT & TRANSITIONAL BUFFER DEVIATION**

3356

POD-91-99 **Balzer & Associates, P.C. for Richard Dunning - BB&T**  
BB&T Bank - Skipwith **Bank:** Request for approval of a plan of development and  
Road transitional buffer deviation as required by Chapter 24,  
Sections 24-106 and 24-106.2 of the Henrico County Code to  
construct a two-story, 18,640 square foot branch bank with  
drive thru facilities and offices. The 3.34 acre site is located  
along the west line of Skipwith Road, approximately 100 feet  
south of W. Broad Street (U.S. Route 250) on parcel 59-A-57.  
The zoning is B-3C, Business District (Conditional). County  
water and sewer. **(Three Chopt)**

3357

3358 Ms. Dwyer - Is there anyone in the audience in opposition to POD-91-99, BB&T  
3359 Bank? No opposition. Mr. Wilhite.

3360

3361 Mr. Wilhite - We've received clarification from the applicant that the primary building  
3362 materials for this building will be brick, ground-faced block, synthetic stucco and simulated  
3363 slate roof. The roof top HVAC equipment will be screened through roof wells. There will be  
3364 no dumpster on the site. There is the need for a transitional buffer deviation request and we  
3365 have received that from the applicant. First of all, along the southwest corner where they abut  
3366 R-4. It's a Virginia Power substation located there. They do meet the 35-foot buffer that's  
3367 required, however, there is an existing 16-foot drainage utility easement running through this  
3368 buffer. And they have committed to meeting the planting requirements in the remaining area  
3369 outside that 16-foot easement. Also along the front southeast corner of the site, across from  
3370 the R-3 portion, there is also a 35-foot transitional buffer required there. In discussing this  
3371 with the applicant, they have agreed to narrow down the entrance from 21 feet in, 24 feet out,  
3372 to both 18 feet in and out and also a four-foot median there. They have also increased the  
3373 landscape area in front of the building in this area to provide more planting location. The staff  
3374 is in a position to recommend their transitional buffer deviation request.

3375

3376 There were some comments from Police concerning fencing of the entire site. We have not  
3377 received a commitment from the applicant to do that. If the Commission wishes, they can  
3378 address that further in detail with you. Other than that, I'll be able to answer any questions  
3379 you may have.

3380

3381 Ms. Dwyer - Are there any questions of Mr. Wilhite by Commission members? No  
3382 questions. Would you like to hear from the applicant, Mrs. Wade?

3383

3384 Mrs. Wade - There was something you thought that they should address regarding  
3385 Police comments, is that what you said?

3386

3387 Mr. Wilhite - Police had made some extensive comments on the site, this being a bank,  
3388 and one of the larger comments was that they would recommend fencing in of this entire site  
3389 to preclude access or cut through of people walking through here. The applicant has indicated  
3390 to us they are considering that proposal but we have not received a commitment from them  
3391 that they are willing to construct a fence at this time.

3392

3393 Mrs. Wade - It's not something that's required?

3394

3395 Mr. Wilhite - No, ma'am. It is not required. It is strongly suggested by the Police  
3396 planner.

3397

3398 Mr. Scherzer - Good evening, Madam Chairman. My name is Andy Scherzer, for the  
3399 record, with Balzer & Associates. Mr. Dan Waddell the architect is also here. We are willing  
3400 to proffer that fence. We do and are willing to provide that fence around the perimeter as a  
3401 show of good faith in the neighborhood. I think, because the existing facility was a skating  
3402 rink, I think it did tend to have a congregation of kids that pass through. We are not sure, I  
3403 guess we do want kids to be depositing all of their funds in the bank, but we are not sure that  
3404 it will be quite the attractive nuisance that it was today. But we are willing to do that and we  
3405 do ask your favorable motion in this matter.

3406

3407 Mrs. Wade - So, where are you going to put the fence.

3408

3409 Mr. Scherzer - It would go along the whole perimeter. Along the back side and tie back  
3410 to the front.

3411

3412 Mrs. Wade - The back and then side where it's required. I think there is a proffer on  
3413 the south side.

3414

3415 Mr. Scherzer - It would come out and around, yes, ma'am.

3416

3417 Mrs. Wade - All right. The building is brick and drivit and split block or what kind  
3418 of block was it?

3419

3420 Mr. Scherzer - Mr. Waddell can present the elevations so you can see them if you wish.  
3421 We do feel that it will be an enhancement, visually, over and above the existing Skate World.  
3422 Although, I do know that there are a number of children that are upset about the change.

3423

3424 Mrs. Wade - Yes. And other skaters not just children. I'll encourage that strip along  
3425 there to be done in a good fashion in accordance with the Comprehensive Plan.

3426 Mr. Scherzer - The base of the building will be a brown base block in earth tones. The  
3427 remaining of portion of the skin of the building will be of a hand molded brick and red purple  
3428 range. We have precast lentils and sills as trim and we have some synthetic stucco corners,  
3429 which ties the massing together as well as using a synthetic slate roofing tile up on the roof.

3430

3431 Mrs. Wade - And obviously it's not just a branch bank it is offices also. Are you  
3432 leasing some of these or are you using them.

3433

3434 Mr. Scherzer - No. This is a new prototype for BB&T. This is a larger financial center  
3435 and offices. The first floor is a large financial center with a teller line, what you think of as a  
3436 commercial bank. On the second floor will be offices for mortgage and processing purposes.

3437

3438 Mr. Vanarsdall Are you going to relocate the one on the corner at Broad? I just wanted  
3439 to know because I was curious. That's a nice building on the corner.

3440

3441 Mr. Scherzer - We have a representative from BB&T.

3442

3443 Mr. ? - Yes, sir. We will be (unintelligible).

3444

3445 Mr. Vanarsdall - You will be in there.

3446

3447 Mr. ? - Yes, sir. (unintelligible).

3448

3449 Mr. Vanarsdall - I guess First Market will buy the other one, won't they? Thank you.

3450

3451 Ms. Dwyer - Are there any other question, Mrs. Wade?

3452

3453 Mrs. Wade - No. They will definitely be upgrading that site considerably, although,  
3454 the skaters will miss the skating rink.

3455

3456 Ms. Dwyer - Are there any other questions by Commission members? All right. We  
3457 are ready for a motion.

3458

3459 Mrs. Wade - Okay. I move POD-91-99, BB&T Bank the bank, at Skipwith Road, be  
3460 approved subject to the revised plan, which indicates they are going to fence in, roughly, at  
3461 the site on the west sides and they are making some changes to the entranceway. They will  
3462 need a deviation for the transitional buffer, which I move be approve along with the POD. I  
3463 guess we don't need the landscape plan to come back. And the annotations on the plan and  
3464 added conditions Nos. 23 through 29.

3465

3466 Mr. Archer - Second.

3467

3468 Ms. Dwyer - The motion was made by Mrs. Wade and seconded by Mr. Archer. All  
3469 in favor say aye...all opposed say nay. The motion carries.

3470

3471 The Planning Commission approved POD-91-99, BB&T Bank - Skipwith Road, subject to the  
3472 standard conditions attached to these minutes, the annotations on the plan, the deviation for the  
3473 transitional buffer and the following additional conditions:

3474

3475 23. The easements for drainage and utilities as shown on approved plans shall be granted to  
3476 the County in a form acceptable to the County Attorney prior to any occupancy permits  
3477 being issued. The easement plats and any other required information shall be submitted  
3478 to the County Real Property Agent at least sixty (60) days prior to requesting  
3479 occupancy permits.

3480 24. The developer shall provide fire hydrants as required by the Department of Public  
3481 Utilities in its approval of the utility plans and contracts.

3482 25. Outside storage shall not be permitted.

3483 26. Prior of issuance of a building permit, the developer must furnish a letter from the  
3484 Virginia Power stating that this proposed development does not conflict with their  
3485 facilities.

3486 27. Deviations from County standards for pavement, curb or curb and gutter design shall  
3487 be approved by the County Engineer prior to final approval of the construction plans by  
3488 the Department of Public Works.

3489 28. In the event of any traffic backup which blocks the public right-of-way as a result of  
3490 congestion caused by the drive-up teller facilities, the owner/occupant shall close the  
3491 drive-up teller facilities until a solution can be designed to prevent traffic backup.

3492 29. Insurance Services Office (ISO) calculations must be included with the utilities plans  
3493 and contracts and must be approved by the Department of Public Utilities prior to the  
3494 issuance of a building permit.

3495

3496 **CONTINUATION OF POD-96-99, 7202 Impala Drive Office/Warehouse FROM PAGE 58**

3497

3498 Ms. Dwyer - All right. We had one case that we passed over. Let's turn back to page 10.

3499

3500 **PLAN OF DEVELOPMENT**

3501

POD-96-99  
7202 Impala Drive  
Office/Warehouse

**Bay Design Group, P.C. for Oscar M. Thompson and Bertozzi Family Limited Partnership:** 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, 15,000 square foot warehouse addition. The 1.26 acre site is located on the northwest corner of Impala Drive and Lafayette Avenue on parcels 82-13-A-29, 31, 32 (part), and 82-18-A-9. The zoning is M-1, Light Industrial District and R-4, One-Family Residence District. County water and sewer.  
**(Brookland)**

3502

3503 Ms. Dwyer - All right. Where are we now, Mr. McGarry, on this case?

3504

3505 Mr. McGarry - I think we have a solution. I'll present it visually to you on the screen.

3506 For overall reference, Impala Drive is at the bottom and I have labeled that, then there is a lot.  
3507 And we have the building at the top of the screen and it should be labeled building wall. So,  
3508 in between we have the transitional buffer we are going to work on. Everyone has agreed to a  
3509 10-foot-high wall located 10 feet into the transitional buffer then 20 feet would be between that  
3510 and the building and the wall. The wall will be a split-face block. It's going to match the  
3511 existing building. And, further, they have agreed to provide a transitional buffer 50 planting  
3512 in this 30 feet that's available. Lastly, the BMP will be an underground BMP and will be  
3513 located roughly an 8 foot by 30-foot area into the north end of the site. Are there any  
3514 questions?

3515

3516 Mr. Marlles - Mr. McGarry, maybe I missed this, but are there any plantings proposed  
3517 in front of the wall?

3518

3519 Mr. McGarry - Yes. There are plantings proposed in front of the wall, behind the wall,  
3520 and on the ends.

3521

3522 Ms. Dwyer - And it looks like on the wall.

3523

3524 Mr. Marlles - Okay.

3525

3526 Mr. Vanarsdall - I'm I seeing 20 feet in front of the wall?

3527

3528 Mr. McGarry - You are seeing, from the property line, and 10 feet and then the wall  
3529 goes up and then there will be 20 more feet before you get to the building.

3530

3531 Mr. Vanarsdall - Because a while ago, before left, it was 3 feet in front of the wall of  
3532 landscaping.

3533

3534 Mr. McGarry - It was 3 feet off the property line, which it wouldn't allow any planting  
3535 on the Impala Drive side of the wall. So, by moving the wall where we get plantings on both  
3536 sides that are also on the site and under the control of the property owner. This transitional  
3537 buffer here, they have proposed a transitional buffer alternative screen "G" which is an eligible  
3538 buffer. It is not a true deviation so it does not need to be a part of your motion. And, with  
3539 that, I'll remind you that you have to waive the time limit for receiving a plan in your motion  
3540 for this approval.

