

1 Minutes of the regular monthly meeting of the Planning Commission of the County of Henrico,  
2 Virginia, held in the Board Room of the County Administration Building in the Government Center  
3 at Parham and Hungary Springs Roads, Beginning at 9:00 a.m. Wednesday, January 23, 2002.

4

5 Members Present:                    Mr. Allen Taylor, P.E., C.P.C., Chairperson (Three Chopt)  
6    Mr. E. Ray Jernigan, C.P.C., Vice Chairperson (Varina)  
7    Mr. C. W. Archer, C.P.C. (Fairfield)  
8    Mr. Ernest B. Vanarsdall, C.P.C. (Brookland)  
9    Ms. Lisa D. Ware (Tuckahoe)  
10    Mr. Frank J. Thornton (Fairfield) Board of Supervisors  
11    Representative

12

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

26

27 **Mr. Frank J. Thornton, the Board of Supervisors Representative, abstains on all cases**  
28 **unless otherwise noted.**

29

30 Mr. Taylor -                    Good morning. The Planning Commission meeting for Wednesday,  
31 January 23, will come to order. Is there anybody from the press present this morning? All right.  
32 Then with that, I will turn the meeting over to our Director, Mr. Marlles, and we will proceed.

33

34 Mr. Marlles -                    Thank you, Mr. Chairman. Good morning, members of the Commission,  
35 ladies and gentlemen. The first item on the agenda is request for deferrals and withdrawals.  
36 Those will be presented by Mr. Ted McGarry.

37

38 Mr. McGarry - Good morning, Mr. Chairman, members of the Commission. There is one request  
39 for deferral on your agenda. It's on page 16 of your agenda.

40

40 **SUBDIVISION**

41

Bartley Pond  
(January 2002 Plan)

**Bay Design Group for Forest G. Urban and Caskey Construction Company:** The 4.38 acre site is located at the southeast intersection of Pemberton Road (State Route 157) and Mayland Drive (future extension) on parcel 754-756-0177 (58-2-A-11) and part of parcel 754-756-0177 (58-2-A-10). The zoning is RTHC, Residential Townhouse District (Conditional). County water and sewer. **(Three Chopt) 33 Lots**

42

43 Mr. McGarry - The applicant is requesting deferral to February 27, 2002.

44

45 Mr. Taylor - A motion is in order.

46

47 Mr. Vanarsdall - We will need a motion for that, won't we, Mr. Chairman?

48

49 Mr. Taylor - I think so. Then, I'll move that subdivision Bartley Pond (January 2002 Plan) in the Three Chopt District, be deferred to February 27, 2002.

50

51 Mr. Archer - At the applicant's request.

52

53 Mr. Taylor - At the request of the applicant.

54

55 Mr. Vanarsdall - Second.

56

57 Mr. Taylor - The motion was made by Mr. Taylor and seconded by Mr. Vanarsdall. All in favor say aye...all opposed say nay. The ayes have it. Next case.

58

59 At the request of the applicant, the Planning Commission approved the deferral for subdivision Bartley Pond (January 2002 Plan) to its February 27, 2002, meeting.

60

61 Mr. Marles - Mr. Chairman, the next item on the agenda is the Expedited Agenda. And, again, there are quite a few of those and those will be presented by Mr. McGarry.

62

63 Mr. McGarry - We have a total of seven expedited items on the agenda. The first one is on page 2 of your agenda, a transfer of approval request for POD-19-71 and POD-22-72.

64

69 **TRANSFER OF APPROVAL**

70

POD-19-71 and POD-22-72  
Darbytown Manor  
Apartment Complex

**Edgewood Management Corporation for Williamsburg Associates, L.P.:** Request for approval of a transfer of approval, as required by Chapter 24, Section 24-106 of the Henrico County Code from Darbytown Manor Apartment Complex to Williamsburg Associates, L.P. The 9.65-acre site is located at the southern terminus of Shirleydale Avenue, south of Darbytown Road on parcel 804-710-7779 (171-A-14). The zoning is R-5, General Residence District. County water and sewer. **(Varina)**

71

72 Mr. Taylor - Is there any opposition?

73

74 Mr. Jernigan - Mr. Chairman, I'll make a motion to approve transfer of approval POD-  
75 19-71 and POD-22-72 from Darbytown Manor to Williamsburg Associates, L.P.

76

77 Mr. Vanarsdall - Second.

78

79 Mr. Taylor - The motion was made by Mr. Jernigan and seconded by Mr. Vanarsdall.

80

81 Mr. Vanarsdall - "Dall."

82

83 Mr. Taylor - "Dall." All in favor say aye...all opposed say nay. The ayes have it.

84 Next case.

85

86 The Planning Commission approved the transfer of approval request for POD-19-71 and POD-  
87 22-72, Darbytown Manor Apartment Complex, subject to the standard and additional conditions  
88 previously approved, the annotations on the plans and the following additional condition:

89

90 1. The site deficiencies, as identified in the inspector's report dated January 10, 2002, shall  
91 be corrected by February 28, 2002.