3541

3542 Mrs. Wade - They will have to light up in that area behind the wall there for security  
3543 purposes.

3544

3545 Mr. McGarry He said yes.

3546

3547 Ms. Dwyer - Mr. McGarry, does that satisfy all of your concerns? You had three at  
3548 the beginning.

3549

3550 Mr. McGarry - Yes.

3551  
3552 Ms. Dwyer - All right. Are there any questions for Mr. McGarry by Commission  
3553 members? Would you like to hear from the applicant again or the opposition, Mr. Vanarsdall?  
3554  
3555 Mr. Vanarsdall - I would like to hear from Mrs. Johnston.  
3556  
3557 Ms. Dwyer - Mrs. Johnson, if you could come forward please?  
3558  
3559 Mrs. Johnston - I'm very satisfied with it.  
3560  
3561 Mr. Vanarsdall - State your name, Mrs. Johnston, for the record.  
3562  
3563 Mrs. Johnston - My name is Jean Johnston.  
3564  
3565 Mr. Vanarsdall - And you fully understand what they are doing?  
3566  
3567 Mrs. Johnston - Yes, we are in favor of what they are doing. As long as they keep up  
3568 with their end of the bargain and we will keep up with ours.  
3569  
3570 Mr. Vanarsdall - All right. Thank you.  
3571  
3572 Mrs. Johnston - Thank you so much.  
3573  
3574 Ms. Dwyer - First we will need a motion to waive the time limit, Mr. Vanarsdall.  
3575  
3576 Mr. Vanarsdall - All right. I recommend to waive the time limit on it.  
3577  
3578 Mrs. Quesinberry - Second.  
3579  
3580 Ms. Dwyer - The motion was made by Mr. Vanarsdall and seconded by Mrs.  
3581 Quesinberry to waive the time limit on the case for presentation for the documents. So, we  
3582 have this document that's in front of us on the screen, it looks like the landscaping wall plan.  
3583 And that's identified as what?  
3584  
3585 Mr. McGarry - It's a partial site plan.  
3586  
3587 Ms. Dwyer - Partial site plan dated....  
3588  
3589 Mr. Vanarsdall - Why don't we put that as exhibit "A" dated today, December 15, 1999.  
3590  
3591 Ms. Dwyer - Okay. Exhibit "A" with today's date. Do we also have a new site plan  
3592 that's being presented today?  
3593  
3594 Mr. McGarry - Yes. And it is slightly different than the original. It is a revised site  
3595 plan, so that should be referenced as well.

3596

3597 Ms. Dwyer - Revised site plan dated today, Mr. Vanarsdall.

3598

3599 Mr. Vanarsdall - All right. I move that POD-96-99, 7202 Impala Drive  
3600 Office/Warehouse...

3601

3602 Ms. Dwyer - Wait a minute. I don't think we voted on the time limits, we just  
3603 decided what we were waiving. All right. We have a motion to waive the time limits on  
3604 Exhibit "A" and the new site plan. All in favor say aye...all opposed say nay. The motion  
3605 carries. Now for the motion on the case.

3606

3607 Mr. Vanarsdall - I move POD-96-99, 7202 Impala Drive Office/Warehouse be approved  
3608 with the plan before us. We started out with this afternoon, which would be December 15,  
3609 1999, and we shall call that Exhibit "A." And I guess that's about it, with the standard  
3610 conditions and annotations on the plans and conditions No. 9 amended, to come back, and  
3611 Nos. 23 through 28 and No. 28 is on the addendum.

3612

3613 Ms. Dwyer - Just for clarification, that's Exhibit A, plus the revised site plan.

3614

3615 Mr. Vanarsdall - Right. Plus the revised site plan.

3616

3617 Ms. Dwyer - All right. The motion was made by Mr. Vanarsdall. Do we have a  
3618 second?

3619

3620 Mr. Archer - Second, Madam Chairman.

3621

3622 Ms. Dwyer - Seconded by Mr. Archer. All in favor of the motion say aye...all  
3623 opposed say nay. The motion carries.

3624

3625 Mr. Vanarsdall - And I'll thank you, Ted. Thank you, Dave O'Kelly. Thank you, Mrs.  
3626 Johnston, Bill and Jean and Merry Christmas. And thank everybody else that had anything to  
3627 do with it.

3628

3629 The Planning Commission approved POD-96-99, 7202 Impala Drive Office/Warehouse,  
3630 subject to the standard conditions attached to these minutes, the annotations on the plans and  
3631 the following additional conditions.

3632

3633 9. **AMENDED-** A detailed landscaping plan shall be submitted to the Planning Office for  
3634 review and Planning Commission approval prior to the issuance of any occupancy  
3635 permits.

3636 23. The developer shall provide fire hydrants as required by the Department of Public  
3637 Utilities in its approval of the utility plans and contracts.

3638 24. Any necessary off-site drainage easements must be obtained in a form acceptable to the  
3639 County Attorney prior to final approval of the construction plans by the Department of  
3640 Public Works.

3641 25. Deviations from County standards for pavement, curb or curb and gutter design shall  
3642 be approved by the County Engineer prior to final approval of the construction plans by  
3643 the Department of Public Works.

3644 26. Approval of the construction plans by the Department of Public Works does not  
3645 establish the curb and gutter elevations along the Henrico County maintained right-of-  
3646 way. The elevations will be set by Henrico County.

3647 27. The certification of building permits, occupancy permits and change of occupancy  
3648 permits for individual units shall be based on the number of parking spaces required for  
3649 the proposed uses and the amount of parking available according to approved plans.

3650 28. If outside storage is provided, screening shall be provided by a continuous opaque  
3651 masonry wall not less than seven feet in height, similar in color to the proposed  
3652 building.

3653

3654 Ms. Dwyer - All right. We do have a work session scheduled for after lunch. We have not  
3655 had lunch yet. We have been grinding through this agenda since 9:00 a.m. We could take a short  
3656 break for lunch, go upstairs and eat lunch or we can have our lunch brought down here and eat while  
3657 we hold our work session on the multi-family design standards and buffers along major roadways.

3658

3659 Mrs. Quesinberry - I would like to suggest a short biological break and I have our lunch brought  
3660 down here so that we can continue.

3661

3662 Ms. Dwyer - Is that all right with everybody? Okay. We will take a ten-minute break and  
3663 eat lunch while we work.

3664

3665 **AT THIS TIME THE COMMISSION TOOK ANOTHER BREAK**

3666

3667 Ms. Dwyer - The agenda apparently looked tame this morning and it was advertised at 10:30  
3668 a.m. thinking we would run through our cases lickity split and of course that didn't happen. We had a  
3669 quite a bit of opposition today to many of our POD cases, which as you know involves a great deal of  
3670 time. So, if you will forgive us for eating while we listen. We are going to go ahead and have a  
3671 working lunch so that we don't have to delay you any further today.

**WORK SESSION: Multi-Family Design Standard  
(Staff Report by Jo Ann Hunter)**

3672

3673

3674

3675 Ms. Dwyer - We are here to have a work session on two ordinance amendments. One  
3676 is an ordinance amendment that addresses multi-family development standards and the other  
3677 amendment address the question of setback along certain roadways in the County. Ms. Hunter  
3678 will make the staff's presentation. So, Ms. Hunter, go ahead.

3679

3680 Mrs. Hunter - Thank you, Madam Chairman. I'm just planning to make a brief  
3681 presentation. We made a very extensive presentation to the Commission last month and went  
3682 over the ordinance point by point. And, I think at that point we didn't have ample time to get  
3683 citizen response or comments by the development community so that's the main purpose for  
3684 today. But, for those who weren't able to attend the work session last time, I want to briefly  
3685 update why we are going through this process. This has been a part of the Residential Strategy  
3686 project that the County has been working on for the last two years. The housing mix in the  
3687 County is 65% single-family and 35% multi-family. There is approximately 569 acres of land  
3688 that is zoned for multi-family development and vacant in the County. The County has three  
3689 multi-family districts, while most other localities only have one. And there are approximately  
3690 30,000 apartment units in the County compared to 10,000 units in Chesterfield and 2000 in  
3691 Hanover. There is a concern that the County has been getting more than their fair share of  
3692 apartments and other multi-family development.

3693

3694 While there is not a concern with having additional multi-family development, we do want our  
3695 standard to be as high as what some of the other surrounding jurisdictions have proposed.  
3696 Currently, our only requirements for the multi-family districts are they have to meet density  
3697 requirements, setbacks, parking and landscaping. When we looked at some of the other  
3698 ordinances such as Chesterfield's and Hanover and Albermarle County and Prince William and  
3699 some of the other ones, everybody had much higher standards, had requirements for open  
3700 space, recreational areas, greater setbacks and lower densities. We began looking at how we  
3701 could make our ordinance a little more compatible with our neighbors.

3702

3703 Some of the changes that we are proposing in this ordinance is to increase private road  
3704 standards, require recreational areas, increase setbacks for parking and structures, sidewalk  
3705 connections, dumpster screening, HVAC screening, provide a perimeter buffer, reduce the  
3706 density and require open space. Since the last meeting, we have made a few changes based on  
3707 comments that we received at the work session. The following changes were made for the  
3708 ordinance. We provided an open space provision of 50% has been included. That was  
3709 discussed at length at the last meeting. The density has been slightly reduced, later in my  
3710 presentation we were looking at how we could get greater open space in the development and  
3711 we found out the density was the critical issue and that's why we needed to reduce the density.  
3712 The recommended density is now consistent with Hanover and Chesterfield. We also  
3713 provided clarification that enclosed garages could not be used for required parking. This is  
3714 currently only a policy by the County, and masonry materials for refuse containers must be  
3715 finished materials as used in the principle building.

3716

3717 So, those were the changes that we made. At that meeting the Commission asked us to take a  
3718 look and see if we could sketch some things up and see what the impact would be of these  
3719 proposed changes. We did an Excel spread sheet and took a look at, once you take all the  
3720 elements of a multi-family project like access drives, dumpsters, parking, building size, and  
3721 figured out how much acreage is dedicated to each one of those uses. So, based on at 10-acre  
3722 site in an R-6 zoning, this graph shows that currently our open space provision, in a 10-acre  
3723 parcel with a density of 19.8, would give us open space of 19% of the site. That would  
3724 include the areas between the buildings. It wouldn't include any buffers along the roadways,  
3725 only the area between the buildings and parking areas. Based on what we are proposing in our  
3726 standards, the open space would increase to 26%. The building area, currently, with the  
3727 density being 19.8, 18% of the site would be covered with buildings. With the reduced  
3728 density down to 14 units per acre, which is higher than Chesterfield's of 10 and equivalent  
3729 with Hanover's, the building coverage would reduce down to 13%. That leads to more open  
3730 space.

3731

3732 We took a look at the parking and currently our parking requirement is 1.5 that means 18% of  
3733 the site is covered with parking area. Our ordinance is proposing 2.5 and that increases it all  
3734 the way up to 22%. We thought it would be a much greater increase but because the density  
3735 was lower, even though we were increasing it by a whole space, it only increased it to about  
3736 4%. But, taking a look at the site 2.5 does appear to create a lot of impervious cover area,  
3737 and we are even considering reducing that number, recommending that number be reduce  
3738 down to 2.25. If we do that then parking would be 20% of the site.