92

93 Mr. McGarry - The next case is on page 3 of your agenda, POD-1-02, Faith Landmarks Church  
94 Access Road.

95

96 Mr. Taylor - My apologies to Mr. Vanarsdall.

97

98

98 **PLAN OF DEVELOPMENT**

99

POD-1-02  
Faith Landmarks Church  
Access Road –  
8491 Chamberlayne Road  
(POD-8-98 Revised)

**E. D. Lewis & Associates for Faith Landmark Ministries:**  
Request for approval of a revised plan of development as required  
by Chapter 24, Section 24-106 of the Henrico County Code to  
construct an access driveway. The 1.6 acre portion of the 54.1  
acre site is located on the east line of Chamberlayne Road (U.S.  
Route 301) at its intersection with Parham Road on parcel 794-  
757-5738 (64-A-23A). The zoning is A-1, Agricultural District  
and R-2C, One-Family Residence District (Conditional).  
**(Fairfield)**

100

101 Mr. McGarry - There is an addendum item on page 2 of your addendum that basically includes a  
102 condition that requires the church to provide a letter from the Natural Gas Pipeline, that their  
103 driveway construction will not conflict with the Pipeline facilities.

104

105 Mr. Taylor - Is there any opposition to POD-1-02, Faith Landmarks Church, being  
106 placed on the Expedited Agenda? All right.

107

108 Mr. Archer - Mr. Chairman, I will move approval of POD-1-02, Faith Landmarks  
109 Church Access Road, subject to the annotations on the plans, the standard conditions for  
110 developments of this type, the additional conditions Nos. 23 through 28 as shown on the agenda  
111 and an additional condition No. 29 as shown on the addendum.

112

113 Mr. Vanarsdall - Second.

114

115 Mr. Taylor - The motion was made by Mr. Archer and seconded by Mr. Vanarsdall. All  
116 in favor say aye...all opposed say nay. The ayes have it.

117

118 The Planning Commission approved POD-1-02 Faith Landmarks Church Access Road, - 8491  
119 Chamberlayne Road (POD-8-98 Revised) subject to the standard conditions attached to these  
120 minutes for developments of this type, the annotations on the plans and the following additional  
121 conditions.

122

123 23. The entrances and drainage facilities on Chamberlayne Road (U.S. Route 301) shall be  
124 approved by the Virginia Department of Transportation and the County.

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

128 25. The developer shall provide fire hydrants as required by the Department of Public  
129 Utilities and Division of Fire.

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

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

134 Department of Public Works.  
135 28. Approval of the construction plans by the Department of Public Works does not  
136 establish the curb and gutter elevations along the Virginia Department of Transportation  
137 maintained right-of-way. The elevations will be set by the contractor and approved by  
138 the Virginia Department of Transportation.  
139 29. Prior of issuance of a building permit, the developer must furnish a letter from the  
140 Virginia Natural Gas Pipeline Company stating that this proposed development does not  
141 conflict with their facilities.

142  
143 Mr. McGarry -The next case is on page 5 of your agenda, subdivision, The Manor at Hunton  
144 Park.

145

146 **SUBDIVISION**

147

The Manor at Hunton Park      **Foster & Miller, P.C. for Star City Land and Development**  
(Semidetached Dwellings on      **Company, L.C. and Hunton Manor Homes Development**  
Zero Lot Lines)                      **Corporation:** The 21.23 acre site is located at the northwest  
(December 2001 Plan)              corner of the intersection of Mill Road and Long Meadow Drive  
on part of parcel 767-774-0652 (13-A-24) and part of 765-773-  
5358 (21-A-5). The zoning is R-5AC, General Residence District  
(Conditional). County water and sewer. **(Brookland) 80 Lots**

148

149 Mr. Taylor -                      Is there any opposition to subdivision The Manor at Hunton Park, on the  
150 Expedited Agenda?

151

152 Mr. Vanarsdall -                I move that The Manor at Hunton Park be approved on the Expedited  
153 Agenda, the annotations on the plans, the standard conditions for subdivisions served by public  
154 utilities, and the following conditions Nos. 12, 13, and 14.

155

156 Mr. Archer-                      Second, Mr. Chairman.

157

158 Mr. Taylor -                      The motion was made by Mr. Vanarsdall and seconded by Mr. Archer. All  
159 in favor say aye...all opposed say nay. The ayes have it.

160

161 The Planning Commission granted conditional approval to subdivision The Manor at Hunton  
162 Park (Semidetached Dwellings on Zero Lot Lines) (December 2001 Plan) subject to the standard  
163 conditions attached to these minutes for subdivisions served by public utilities, the annotations  
164 on the plans and the following additional conditions.

165

166 12. The proffers approved as part of zoning case C-48C-01 shall be incorporated in this  
167 approval.

168 13. Prior to Planning Commission approval of a POD, the VDOT right-of-way shall be  
169 abandoned and ownership transferred to Star City Land Development Company.