3739

3740 The Commission did ask us to sketch up some drawings. These are very rudimentary  
3741 drawings. They are not the ideal design situations. We were just trying to get a conceptual  
3742 idea of how much acreage would be dedicated to each type of use on the site. This would be  
3743 how a site could be developed with a 10-acre parcel using the R-6 and it be developed at the  
3744 maximum density. This would be 192 units. The required parking would be 297. We have  
3745 shown 304 and it would leave room for a .5-acre recreational area. Based on our standards  
3746 today, we are showing all the buildings along the perimeter but this could be redesigned and  
3747 all the parking could be adjacent to the property lines. There is no additional setbacks or  
3748 anything that's required. The BMP could be in the front of the site. There are a lot of things  
3749 that aren't good design qualities that could occur under our current standards. We then tried to  
3750 take a look at what would happen if we did reduce the density and include the 2 1/2 parking  
3751 spaces. The density would reduce down to, based on this 10-acre site, to 132 units. The  
3752 required parking would be 350 spaces and we have shown 352. With the increase to 2 1/2  
3753 parking spaces, although we reduced the density considerably, the recreational area only went  
3754 up to an acre and a quarter. And, that's probably still not enough open space. So, we then  
3755 took another look at what would happen if we reduced the parking to 2.25 and that seemed to  
3756 allow for a much better layout. The recreational area is increased to an acre and a half,  
3757 allowed for much more open area within the site and a much better flow and seem to be a  
3758 much better fit. So, we would recommend that 2.25 would probably be a better parking  
3759 requirement than 2.5. It would still allow for visitor parking and recreational vehicle parking  
3760 but it won't require the site to be covered by so much asphalt.

3761

3762 That's all I really have for the multi-family development. I do want to point out, we did also  
3763 make one minor change to our ordinance on setbacks of residential thoroughfares. Our  
3764 ordinance did not address control access roadways and we did require to make revisions to a  
3765 35-foot buffer, adjacent to an interstate, and we did also add a provision that they would not  
3766 need to landscape that area because there are usually existing trees along the interstate and  
3767 most homeowners would eventually go in and landscape it themselves. And the reason why  
3768 we are doing that ordinance is based on our concerns of fencing and our roadways and also  
3769 looking at our neighbors requirements in both Chesterfield and Hanover require thoroughfare  
3770 buffers which we do not at this time.

3771

3772 Really, the purpose of today's meeting is to get comments from the citizen groups and the  
3773 development community. Several other citizens groups were here at 10:30 a.m. They did ask  
3774 me to point out to you that there are additional groups that are interested and due to other  
3775 conflicts they weren't able to stay for the meeting. But, we are keeping a list of all interested  
3776 parties and we will continue to notify them of any additional work sessions or public hearing.  
3777 So, unless the Commission has any questions for me, I think we should open it up for the  
3778 public and get some comments.

3779

3780 Ms. Dwyer - Thank you, Mrs. Hunter. I think we may have some questions or  
3781 comments, but maybe we could reserve it until after we have had a chance to hear from the  
3782 public on this because they have been waiting for quite some time and we didn't, as Mrs.  
3783 Hunter said, to hear from them the last time. Is that agreeable?

3784

3785 Mr. Vanarsdall - I do have a question for you. Did you say that the groups are not  
3786 coming back that were here earlier?

3787

3788 Mrs. Hunter - There were some here at 10:30 a.m. and could not make it to stay for  
3789 the afternoon session, and so they will not be back. I think what we have here is what we are  
3790 going to have.

3791

3792 Ms. Dwyer - We will try to do a better job next time of estimating when we will  
3793 began this part of our meeting.

3794

3795 Ms. Hunter - It is unfortunate that the meeting went long but it is hard to judge how  
3796 much time public hearings will take.

3797

3798 Mr. Vanarsdall - My other question is, of the apartments that we have now, has parking  
3799 been one of the main complaints from the public?

3800

3801 Mrs. Hunter - Yes, it has been. And what the concern is, is really based on  
3802 recreational vehicles. We have a lot of complaints about people calling about boats being in  
3803 front of their apartments and they can't park in front of their apartment. We also have  
3804 situations where because parking is tight, some of the townhouse communities are prohibiting  
3805 recreational vehicles. So, they are parking them then out on public roads as you drive into the  
3806 complex. So, we have had quite a few issues with the parking situation.

3807 Mr. Vanarsdall - Do the complaints come to the Planning Office or do the elected officials  
3808 get them or both?

3809

3810 Mrs. Hunter - I know we have gotten them in the Planning Office. This was a concern  
3811 that was identified by the Board at one of the work session. So, I imagine the complaints have  
3812 also gone to the elected official.

3813

3814 Mr. Silber - Mr. Vanarsdall, we have gotten them from Board members as well.  
3815 Recreational vehicles parked along public streets outside of apartment complexes.

3816

3817 Mrs. Hunter - As well as the concern of not having enough visitor parking, both of  
3818 those issues.

3819

3820 Mr. Vanarsdall - I don't have any more questions.

3821

3822 Ms. Dwyer - All right. Let's invite the public to come forward.

3823

3824 Mrs. Wade - While they are coming, the lady from the North Airport Group spoke to  
3825 me that she was here earlier.

3826

3827 Mr. Jones - Good afternoon, Madam Chairman, ladies and gentlemen of the  
3828 Commission. Season Greetings to everybody. Half of our members were here at 10:30 a.m.  
3829 and unfortunately had other commitments for this afternoon so we are a bit handicapped in  
3830 presenting our case to the Commission today. But, we can proceed as the Chairman desires  
3831 with the folks we have here. Mr. Webb Tyler and Jim Theobald will follow me from the  
3832 Homebuilders Association and there may be other that would like to add their comments. First  
3833 I would like to, on behalf of the Homebuilders Association, I want to congratulate Mary Wade  
3834 on her 20 years of very dedicated service and you have certainly been an asset to the  
3835 Commission, in our opinion, and we appreciate all the fine work you have done.

3836

3837 Mrs. Wade - Thank you, Mr. Jones.

3838

3839 Mr. Jones - Basically, we are generally in opposition to these proposals. We were  
3840 introduced to these changes on November 10, 1999, when Jo Ann Hunter made such a nice  
3841 presentation at that work session. We were unable to speak to it at that time because we were  
3842 just given the papers at that meeting. But, basically, we have two major categories that I will  
3843 address just general remarks to. The need to improve multi-family development standards.  
3844 And the second issue is the need to increase residential setbacks along the major roadways.  
3845 We have in Henrico, as my understanding, approximately 40,000 multi-family units, which in  
3846 our opinion we have some of the nicest developments anywhere in the Metropolitan area,  
3847 multi-family wise. In essence, the proposals in the new development standards indicate a  
3848 substantial reduction on density of units; two, increase an impervious cover to the increased  
3849 parking regulations; And, three, the increase in green area and recreational area, which adds  
3850 to the sprawl of development. All the above means, basically, it's going to cost the consumer  
3851 more to rent or to purchase a unit. The second major item. The need to increase the

3852 residential setbacks along the major roadways. If we look at the 2010 Major Thoroughfare  
3853 Plan, the roadways included embrace four of the six categories shown on the plan. We have  
3854 many, many, miles of road, which equates to many, many, acres of additional land being used  
3855 for buffering. Not many years ago we had extensive hearings and meeting and discussions on  
3856 transitional buffering and of course we incorporated that into our ordinance which is 24.106.2,  
3857 which to our knowledge has worked for us successfully and has done a good job for the  
3858 buffering.

3859

3860 We do not feel that the additional buffering is needed. And it also would add to the cost of the  
3861 respective property. We have a good ordinance now. And, in our opinion, the market should  
3862 dictate the additional amenities that a particular development or a particular developer would  
3863 want to embrace. We have not had an opportunity to meet with the staff on any of these  
3864 points and we appreciate it very much to meet you in this work session. We have Mr. Webb  
3865 Tyler and Jim Theobald who would like to address some of the specific issues on this matter.  
3866 And, of course, at the conclusion we will be happy to answer any questions that we can.  
3867 Thank you very much.

3868

3869 Ms. Dwyer - Thank you, Mr. Jones. Would the next speaker like to come forward?

3870

3871 Mr. Tyler - Madam Chairman, season's greetings. I would like to first off tell you  
3872 thank you very much. Your deferral of this matter from 10:30 a.m. to 1:00 o'clock, allowed  
3873 me to actually get to some stores and do some Christmas shopping when they were actually  
3874 open. So there is some benefit to this. The stores are usually closed when I stop working.  
3875 First, I would like to thank you very much for the opportunity that you have given us to  
3876 comment on this. I have represented probably at least a half a dozen multi-family developers  
3877 who have developed residential communities, multi-family residential communities in  
3878 Richmond and primarily Henrico County. Although, I have done some in Hanover as well as  
3879 the County of Chesterfield. Clearly, what we seek from you today is the opportunity to, for  
3880 our side, to take a look at this in detail and I'm requesting that you allow us that time for, in a  
3881 two to three months basis, to do some analysis. The reason I asked for that additional time is I  
3882 want to give you an understanding that I'm not opposed to this and I don't think aren't some  
3883 areas that we can improve on as evidence by one of the very items that you put up here on the  
3884 list that were changes were actually from me. I think Jill (sic) will acknowledge that I'm the  
3885 one that brought to her attention that she did not include a limited access roadways with the  
3886 residential setback and that I thought that was necessary and I evidenced that by my earlier  
3887 case, unfortunately it was not recommended for approval by your group last week, but it did  
3888 have it in a proffer that included a 25-foot setback off of the interstate, which was not in your  
3889 earlier edition.

3890

3891 I also understand that I've also been subjected to the Board of Supervisors desire for brick on  
3892 apartment buildings, not like a chocolate cone that's dipped in and then taken out, but  
3893 something that's architecturally done. I offer you an opportunity here to offer in density  
3894 incentives for additional brick on your building similar to what you are doing on masonry  
3895 structures. I'm glad to see, for example, that the staff has recognized the faultiness of the 2.5  
3896 spaces per unit when in fact the marketplace was ignoring your ordinance at 1.5 and was, for

3897 over the last five years, 2.0, 1.9 to 2.0, exceeding it. But, clearly we don't want to have an  
3898 over amount of parking because of green space, the desire for the green space.

3899

3900 There are financial implications to what your actions are doing. Right now, for example, our  
3901 firm has another apartment development under contract that we are designing. I don't know  
3902 what standard to design to. But, it is a \$200,000.00 investment and nothing short of just paper  
3903 and ideas that are put on paper, that that client is investing in our firm and has been investing  
3904 for the last several months, and we are going forward with one set of standards but we have no  
3905 understanding or no guarantee that that client won't be having a risk factor associated with it.  
3906 Meaning, I do the plans, can't get them approved, y'all change the ordinance and those plans  
3907 are effectively worthless. That's \$200,000.00, ladies and gentlemen, I can put out in the  
3908 middle of that floor and just burn up because they are totally worthless. Ladies and  
3909 gentlemen, I want to urge you to consider the fact that our lenders, or our developers have to  
3910 deal with lenders. I thank the good Lord that we do not have five lenders out here in the  
3911 audience today that offer development loans to many of my clients because the effect of the  
3912 ordinance change that you are proposing going from 14.52 units to the acre on multi-family,  
3913 originally down to 12, now down to 10, is 4 1/2 units to the acre at \$9,000.00 per units, ladies  
3914 and gentlemen, on a 300-unit development multi-family, that is one point zero million dollars  
3915 off of the bottom line. That lender is going to call that developer and he's going to say I want  
3916 an equity call on my loan for \$1,000,000.00.

3917

3918 Additionally, I would like to remind you that our increase in parking spaces, above what is  
3919 industry norm from 1.9 to 2.5 that is currently what was proposed in the second draft, now I  
3920 understand might be amended, is an increase in the infrastructure cost of .6 million or  
3921 \$600,000.00 in added infrastructure cost on a typical apartment job.

3922

3923 You gentlemen, that is approximately 1.6 million dollars in added infrastructure costs, added  
3924 land costs that is will affect what we are discussing today. Clearly this affect and this  
3925 ordinance with its implications warrants the ability of our clients and the community to have to  
3926 deal with this on a regular basis to have the opportunity to look at it in detail and to study it, to  
3927 understand its affects. I offer as a suggestion that possibly the ordinance might say something  
3928 to the effect that "If you're not going to have any brick, then it is only 10 units to the acre, but  
3929 if you give 40% brick, as I aptly negotiated in the rooms up on the 3<sup>rd</sup> floor, to enter 15 multi-  
3930 family zoning, we got 40% brick, and you give me 60 or 80% brick, I will let you have 14.52  
3931 units per acre." You must use the density to improve the quality of enhancements of the  
3932 project. I offer that for your consideration. That is not in the plan right now. I think it  
3933 warrants being at least discussed. Unfortunately, I have to go pick up my daughter at college  
3934 right now, which is 120 miles away. I am sincerely sorry that I cannot stay and listen to the  
3935 comments any further, but I do represent, ladies and gentlemen, clients who have a major  
3936 financial implication for what you are proposing in the format of many, many millions of  
3937 dollars that is before you. And, although I sincerely believe, as a resident of the County of  
3938 Henrico, that we can improve it, and there are areas where I would love to improve it, I don't  
3939 think we can do it on a rush basis, because I think what we will get is something that is a  
3940 band-aid, when, in fact, I think we can do better. I'd be glad to answer any questions.

3941

3942 Ms. Dwyer - Thank you, Mr. Tyler. I notice that Hanover has a density bonus  
3943 provision.

3944

3945 Mr. Tyler - That is correct. They offer what I call quality site planning  
3946 enhancements and, for example, I know that the graphics that were presented, by means of  
3947 example, but the beauty started to occur in the lower densities. I am sure that I could present  
3948 a graphic to you that you would say was beautiful that has 19 units to the acre. There are...it  
3949 is a matter of perspective of one's view, obviously, but there are enhancements to allow  
3950 Hanover to go up to higher densities. And those enhancements include not just green space,  
3951 but water quality, or open water. There was a court case recently on open water constituting  
3952 green space. I don't know if that is in there, but is open water considered green space? If it is  
3953 a wet pond BMP, is that considered green space? There are a lot of questions. It is not that  
3954 we can't do better. We can. It just takes a little time and rather than pushing it so fast, let us  
3955 do some analysis. I think you can come up with much better ideas after each side has had a  
3956 chance to view and discuss it, and come up with good workable, logical enhancements for the  
3957 community as a whole.

3958

3959 Mrs. Wade - I suppose your daughter is looking forward to Christmas more than ever  
3960 this year.

3961

3962 Mr. Tyler - I think she was looking forward to this Christmas more than any other  
3963 Christmas in her entire life. Thank you so much.

3964

3965 Ms. Dwyer - Thank you.

3966

3967 Mr. Tyler - My daughter is a rat at VMI.

3968

3969 Ms. Dwyer - That is a nice place.

3970

3971 Mr. Theobald - Hello. Madam Chairman, ladies and gentlemen, my name is Jim  
3972 Theobald, and I am pinch hitting for Glenn Moore, my partner, on behalf of the  
3973 Homebuilders. I had not come this morning intending to speak on behalf of the  
3974 Homebuilders, but rather on behalf of the unwashed development community, many of whom  
3975 I have represented over the years, for apartment development and other developments. So, if  
3976 any of my comments are deemed temperate this afternoon, they will have to be on behalf of  
3977 the Homebuilders, and those that may be deemed to be intemperate will be mine alone so as  
3978 not to cast any aspersions on the good folks at the Homebuilders. I have also had a call from  
3979 Barbara Eubank at Virginia Apartment Management Association. VAMA, who represents  
3980 multi-family industry is an interest group state-wide. She had hoped to be here and participate.  
3981 I know she sent a letter to either staff or you, Ms. Dwyer, asking you to consider deferring  
3982 this matter until they had an opportunity to participate, so please note that they and Richmond  
3983 Apartment Management Association are vitally interested in this topic. I have a number of  
3984 comments, some of which are legal and some of which are philosophical, but I would like to  
3985 challenge you to consider, and I have a number of questions, all of which, I guess, is the  
3986 purpose of having a work session such as this. I'd like to start, perhaps, with some comments

3987 in regard to the setbacks from the major and minor arterials, I'm not really sure why we are  
3988 doing this. And, I really am interested in understanding the rationale as to what it is that the  
3989 Commission is attempting to accomplish. I get the feeling that perhaps, as we drive down  
3990 Gaskins Road and see the dilapidated fence near John Rolfe Parkway that that instance has  
3991 caused an entire ordinance to be crafted to try to right that situation. My personal opinion is  
3992 that we need to respect the rights of the property owners over that of the traveling public, and  
3993 the people on Gaskins Road who are driving 50 miles an hour to or from work, they may look  
3994 at that fence and not like it, I don't think they go home and kick their dog because of it. I  
3995 really think the people who live in that house who might want that kind of privacy deserve  
3996 primary consideration over those in vehicles that are just trying to get some where. The title  
3997 of this proposed ordinance refers to setbacks, but frankly the entire ordinance does nothing but  
3998 talk about buffers. I am also not sure whether you intend this buffer area to be part of the lot  
3999 or expressly not part of the lot, and I appreciate knowing your intent in that regard. Was it  
4000 intended, someone, was it intended to be included as a part of the lot or not a part of the lot?  
4001 I've got a lot of questions and I hope we can some kind of an exchange rather than just listen  
4002 to me talk.

4003

4004 Mr. Silber - I will take a stab at that and I may need to call Jo Ann, but my  
4005 understanding is that it could work either way, Jim. I think we really intended to have it as a  
4006 part of the lot attempting to get the house somewhat back from the major roads so that a) you  
4007 don't have the impact from the major roads on that dwelling and on the habitants of that  
4008 dwelling. Secondly, it would be to provide a better buffer so not to have the wall road  
4009 situation. We intend for this to be a part of the lot, but it can be designed through certain  
4010 design elements to be a common area.

4011

4012 Mr. Theobald - So, if it is a part of the lot, what can a homeowner do within that buffer  
4013 area?

4014

4015 Mr. Silber - It becomes a part of the backyard based on the limitations and so forth in  
4016 this ordinance. Jo Ann, I believe I need your help. I believe the way the language reads that  
4017 there are limitations and part of that is going to be...

4018

4019 Ms. Hunter - This is to address what we tried to negotiate through every rezoning  
4020 proffer where we try to get a thoroughfare buffer. We would treat it the same way that we  
4021 have been treating it through the rezoning process. If there is a large homeowners association  
4022 associated with the neighborhood, then we would prefer for it to be common area, although  
4023 that can't occur on all circumstances. It would be part of the lot, and it would just occur just  
4024 like a thoroughfare buffer as a negotiated rezoning case where they could not go in and clear  
4025 and it is a buffer.

4026

4027 Mr. Theobald - Perhaps Jo Ann has unwittingly raised a good point, and that it the  
4028 process of rezoning which is essentially one of negotiated action where you are at least able to  
4029 look at the whole of the development and understand your costs and your benefits, pencil it out  
4030 and understand it, if you're willing to take the financial risks, as opposed to a provision like  
4031 this being legislated up front. Because if it is now part of a lot and it is required to be

4032 buffered, the developer is going to sell that lot, be paid for it, and the homeowner is not going  
4033 to be able to use it. If the homeowner wants to put fence on their lot, in their backyard, you  
4034 will now require them to put their fence 25 feet off of their property line, in essence,  
4035 dedicating the other 25 feet to the public who gets to drive by. And I really want to challenge  
4036 you to think about the implications of what you are suggesting. I don't think that's in the  
4037 interest of our individual property owners.

4038

4039 I've never understood the concept of from ultimate right-of-way. It's a policy I believe in  
4040 place about what is ultimate right-of-way but I think this is maybe an opportunity to build into  
4041 the ordinance. Do you mean what's currently shown on the Thoroughfare Plan? Do you  
4042 mean, you know, if it's shown for four lanes now but could be six lanes later? What does that  
4043 mean? Do we create a nonconforming feature for an otherwise conforming use? I'm I correct  
4044 that the policy for ultimate right-of-way, at least on a policy basis, has always been considered  
4045 that which is shown on the Thoroughfare Plan.

4046

4047 Mr. Silber - I think that the policy is that it would be on the ultimate right-of-way  
4048 that would be known at the time of development of that property. So, in most circumstances,  
4049 when a development comes forward it's known as to what that right-of-way width would be  
4050 and what dedication would be required.

4051

4052 Mr. Theobald - Perhaps the ordinance, if to the extent that this ordinance see the light of  
4053 day, should include a clarification as to what is meant by ultimate right-of-way, you known, at  
4054 what time. In the event that you obtain zoning and perhaps get a tentative that don't develop  
4055 for some period of time. I'm not sure if I fully understand the transitional buffer  
4056 requirements. Does it mean if you've got a nonresidential user on the other side of the line,  
4057 does it means you are going to provided the transitional buffer on your side of the line?

4058

4059 Ms. Dwyer - What are you referring to now, which part of the ordinance, Mr.  
4060 Theobald?

4061

4062 Mr. Theobald - The reference to "Buffer shall satisfy transitional buffer 25  
4063 requirements."

4064

4065 Mr. Silber - The transitional buffer requirements are always proposed on the more  
4066 intense zoning.

4067

4068 Mrs. Hunter - What it was, is that it was just trying to find a reference in our ordinance  
4069 that provided some screening requirements and we chose the transitional buffer 25 because we  
4070 felt that the transitional 10 did not give enough and some of the other ones were too intense.  
4071 This was a moderate, middle of the road alternative that would require the number of trees and  
4072 the number of shrubs. It's to give guidelines in that manner.

4073

4074 Mr. Theobald - So, this is not technically a transitional buffer, it's just being used to  
4075 define the nature of the buffer. So, you would still have a transitional buffer on the other side  
4076 of the line to the extent one was required for the adjacent use?

4077 Mr. Silber - That's correct.  
4078

4079 Mr. Theobald - What if you have two townhouse projects side by side? Do you still....  
4080

4081 Ms. Dwyer - This is along a roadway. So, if you have two adjoining residential uses  
4082 you are not going to have this, this provision isn't going to come into play.  
4083

4084 Mr. Theobald - All right. So only along the roadway. When they talk about fencing  
4085 and berms, and I think maybe Jo Ann has answered this, but it's not clear to me within that  
4086 buffer then I guess you are saying that some it may not be able to be cleared that it has to be  
4087 left in a natural state? Is that correct?  
4088

4089 Ms. Dwyer - Where do you see that?  
4090

4091 Mr. Theobald - What I don't see is a clarification of what you can do in the buffer. The  
4092 ordinance doesn't tell me what exactly I can do in the buffer. Do I have to leave it natural?  
4093 Can I clear it? Can I plant grass?  
4094

4095 Ms. Dwyer - You are suggesting that we define what can and cannot be done with this  
4096 buffer?  
4097

4098 Mr. Theobald - Correct. The question regarding utilities running generally  
4099 perpendicular to the required buffer is really not as easy as it sounds. As you know, from  
4100 working through rather torturous proffers over the years. First of all, it doesn't address  
4101 existing utilities that might occur within those buffer areas. And we constantly have a struggle  
4102 where a lot of utility companies in the County don't favor allowing utilities to run within the  
4103 right-of-way, even though it may be outside the edge of pavement. So, what happens in many  
4104 of our developments, is we have right-of-way. We are not allowed to put certain utilities  
4105 within the legal right-of-way so they go outside the right-of-way. Then on occasions, or  
4106 perhaps if some of this is successful, there will be mandated to be sidewalks. And what happen  
4107 is you push back and back and back the developable area of your site. And I think that notion  
4108 of what utilities might be allowed to be in there, perhaps even on a parallel basis, needs to be  
4109 looked at based on some of the experiences you all have had and we all have had in various  
4110 Pods. I don't think that this, as written, really is flexible enough to accommodate some of  
4111 those particular situations. It seems as though this particular ordinance can potentially result in  
4112 additional sprawl just based on the additions of these buffers, and I know you all are trying  
4113 hard not to promote sprawl.  
4114

4115 I also have some concern about grandfathering. And I would like to know what you believe of  
4116 the impact of this will be on property that is A, zoned, but no tentative has been approved. Or  
4117 B, a property where a tentative or final subdivision plan has been approved without these  
4118 buffers. I would like to understand from staff or the Commission what you believe the impact  
4119 of grandfathering will do. Can you tell me?  
4120

4121 Mr. Silber - I would think, just the pure zoning of a piece of property, Mr.

4122 Theobald, would not necessarily grandfather you. I think having conditional or tentative  
4123 subdivision approval would either grandfather....

4124

4125 Mr. Theobald - Of course the State's statute was changed two years ago, as you know,  
4126 talking about vesting and it's unclear to me what the impact of this ordinance would be, these  
4127 would be the interplay of that State statute.

4128

4129 Ms. Dwyer - I guess we would need to address the grandfathering issue, particularly  
4130 in statute, so that our next version, Mr. Silber or Jo Ann should address that specifically?

4131

4132 Mr. Theobald - I think that's a critically important element for the development  
4133 community. Please keep in mind that they basically, you know, they sort of paid their dues  
4134 through the entire process of zoning in meeting with neighbors and meeting with staff and the  
4135 Commission. And they have agreed to a bundle, or a package, believing that not only will it  
4136 promote quality development, but it's one they are willing to take on the financial risk in  
4137 hopes of getting a financial return. And they deserve to know if that, which they have agreed  
4138 to, is now being changed. If you are attempting do through development standards what either  
4139 wasn't done or couldn't be done through proffers, then I think the development community is  
4140 going to have a very large problem with that. So, I think we are entitled to understand what  
4141 your opinion or desire is with regard to grandfathering.

4142

4143 On the multi-family development side, again, I have some difficulty reconciling the reduction  
4144 in density, increase in parking area, etc. with this notion of trying to discourage sprawl. And  
4145 you also need to know and I think need to take into account that when developers buy land for  
4146 apartments they don't do it on a per acre basis. They do it on a per unit basis. How many  
4147 units can I realize out of this piece of dirt? And I'm wondering if you have taking into  
4148 account the decrease in the per acre value of lands zoned for apartments in this County by  
4149 decreasing the density in such a fashion. I'm not sure I understand why you reduce density for  
4150 condominiums as they are owner occupied units, presumably we are trying to promote home  
4151 ownership. Also on portions of the plan it promotes affordable housing. I don't find anything  
4152 in these ordinance suggestions to do any thing to help the notion of affordable housing but  
4153 merely add to the cost of development and increase the cost of housing across the board. The  
4154 increase in parking space requirement just generate more impervious area. And it doesn't take  
4155 into account certain types of projects like age restriction or senior type projects. And I've  
4156 never understood why you don't count garages. I understand that a lot of people may convert a  
4157 garage into a den in a townhouse apartment situation. Some of those garages are used, and I  
4158 really think there ought to be some factor of credit. It seems silly to me to provide 2 1/2  
4159 spaces per unit, particular for those that have a garage and just to go pave over more dirt. If  
4160 this problem arose because of boat and recreational vehicle parking, when then solve that  
4161 problem. We've proffered in any number of cases that either there won't be any. Or,  
4162 secondly, to the extent that they are, that they be provided in separate areas that are screened  
4163 and those areas don't count against required parking. I mean, isn't that the answer rather than  
4164 just saying everybody has got to have 2 1/2 spaces because in some projects someone wants to  
4165 park a boat. And I think that's an incidence where the cure is worst than the disease or maybe  
4166 the disease hasn't really been diagnosed. I don't understand why townhouses, under this new

4167 suggested ordinance, have to be on private streets. Why can't a townhouse lot be on a public  
4168 street? I don't understand where that comes from. I mean, what's the rationale, does anybody  
4169 know?

4170

4171 Mr. Vanarsdall - Maybe Jo Ann can answer that.

4172

4173 Ms. Hunter - Public Works currently has a policy that they don't want townhouse  
4174 projects on private road, because of the numerous driveways, every 18 to 20 feet pulling out  
4175 onto a public road.

4176

4177 Mrs. Wade- We don't have any or many roads to use on that....

4178

4179 Mr. Theobald - Will individual driveway lots for townhouses enter out onto public  
4180 roads?

4181 Mr. Vanarsdall - Mr. Theobald, I believe you touched on one thing, when you said  
4182 vehicles and so forth, I think you touched on what would the grandfathered, there. We will  
4183 have to answer that later.

4184

4185 Mr. Theobald - Well, here again, I think an ordinance that requires recreational vehicles  
4186 to be separately parked and screened and not count against toward the required parking would  
4187 be something that, in my perception, the development community would not oppose.

4188

4189 Mr. Silber - There may be several concerns there, Mr. Theobald. One is we looked  
4190 at the possibility of trying to regulate recreational vehicles on the site. It became cumbersome  
4191 because we looked at where they are located, should we restrict how they are to be park? It  
4192 became challenging so instead of coming out with volumes of regulations we thought it was  
4193 maybe better to increase the parking requirements. Two reasons, one to deal with recreational  
4194 vehicles. Secondly, we do know that many of our multi-family projects do not have  
4195 adequate parking, especially at times when there are people visiting those units, to meet the  
4196 minimum requirements for those who live there, yes. But there are occasions when people  
4197 visit and there is often there is not adequate parking, and they end up parking out on the public  
4198 roads and off the site. So, we believe it is a balancing act because we don't to raise those  
4199 standards too high, and you have excess parking, too much impervious material, less green  
4200 space, but we want enough to be able to have parking provided on site for those that need to  
4201 use the project. So, we thought by increasing the parking standard, we would at the same time  
4202 would be addressing the recreational vehicle situation. So, we thought by increasing the  
4203 parking standards we would at the same time would be addressing recreational vehicle parking  
4204 situation.

4205

4206 Mr. Theobald - I understand that logically. The bottom line, though, in your desire to  
4207 increase parking and increase open space, with the area you pick on, to hit, to accommodate  
4208 all that is density, which is what fuels the whole project, you know, to begin with from an  
4209 economic standpoint. Which really brings me to this recreational area. This is a good  
4210 example I think of why one size does not fit all. The proposal that every project has to have  
4211 10% open space or recreational area, 40% of which has to be basketball courts or whatever,

4212 suggest that all individuals want to live in the same type of living environment, and that they  
4213 can afford to pay for it. This really doesn't take into account senior projects. Senior projects  
4214 have different recreational needs. An age, restricted community would just be lost with this  
4215 kind of requirement. And I think a bigger problem is this gives no credit for a planned  
4216 community, the very essence of which are amenities at centralized location so that perhaps the  
4217 individual housing environments can be more dense. So, it doesn't do you any good on a  
4218 Wyndham or a Twin Hickory to take that apartment project and look at it at isolation and go  
4219 notwithstanding the other recreational amenities that have been provided on a planned  
4220 community wise basis. In addition to that, you have to set aside 10%.

4221

4222 Something that I think you have not caught, and I don't understand this zeal to be just like  
4223 Hanover or just like Chesterfield.

4224

4225 Mrs. Wade - Mr. Theobald, may I interrupt you for just a minute?

4226

4227 Mr. Theobald - Sure, go ahead.

4228

4229 Mrs. Wade - We have heard the staff report before and again. We are listening to you  
4230 now. We are not here really defending any of this at the moment, I don't think, so we don't  
4231 need to be confrontational about this.

4232

4233 Mr. Theobald - Well, I don't think I'm being confrontational.

4234

4235 Mrs. Wade - Well, it sound as if you are accusing us of something, and I'm not sure  
4236 that's the impression you want to give. But, we are very interested in your opinion and your  
4237 questions but....

4238

4239 Mr. Theobald - I apologize. If I seem so, Mrs. Wade, I don't understand the why's and  
4240 the wherefore's behind the language.

4241

4242 Mrs. Wade - Well, maybe you can help me with something I've been trying to hook  
4243 up too. If you leave the density, or you have more density, how to work out some of these  
4244 other goals at the same time that you maintain some of the density. Perhaps you all might help  
4245 us in that regard. I don't know how the others feel. I'm just speaking for myself.

4246

4247 Mr. Theobald - Well, I guess it goes to whether you believe that some of the projects  
4248 that we have all participated in around the County are good or bad examples of development.  
4249 And I think that we have many, many, good examples of development that wouldn't meet  
4250 these standard. And, as always, we legislate to the lowest common denominator because we  
4251 fear what developer X might do on perhaps an unrestricted piece. But those ordinances don't  
4252 just affect the unrestricted piece, they affect all of the developments. And I guess that's what I  
4253 am struggling with. Have we done such a bad job on all the projects that you and I have  
4254 worked on that wouldn't meet these?

4255

4256 Mrs. Quesinberry - I don't know if you want to go there, Jim.

4257

4258 Mr. Theobald - Your ordinance, in looking at Chesterfield, Chesterfield has a very  
4259 important provision in it that you have not identified, and that is, through the conditional use  
4260 plan development process in Chesterfield you are able to seek relief from use in bulk  
4261 requirements. So, if you have a good idea, but you don't meet the one size fits all, in terms of  
4262 open space or the number of parking spaces or whatever, you have an opportunity to at least  
4263 make your case of the merits. But under our ordinance scheme there has never been that  
4264 mechanism. Either you meet all of the development requirements or you don't go anywhere  
4265 unless you would entitled to seek a variance, which is not particular common. So, again, you  
4266 need to think about these recreational requirements in the context of senior housing, planned  
4267 communities, and some relief mechanism for deviation from any such requirements, if it's  
4268 really a good idea.

4269

4270 The requirements for sidewalks, I know we have a sidewalk policy. And I think some other  
4271 alternatives needs to be considered. I don't know whether this ordinance by just using the  
4272 word sidewalk necessarily implies four-foot-wide concrete walkways or whether other types of  
4273 pedestrian access could be provided be it an asphalt path, gravel paths, linking parking areas,  
4274 etc. But, again, I think this just adds to the impervious area. And in the absolute context of  
4275 the reference to sidewalk may not really be what you have in mind. I'm still a little confused  
4276 about the refuse language. It still contains the word masonry. Not every multi-family  
4277 building is constructed on masonry. If it were to be cited in something other then a masonry  
4278 product presumably you would be allowed to enclose your trash with the same product... It  
4279 doesn't still read quite right, there. HVAC screening we need to give some thought to the  
4280 three, wall air conditioning units, the PTAC units, if you will. How that screening would be  
4281 accomplished, if at all, if you are on the second or third story of an extended stay motel, do  
4282 you mean, grill work or whatever. I mean, surely, we don't mean planting so I think you  
4283 need to give some thought to what's meant by screening of three, wall unit, in that context. I  
4284 do have the same concerns about grandfathering here as mentioned previously. It's very  
4285 confusing. Legally when you have a project such as a Twin Hickory where you have crafted  
4286 your conditions and your improvement on behalf of your development and the County and you  
4287 have negotiated with Schools and you walk out thinking you can do 300 apartment units on  
4288 parcel 7, and I'm really not sure, based on the current state law... It seems to me, the uses  
4289 grandfathered, and maybe the density, but I don't know how to reconcile this ordinance with  
4290 the requirement of open space, parking space, etc. to the extent it would impact on that  
4291 density. And, so, I don't know whether you are intending to change the rules, using Twin  
4292 Hickory as an example, or whether you are intending to leave Twin Hickory alone as we head  
4293 basically, negotiated through the process. I think, again, that's a very, very serious issue that  
4294 development community needs to have answered.

4295

4296 I just have a couple of more comments and then I'll finish. I'm sorry it's taking so long. I do  
4297 think, in some respect, that if, again, if I better understood some of the rationale of some of  
4298 these comments may be different, but it appears that they are more aimed at the unrestricted  
4299 parcels that exist in our County that are zoned. And what it amounts to is basically almost  
4300 putting proffers onto unproffered cases. And that's a philosophical discussion as to whether or  
4301 not the currently zoned, unrestricted parcels should be entitled to develop as they were

4302 approved or based on these standards. But the impact on the existing cases, where proffers  
4303 have already been negotiated and given, I think is sometimes where we are going to come into  
4304 the biggest conflict. I honestly believe that given the scope of these changes and the serious  
4305 economic impacts that this would have on all of the multi-family zoned land in the County, I  
4306 would respectfully suggest that you should be notifying the owners of properties zoned R-5  
4307 and R-6, if not, townhouse zoning as well, so that they are fully aware of the impacts and  
4308 would have an opportunity to address this as well. Those are my comments. Again, thank  
4309 you for allowing me the time to work through that. I think there are a number of aspects that  
4310 merit further consideration. I would ask on behalf of them and the homebuilders that perhaps  
4311 in your consideration of some of these points, that another work session be scheduled. We  
4312 know that the Board is going away to retreat in January on Growth Management. It appears  
4313 that some of these issues sort of nibble at the edges of growth management and I might  
4314 respectfully suggest that perhaps we consider these points over the next many weeks and have  
4315 another work session possibly in February. If you have any questions I'll be happy to answer  
4316 them.

4317

4318 Ms. Dwyer - Thank you, Mr. Theobald.

4319

4320 Mrs. Wade - Is there anything you like about the suggestions?

4321

4322 Mr. Theobald - Honestly, no.

4323

4324 Mrs. Wade - That was the impression I got. Thank you.

4325

4326 Ms. Dwyer - It seems that you equate, Mr. Theobald, open space with sprawl. Did I  
4327 hear you correctly? That in an attempt to include more open space in a multi-family  
4328 development constitutes encouragement of sprawl.

4329

4330 Mr. Theobald - You are reducing the density as of a result. So, the density,  
4331 theoretically, goes somewhere. And you are increasing in the amount of impervious area  
4332 through increase parking spaces. At the same time, devaluing the price of a piece of land.

4333

4334 Ms. Dwyer - Thank you.

4335

4336 Mr. Archer - Mr. Theobald, are you staying until everybody has been heard or do you  
4337 have to leave?

4338

4339 Mr. Theobald - Yes, I'm staying.

4340

4341 Mrs. Wade - Were you at our first work session?

4342

4343 Mr. Theobald - I came at the end of your first work session.

4344

4345 Mrs. Quesinberry - You do realize we have been talking about residential strategies for some  
4346 time now. This isn't really new. We are looking into components of residential strategy.

4347 But, we have had numerous work sessions and meetings on residential strategies. I know  
4348 because you have been there.

4349

4350 Mr. Theobald - Sure. The residential strategies was something the Board asked you all  
4351 to consider and you have chosen to work through discreet issues, the first being flag lots,  
4352 which we participated in fully, and this is really only the second example that I'm aware of  
4353 that you all have taken up the specifics of that charge. I'm not sure that the development  
4354 community would agree with the assumptions that accompany the residential strategy memo.

4355

4356 Ms. Dwyer - Thank you, Mr. Theobald. Next. Is there another speaker today?

4357

4358 Mr. Stern - Madam Chairman and ladies and gentlemen, my name is Sidney Stern  
4359 with Stern Homes. I don't have anything prepared to say, but I did just want to take just a few  
4360 minutes to tell you that in my past life I built and owned and managed 2000 of those 30,000  
4361 apartments. I would like to speak on behalf of the people that lived in those apartments and  
4362 the landowners that currently own land this is zoned and not built on. I imagine some of those  
4363 are citizens of Henrico. And I'll keep it short. But, I do want to point out that when I look  
4364 back at the residence that I've worked with over those years, there were a lot of fine people  
4365 that were doctors, lawyers, bankers, school teachers, nurses, etc., all fine people. And I think  
4366 that, I agree with you, that we could make the future apartments in Henrico County a little bit  
4367 better. I compliment the staff on the job that they have done because they have taken the steps  
4368 that will make the apartments better. The parking needs to be increased, I don't how much,  
4369 but it does need to be increase. But, where I think that we've not done such a good job, is,  
4370 I'm not sure that we completely understand the cost of what we are doing. I don't know that  
4371 we completely understand or have an estimate, and maybe we do have an estimate, of how  
4372 much this would raise rents in the County on these new units. And how much it would  
4373 devalue the existing zoned but unbuilt on property. If I had to use an analogy I would say  
4374 we've done a B+ on making the future apartments better but maybe a D on looking at those  
4375 issues. And I think what the Planning Commission and the Board of Supervisors, I would like  
4376 to see them do, would be to postpone this so that they could work with the development  
4377 community and come up with ways that make apartments better. I'm keying in on apartments  
4378 because that's where I come from, but make multi-family better at a lower cost to the existing  
4379 landowner and a smaller impact on raising rents. That's all.

4380

4381 Ms. Dwyer - Thank you, Mr. Stern.

4382

4383 Mrs. Quesinberry - Can I just ask you a question before you sit down?

4384

4385 Mr. Stern - Sure.

4386

4387 Mrs. Quesinberry - We were discussing 14 units an acre, which is more dense than  
4388 Chesterfield and about the same as Hanover. So, are you thinking that rents in Chesterfield  
4389 are less than what's being paid in Henrico or that if we made these changes rents would go up,  
4390 just proportionally to neighboring apartments and other counties?

4391

4392 Mr. Stern - I think what equalizes that situation is that the land in Chesterfield is less  
4393 expensive. But, there's no question in my mind that if we did all the things that we are talking  
4394 about, the rents are going to go up, a quantum leap, and there is also no question of the value  
4395 of the land that's zoned and unbuilt on. The value of the land is going down at a fundamental  
4396 amount. I'm glad you asked me that question because there was one thing I forgot. That is....  
4397 I guess one of the biggest problems that we always have is changing these rules in mid stream.  
4398 You have bought a piece of land and you may have a loan on a piece of land and then the  
4399 rules change on you. And I think that the very least thing we could do is notify all those  
4400 existing landowners. And, I guess what I'm saying, is not buy an ad in the paper but a letter  
4401 to those people so that they can have some input.

4402

4403 Mr. Vanarsdall - And you agree with Mr. Theobald to notify the R-5 and the R-6?

4404

4405 Mr. Stern - If I were sitting in those chairs, that's what I would feel like I would  
4406 need to do before I made these big changes. I think if we worked together we can accomplish  
4407 our goal at a lower cost to apartment residents and apartment landowners.

4408

4409 Mrs. Wade - I think the major concerns seems to be those that have been around for  
4410 40 years, R-5 or R-6, which have so little in the way of standards. And we saw one of them  
4411 this morning, to a certain extent. You know, if there is some way to improve those, as you  
4412 said, without increasing the rent.

4413

4414 Mr. Stern - Well, a piece of land that has been around for 40 years might be  
4415 somebody who has been working at the County all their life and that's their retirement money  
4416 and if it the value gets cut by 20% it hurts everybody. But, I think we can accomplish the  
4417 same goals at a lower cost.

4418

4419 Mrs. Quesinberry - Then how would you do that? Could you give us a couple of specifics  
4420 how you see that happening?

4421

4422 Mr. Stern - I'm not prepared to do that right now, but there are lots of things that  
4423 pop out at me when Jim was going through his analysis. For instance, if you have got a  
4424 community that's built out of drivit, would you put the... you would have to have masonry  
4425 enclosures for the dumpsters?

4426

4427 Mrs. Wade - Well, I had that question too.

4428

4429 Mrs. Quesinberry - I don't think that masonry enclosures is going to raise the rent.

4430

4431 Mr. Stern - No. Well, masonry is more expense than the other but the masonry  
4432 enclosure wouldn't go with the drivit architecture.

4433

4434 Mrs. Wade - I think we could deal with the dumpster.

4435

4436 Mr. Stern - Well, the parking, 2.5 is more than we need. I used to always build

4437 more than 1.5 and I would agree with the staff that it needs to be raised, but I think 2.5 might  
4438 be excessive and of course, that causes more stormwater down stream. I don't know why you  
4439 need to overbuild that, which increases the cost to the renter and devalues the land. Also,  
4440 Jim's point about the counting the garages, you ought to maybe count the garages as half or  
4441 three quarters, but to require 2.5 in a development that has garages, it doesn't make any sense  
4442 to me.

4443

4444 Mrs. Wade - You all, did English Hills, for instance.

4445

4446 Mr. Stern - Yes, ma'am.

4447

4448 Mrs. Wade - What's the density there?

4449

4450 Mr. Stern - Fourteen point five. To tell you how important 14.5 is, they were eight-  
4451 unit buildings and when we laid it all out we had four units left over and we had to try to  
4452 figure out how to build.... We considered building four townhouse units and 572 garden  
4453 apartments. Talking about the air conditioners being enclosed, English Hills has 576 enclosed  
4454 air conditioners and they didn't cool very well and they broke all the time before the warranty  
4455 up because they were enclosed. They weren't getting proper ventilation. So, it's a  
4456 complicated thing that you are doing here and I think we could accomplish a good product if  
4457 we worked together at a lower cost.

4458

4459 Ms. Dwyer - Thank you, Mr. Stern. Next speaker.

4460

4461 Mrs. Roberts - Good afternoon, Commission. I'm Judith Mays Roberts and I am from  
4462 Varina Station. I'm please to have the opportunity to hear some of the comments from those  
4463 who represent the builders because at least gives me a prospective on what I as a homeowner  
4464 would have to face as I look at the kinds of things we have been dealing with, my friends, and  
4465 still have to deal with. Our property in Varina Station is adjacent to some property that was  
4466 zoned in 1971 and we have just ended a process or rezoning with a developer who wanted to  
4467 build some townhouses and some apartments. The thing that caused us grief was that the  
4468 ordinances that were on the books just weren't that strong and he really did want to make the  
4469 money. He was very clear about that to us that he really had a profit that he had to make.  
4470 And so from February of 1999 until October we were absolutely terrorized by the kinds of  
4471 plans that he came in with. So, as I hear Mr. Theobald talk about the density, as well as Mr.  
4472 Stern, I certainly can appreciate that but as we are a community that is surrounded by 54 acres  
4473 of multi-family... well it is a little bit less than that. It's probably 40 some acres of multi-  
4474 family zoned land. And somebody was going to come in and propose to put in the maximum  
4475 number of units that could go in. And, to not have adequate parking, and to have very limited  
4476 open space, like none, like sidewalk you know that run behind the houses, that was a terror for  
4477 our community. So, I certainly can understand the fact that this is 1999, almost 2000, and that  
4478 there are some folk who have already had the zoning done and you are not sure about the  
4479 grandfathering of this. But, I'm also looking at the fact that we are living with these 40 some  
4480 acres next to us and we have no notion of what's going to happen. And all that we could see  
4481 by the proposals that were made, was that parking was going to spill out onto the side street

4482 into our community and that we would have children who would be playing on our street  
4483 because there was no place for them to play within their community. And we you speak of  
4484 affordable housing, what concerns me is that we have folks who are moving to less dense areas  
4485 because they want their kids to go to certain schools, they want to have a quality of life for  
4486 their children. And I'm very, very, concerned that we tend to, because of the way the  
4487 ordinances are set up now, that we sacrifice the potential quality of life that they might have in  
4488 an effort to provide quality housing because of the fact that the density is needed in order to  
4489 provide the quality housing. And it's like a "Catch 22." So, I'm certain that this is the  
4490 beginning of this process but that for the four communities that I represent, Varina Station,  
4491 Midview Woods, Fox Hill Downs, and Olde Oakland Road, we certainly understand that there  
4492 has to be some kind of way to make sure that we are not run out of our communities. What  
4493 happens is, if you end up with a community that has affordable housing, and you don't have  
4494 the correct amenities there to began with, then you end up having people become disgusted,  
4495 leaving, and the community goes to hell in a handbasket. You talk about sprawl and you end  
4496 up with more sprawl with people going in another direction. So, I don't want to see that  
4497 happen, and I am willing to come back as often as I need to be to be a part of this process,  
4498 because we can all work together on this one. Thank you.

4499

4500 Ms. Dwyer - Thank you, Mrs. Roberts. Next.

4501

4502 Mrs. Snyder - Madam Chairman, Commissioners, I'm Nelda Snyder also from Varina,  
4503 from the Varina Beautification Committee. We did make a couple of suggestions to you in a  
4504 letter. We support these standards wholeheartedly as if they were just a minimum for what  
4505 Henrico County should have. We don't think that they are too harsh on anyone. If I could  
4506 address the setbacks first. We think the setbacks are good. Pertaining to our area, Route 5,  
4507 Scenic Byway, I don't know what multi-family housing zoning there is on Route 5, if there is  
4508 any, but there could be eventually. As we have asked all commercial builders, we would like  
4509 to see a 100-foot setback from the scenic byway. This is particular important now. Traffic is  
4510 getting bad. VDOT is grumbling about we have to make the road larger. We don't want the  
4511 road larger. We prefer to see a lower speed limited and an alternative road provided for  
4512 commuters from down in Charles City to take all that traffic off, except for the locality.  
4513 However, if it does have to widen, we would much prefer to see a divided highway, four  
4514 lanes. Landscaped appropriately for a scenic byway and that would take a lot of space and you  
4515 need those extra setbacks.... If you give 100, foot setback you will end up having to take 30  
4516 feet on either side of the road, you are down to 70 feet right there from the building. So, we  
4517 would ask that for the scenic byway. And these other, when you are along an interstate and  
4518 the noise, currently we have I-895 going through Varina. I don't know what their setback is  
4519 from the residential areas, I have heard that absolutely no sound barriers are going to be  
4520 provided and that's something that certainly should be done in addition to whatever setback  
4521 they have there.

4522

4523 Secondly, on the multi-family development. I think it's a question of quality of life. You  
4524 have a nice quality of life and you have a lesser quality of life and I think Henrico County  
4525 citizens expect and are proud of a lot of the quality of life provided here. These standards  
4526 would address that. It would make us better, if anything, and could even be better than that.

4527 Improvements are good not only for the people who are going to live in the multi-family  
4528 developments because it's good for developer because he's going to be able to have more  
4529 people who wants to live in his unit if it's a nicer thing. Cost is going to be the same all  
4530 around if everybody has to make the same improvements. And the community likes having  
4531 that unit in their community better when it is a better quality and looks a lot better, provides  
4532 the open space, green space and so forth. It's a shock to the developers, I know, but this isn't  
4533 new. These standards, as you've mentioned, are already in Hanover, Chesterfield and so  
4534 forth. I'd like to see these standards passed as quickly as the can be appropriately worked out  
4535 so that there are not developers left hanging, not knowing what to do with their projects. And  
4536 the more of this that is done, and set up in a firm way, the less individual time with cases and  
4537 individual proffers, which would end up saving everybody a lot of time in the long run, and  
4538 probably a lot less legal fees over and over and over.

4539

4540 Amenities are very important to us. We sort of have a slogan "No density without amenities"  
4541 and we don't just mean the percentage of brick on the building. We mean everything that's  
4542 involved in that project. We do think that a cluster development, with very tight zoning, is  
4543 appropriate. In many cases, if you provide exquisite amenities. In a rural area, you can take  
4544 100 acres of land and you could build a small cluster, a very charming cluster development,  
4545 and everybody in that development then would have 50 to 60 acres of open space, meadows,  
4546 forest, soy bean fields, whatever they chose to do with it. That is a very big amenity with  
4547 open space and would give you get reason to have the tighter zoning for the little cluster of  
4548 homes. It's also cheaper to build because of the sewer, the water, everything can be clustered  
4549 in one small area.

4550

4551 Planned communities, as Mr. Theobald mentioned, that is a little different because their plan,  
4552 they have all these wonderful big amenities. So, I don't know how the zoning would work in  
4553 that. But if they do have apartments and so forth, I can see the developer's point of view and  
4554 why should you even provide even more when it's all part of the community and they have  
4555 30%, 40%, 50% open space anyway. One other small point. The air conditioners that are  
4556 visible on higher floors. We had one building design come to us that had fake balconies.  
4557 They were made with wrought iron. They were there for the express purpose of hiding the air  
4558 conditioning units and because they weren't solid they didn't interfere with the airflow. So,  
4559 things can be done to hide the unit. The things that are unattractive without interfering with  
4560 them. In our letter, we also asked that any of the garages that would be in the townhouse or  
4561 condominium complexes, whatever they are used for, that they not face the street or be visible  
4562 from the street because that's usually detrimental to the style and the development. And we  
4563 very much like the open space suggestions and hope that that would also include landscaping,  
4564 protecting the older trees that are there from the construction hazards. Also planting new  
4565 growths of trees so that the residents not only have an open space but shady space and more  
4566 attractive space. And this could also be used for recreational facilities if you have picnic areas  
4567 and that kind of thing. The shade is important. These are primarily used in the summertime.  
4568 And we would like to suggest that that be included. And along with "no density without  
4569 amenities" slogan. Perhaps the greater the building density the heavier the landscape density  
4570 should be. So, that big blobs of buildings can be broken by good landscaping, good tall trees,  
4571 evergreen and so forth. And, I think that's about it. Are there any questions?

4572

4573 Ms. Dwyer - Thank you, Mrs. Snyder.

4574

4575 Mrs. Wade - Do you know Mrs. Roberts, Mrs. Snyder?

4576

4577 Mrs. Snyder - Yes.

4578

4579 Ms. Dwyer - Anyone else like to speak this afternoon?

4580

4581 Ms. Paschke - My name is Marylyn Paschke and I am the president of the Varina  
4582 Environment Protection Group. The two ladies before me have much more expertise and  
4583 understanding of the development process better than I do. My comments are going to be  
4584 more general. Our purpose is in saving as much natural land and encouraging any process that  
4585 does that. So, we compliment the County on looking at this issue and hope that they will  
4586 continue the process because we feel like it's important to the future health and welfare of the  
4587 citizens of Henrico County. We see people continuing to run from cities or innersuburbs out,  
4588 and I wonder why some times. Are they running to the green space that exists on the edge?  
4589 I'm sure there are other reasons but I think that might be one. I have found out that if a  
4590 developed area is next to a green space, and I'm talking about residential development, it's  
4591 usually more valuable. So there's an advantage to the developer that able to develop next to  
4592 the actual areas. It's also healthier and I think the general public is becoming aware of this,  
4593 that it is healthier and to the larger picture, to the waterways and to the air that we breathe.  
4594 There seems to be the opinion by the developers and the supporters, that if man can build it, it  
4595 is his right to do so. I'm not sure that's true or good and I think we found out the hard way.  
4596 We find out 25 years down the road. We see some development that needs revitalizing in 25  
4597 to 50 years. I think if we built it better, maybe we could incorporate more green space to  
4598 make it healthier. People might not run away from it. That would certainly be an advantage  
4599 to the County and make the land more economically valuable. So, I do think economics and  
4600 good environmental practices can go hand and hand. It's complicated but I think we really do  
4601 need to look at it. I think we have example in Henrico of developments that haven't stood  
4602 well during the passing of time and we need to take lessons from negative things as well as  
4603 positives things. So, I ask you with your expertise to look carefully at it and keep in mind that  
4604 good natural space is economically value and it is certainly better for the welfare of the  
4605 citizens. Thank you.

4606

4607 Ms. Dwyer - Thank you, Ms. Paschke. Is there anyone else that would like to speak  
4608 on this this afternoon? I don't see any hands or any bodies standing up. We certainly do  
4609 appreciate all of the comments that everyone has made. I don't think there are any  
4610 expectations that we will go from here to a public hearing on this. I think that we all  
4611 understand that this is probably something that we are probably going to need to fine tune for  
4612 at least one more work session. I think it would a good chance now for the Commissioners to  
4613 express their points of view on how we should proceed. One way that occurred to me is that  
4614 we could each contact Ms. Hunter with our thoughts and ideas based on the proposal that's  
4615 been sent to us and based on the comments that we have heard today. And, if possible, Ms.  
4616 Hunter could incorporate those views and comments of the Commissioners into the next draft

4617 that would be sent out and be the subject of another work session. Does that sounds like a  
4618 reasonable way to proceed?

4619

4620 Mr. Vanarsdall - Madam Chairman, I would like to make a comment and put this in a  
4621 motion. First of all I do not think we should address it in January. We have three large pieces  
4622 of land that's coming up in January. The staff is going to have their hands full. We are  
4623 coming into a new year and I think that the staff's will have to take these comments and  
4624 review them and think about notifying homeowners and landowners and so forth. I would like  
4625 to see us address this again in February. And one of the other reasons, the Board is going to  
4626 have their meeting sometime in January and I heard this was going to be on residential  
4627 strategies. I think this would be more in order if this body addressed it in the month of  
4628 February at whatever time we could set.

4629

4630 Mrs. Quesinberry - I'd like to suggest that, I don't disagree with Mr. Vanarsdall, but since  
4631 the Board is doing a retreat in January, I really would like to have something in front of them  
4632 so that they would have an idea of where we are going and what we have done so far, as a  
4633 point of discussion. My hope would be that we get a little bit of feedback from them after  
4634 their retreat and that would help us in fine tuning the final document. So, when we went to  
4635 our, hopefully, final public hearing and disposition of this, we would have had at least some  
4636 feedback from the Board before sending them our final recommendation.

4637

4638 Mrs. Wade - Is the Commission involved in that retreat?

4639

4640 Mr. Marlles - Maybe I can comment on that. Madam Chairman, the retreat is  
4641 scheduled in January is to discuss strategies for achieving balance growth in the County. I  
4642 think it has been called a lot of things but I think probably that's the most accurate. Although,  
4643 I think that right now the agenda for that particular session is being developed, it's not  
4644 intended to just focus on residential strategies, although that very well may be brought up and  
4645 discussed during that work session. So, I not sure how much feedback we would get, although  
4646 we may get some from the Board as of a result of that session. But, it's not the primary  
4647 purpose of that session. But to answer your question, Mary, I do expect the members of the  
4648 Planning Commission to be invited to that work session. That decision has not been officially  
4649 made yet, but I was intending on alerting the Commission that they probably ought to pencil in  
4650 January 27 and 28 as the dates for that work session. But, I do expect the Planning  
4651 Commission to be invited to it.

4652

4653 Mrs. Quesinberry - Well, regardless if we got any feedback, assuming that we are not at the  
4654 meeting, but even if we are, I think it would be a good idea, if for nothing else, in the vain of  
4655 information to let the Board members know what we have worked on so far and where we are.  
4656 I'm sure they are going to be getting questions and comments from the community, from the  
4657 developers and they ought to at least be informed on what we have done to date and where we  
4658 are leaning. I think we have a few things there that we all could probably agree we want to  
4659 tweak just a little bit. I think we heard some good comments, but by and large I think this is a  
4660 very solid piece. And short of a little tweaking, I think we have done quite a bit of work and  
4661 no small part thanks to Ms. Hunter and others of the Planning Staff and that we need to move

4662 ahead. We have done a lot of talking about residential strategies. We have had several work  
4663 sessions on this and we will have at least another public hearing or comment period, so I think  
4664 we need to stay with the momentum, make sure we get the information to the Board members  
4665 and be prepared to follow up on this at our next public meeting, whenever this Commission  
4666 decides to set that.

4667

4668 Ms. Dwyer - We have a zoning meeting on the 10<sup>th</sup> of February. Yes, Mr. Archer.

4669

4670 Mr. Archer - I was just going to continue the comments, if I could, and I won't be  
4671 long either. I also would like to compliment the staff on preparing this report. Obviously,  
4672 what participated was expressions of concern by someone. We wouldn't have just done this.  
4673 And we predicted that we would have two sides to this issue, as we have had today. I think if  
4674 we analyze very carefully what has been said today, we will find that there are some good  
4675 points from both sides. I think it might be a good idea, or a suggestion anyway, since we do  
4676 have at least two bodies, three, maybe four represented here today, without any formal or  
4677 official proclamation from us that maybe some of you could get together with the development  
4678 community and sit down and discuss some of your ideas so that they can be brought back in a  
4679 fashion that's not necessarily opposed to one another, but perhaps out of the disagreement  
4680 there can come some wisdom that we can use to incorporate in this program. There are  
4681 obviously some good points that have been made from both sides. I understand the  
4682 development community's concern about land that has been purchased and we may be  
4683 changing the rules in the middle of the game. We could possibly come up with a way to delay  
4684 the effective date of whatever we decide to do to give them a chance to make some other  
4685 arrangements. I think we also need to look at how much is already zoned but yet undeveloped  
4686 multi-family land already existing in the County. And take that under consideration while we  
4687 are deliberating on this. And I've always had an idea that there should be some way that we  
4688 can rehabilitate older multi-family properties that have fallen into disrepair so that we don't  
4689 just to continue to keep adding multi-family, multi-family, multi-family. We build this new  
4690 and this over here rots down and we keep building new multi-family. I don't know how to do  
4691 it but I would suggest that there ought to be a way that we can rehabilitate property. Most  
4692 multi-family property will go through a cycle and then it will debilitate it self and turn into  
4693 slum property or whatever. There ought to be some way with all of the brilliant minds we  
4694 have here, we can come up with a way to rehabilitate that property and not have to keep  
4695 adding on to what already exist. Well, that was my suggestion.

4696

4697 Ms. Dwyer - That's a good one. Thank you, Mr. Archer. Mrs. Wade, other than  
4698 dancing in your mind because you are not going to be facing this.

4699

4700 Mrs. Wade - Yes. I was dealing with withdrawal. I'm trying to think strategy wise  
4701 about what Debra said. I don't know if the Commission will have time to come up with, to  
4702 look at this thoroughly, and come up with specific things before the Board's retreat, which  
4703 would be an advantage because they are, as you pointed out, are going to be hearing from  
4704 others, I sure, before then.

4705

4706 Mrs. Quesinberry - Well, I thought we could just each contact Ms. Hunter with any of the

4707 questions or suggestions we might have on some of the points that we heard to allow her an  
4708 opportunity to make a couple of changes before the Board goes to retreat.

4709

4710 Ms. Dwyer - Ms. Hunter, does that sound workable?

4711

4712 Ms. Hunter - That sounds fine. I think our rezoning meeting is very full. I would  
4713 agree with Mr. Vanarsdall that that would not be a good time. The POD meeting would be  
4714 the 26<sup>th</sup>. The Board's work session would be the next following two days. So, if the  
4715 Commission wants to get me comments then we could incorporate it into the ordinance and  
4716 have the ordinance presented on the 26 and then it could be given to the Board at their work  
4717 session on the 27 and 28.

4718

4719 Ms. Dwyer - So, you mean have another work session on the 26<sup>th</sup> and....

4720

4721 Ms. Hunter - That's up to you if you want to have another work session or just have  
4722 your comments included and then we could send it out to the development community and then  
4723 have one in February.

4724

4725 Ms. Dwyer - I'm just thinking it might facilitate the whole process if we each called  
4726 you with our comments to the extent we might have something conflicting. You could either  
4727 resolve it by talking to us individually or you could present alternative proposals within the  
4728 draft. For instance, parking space of 2.1 versus a parking space of 1.9 or 2.3 or whatever.

4729

4730 Ms. Hunter - It would also be helpful if you could ask to get some comments from the  
4731 development community by a certain date to so that we could look at those and see what areas  
4732 we could address.

4733

4734 Mrs. Wade - Well, we know at least one of them don't like anything about it.

4735

4736 Ms. Hunter - Well, we can't address that but we can address it if they have some  
4737 specific concerns.

4738

4739 Ms. Dwyer - Well, option one, would be to do nothing. So, if we all called Jo Ann  
4740 sometime, by a certain date.... You would need some lead time in order to have a draft by the  
4741 January 26 meeting.

4742

4743 Mrs. Wade - Did you say the Board agenda has not been set? Is there some kind of  
4744 jumping off point that we know about at this point, other than balance growth?

4745

4746 Mr. Marlles - This is a two-day retreat and that is the entire focus of the retreat.

4747

4748 Ms. Dwyer - Well, let's say for example, to get a decision in process here. If we  
4749 were able to get our comments to Ms. Hunter, by say, the 15<sup>th</sup> of January and then she could  
4750 work on a draft that would be ready for the Boards' retreat on the 27<sup>th</sup>. We could get a copy  
4751 of it on the 26<sup>th</sup> at our POD meeting. It could be conceivably discussed, although we don't

4752 know that, on the 27<sup>th</sup> and the 28<sup>th</sup> and then we could have a work session after that to sort of  
4753 look and discuss all the comments that have been made by the Commissioners. All of the  
4754 comments, if any, received by the Board and any other participants who would like to submit  
4755 comments to staff, citizens, residents, developers, landowners and then we could set another  
4756 work session to really get down to the nuts and bolts of the ordinance and then to from there,  
4757 we would hope, to a public hearing and decision.

4758

4759 Mrs. Wade - This in some way is going to disenfranchise Three Chopt because the  
4760 transition. I want be here anymore and the new person....

4761

4762 Mrs. Quesinberry - That's why I said you have to come back as a consultant.

4763

4764 Ms. Dwyer - Mr. Kaechele, will have to hire you as a special consultant I think.

4765

4766 Mr. Vanarsdall - You have a lot of training to do with your replacement, that's what it is.

4767

4768 Ms. Dwyer - So, all right. When should we have the next work session?

4769

4770 Mrs. Quesinberry - Elizabeth, if I heard you correctly, I thought I heard two work session in  
4771 there.

4772

4773 Ms. Dwyer - No. We need to call in our comments and this does not just apply to the  
4774 Commission but to citizens and developers and owners. Call in whatever suggestions we want  
4775 to make by the 15<sup>th</sup> to Jo Ann. Then she will give us another iteration of this on the 26<sup>th</sup>. We  
4776 will just receive it on the 26<sup>th</sup>, and then we would have it to look at.... I mean we don't have to  
4777 receive it on the 26<sup>th</sup>, we could get it before then. You could mail it or have it delivered to us.

4778

4779 Mr. Vanarsdall - Are you suggesting another work session in January?

4780

4781 Ms. Dwyer - I'm just suggesting that we get our.... I'm mindful of all the work we  
4782 have ahead of us in January, but I'm thinking if we get our comments into Jo Ann in time for  
4783 the next iteration to be presented to the Board or delivered to the Board or hand delivered to  
4784 the Board on the 27 and 28, then if we get any comments from them we can deal with that at  
4785 the next work session on this, which would be sometime in February. Now, let's look at a  
4786 time to do it in February. We've got Rezoning on the 10th. Maybe we should just have a  
4787 separate meeting just on this issue if we are going to spend some time looking at the nuts and  
4788 bolts of this, it may take a lot of time, so we could have a separate meeting. And then we  
4789 wouldn't have to worry about getting bump by cases or having unpredictable agendas. What  
4790 do you think?

4791

4792 Mr. Silber - Staff agrees. Maybe the week of February 14.

4793

4794 Mrs. Quesinberry - No. I can't do it that week.

4795

4796 Ms. Dwyer - Is the 21st a holiday?

4797  
4798 Mr. Silber - I don't think so.  
4799  
4800 Ms. Dwyer - What about February 4?  
4801  
4802 Mrs. Quesinberry - It's a bad month for me. I'm out of town on the 4<sup>th</sup>.  
4803  
4804 Ms. Dwyer - When can you do it, Debra?  
4805  
4806 Mrs. Quesinberry - I could do it on the 7th, 8th, 9th, we have Planning on the 10th.  
4807  
4808 Mr. Silber - That may be tough on staff because we have Board zoning cases late  
4809 January, Board zoning cases earlier February and Planning Commission zoning cases in  
4810 February.  
4811  
4812 Mrs. Quesinberry - How about the 28th or 29th of February.  
4813  
4814 Mr. Silber - That's fine.  
4815  
4816 Ms. Dwyer - That really backs us up though. How about Monday 21? How does that  
4817 look for staff.  
4818  
4819 Ms. Silber - That's workable.  
4820  
4821 Ms. Dwyer - Let's do Monday the 21st. At what time, the morning, the afternoon?  
4822 The morning at 9:00 a.m. or 10:00 a.m.  
4823  
4824 Mrs. Quesinberry - This shouldn't take as long because that's the only subject we are taking  
4825 up for this work session. Two hours should do it, from 10:00 to 12:00.  
4826  
4827 Mr. Silber - Perhaps we should try to get this room. But, assume it's going to be  
4828 here. If we can't secure this room we will find another place.  
4829  
4830 Ms. Dwyer - All right. Do we need a motion on that?  
4831  
4832 Mr. Silber - I think setting a work session we need a motion.  
4833  
4834 Mr. Archer - I move that we set the work session for Monday, February 21, 2000, at  
4835 10:00 a.m.  
4836  
4837 Mr. Vanarsdall - Second.  
4838  
4839 Ms. Dwyer - All in favor of the motion say aye....all opposed say nay. The motion  
4840 carries. Is there any more business?  
4841

4842 Mr. Marlles - No, ma'am.  
4843  
4844 Ms. Dwyer - Motion for adjournment.  
4845  
4846 Mr. Vanarsdall - I move we adjourn.  
4847  
4848 Mrs. Wade - Second.  
4849  
4850 Ms. Dwyer - The motion was made by Mr. Vanarsdall and seconded by Mrs. Wade.  
4851 All in favor say aye...all opposed say nay. The motion carries.  
4852  
4853 On a motion by Mr. Vanarsdall and seconded by Mrs. Wade, the Planning Commission  
4854 adjourned its meeting at 3:25 p.m.  
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Elizabeth G. Dwyer, C.P.C., Chairman  
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John R. Marlles, AICP, Secretary  
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