170 14. Prior to Planning Commission approval of a POD, the Director of Public Works shall  
171 grant a waiver for an off-site BMP.



200 **LANDSCAPE PLAN**

201

LP/POD-94-00

Merchant's Tire @ Virginia Center Marketplace Shopping Center

**Balzer & Associates, Inc. for Trammell Crow Company:** Request for approval of a landscape plan, as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code. The 1.314 acre site is located on the north side of J.E.B. Stuart Parkway on an outparcel of the Virginia Center Marketplace Shopping Center on parcel 783-769-2291 (24-A-9V). The zoning is B-3C, One-Family Residence District (Conditional). **(Fairfield)**

202

203 Mr. Taylor -

Is there any opposition to this one being on the Expedited Agenda? All

204 right. Mr. Archer.

205

206 Mr. Archer -

Mr. Chairman, I move approval of landscape plan LP/POD-94-00, Merchant's Tire @ Virginia Center Marketplace, subject to the annotations on the plan and the standard conditions for landscape plans.

209

210 Mr. Vanarsdall -

Second.

211

212 Mr. Taylor -

The motion was made by Mr. Archer and seconded by Mr. Vanarsdall. All in favor say aye...all opposed say nay. The ayes have it.

214

215 The Planning Commission approved the landscape plan for LP/POD-94-00, Merchant's Tire @ Virginia Center Marketplace Shopping Center, subject to the annotations on the plan and the standard conditions for landscape plans.

218

219 Mr. McGarry -The next case is on page 12 of your agenda, subdivision Battlefield Woods (January 2002 Plan).

221

222 **SUBDIVISION**

223

Battlefield Woods (January 2002 Plan)

**G. Stuart Grattan for Pauline B. Utz and Wilford J. McMillian:** The 7.24 acre site is located on the south line of Hurop Road, approximately 365 feet east of White Oak Road on parcel 857-703-6172 (199-A-36). The zoning is A-1, Agricultural District. County individual well and septic tank/drainfield. **(Varina) 5 Lots**

224

225 Mr. Taylor -

Is there opposition to this project? No opposition. Mr. Jernigan.

226

227 Mr. Jernigan -

Mr. Chairman, I'll make a motion to approve subdivision Battlefield Woods subject to the annotations on the plan, the standard conditions for subdivisions not served by public utilities, and the following additional condition No. 11.

230

231 Mr. Vanarsdall - Second.

232

233 Mr. Taylor - The motion was made by Mr. Jernigan and seconded by Mr. Vanarsdall.

234 All in favor say aye...all opposed say nay. The ayes have it.

235

236 The Planning Commission granted conditional approval to subdivision Battlefield Woods  
237 (January 2002 Plan) subject to the annotations on the plans, the standard conditions for  
238 subdivisions served by public utilities and the following additional condition.

239

240 11. The parcel identified as "out parcel" on the conditional plat shall be incorporated into an  
241 adjoining parcel prior to recordation of the final plat.

242

243 Mr. McGarry - This is the last case on the Expedited Agenda. Kings Forest (February 2001)  
244 reconsideration subdivision is on page 15 of your agenda.

245

#### 246 **SUBDIVISION RECONSIDERATION**

247

Kings Forest  
(February 2001 Plan)

**E. D. Lewis & Associates, P.C. for Willbrook, L.L.C.:** The  
10.06 acre site is located 300 feet north to Hart Mill Drive and the  
east line of Springfield Road on parcels 756-769-5716 (29-A-22),  
756-769-9117 (29-A-24A) and 756-769-6739 (24-A-25). The  
zoning is R-3C, One-Family Residence District (Conditional).  
County water and sewer. **(Brookland) 22 Lots**

248

249 Mr. Taylor - Is there opposition to this case? No opposition. Mr. Vanarsdall.

250

251 Mr. Vanarsdall - I move that Kings Forest (February 2001 Plan) be approved on the  
252 Expedited Agenda subject to the standard conditions for subdivisions served by public utilities  
253 and the annotations on the plan.

254

255 Mr. Jernigan - Second.

256

257 Mr. Taylor - The motion was made by Mr. Vanarsdall and seconded by Mr. Jernigan.

258 All in favor say aye...all opposed say nay. The ayes have it.

259

260 The Planning Commission granted conditional approval for the reconsideration of subdivision  
261 Kings Forest (February 2001 Plan) subject to the annotations on the plan and the standard  
262 conditions attached to these minutes for subdivisions served by public utilities.

263

264 Mr. Taylor - The next item, Mr. Director.

265

266 Mr. Marlles - Mr. Chairman, the next item on the agenda is the request for extensions of  
267 conditional subdivisions. Those will be reviewed and presented by Mr. Wilhite.

268

269 Mr. Wilhite - Good morning. Your addendum has a revised list of subdivisions for

270 Planning Commission action and also those for informational purposes. There are two cases up  
 271 for extension by the Planning Commission. The first one is Almond Creek Estates (January 1993  
 272 Plan) in the Varina district.

273

274 **FOR PLANNING COMMISSION APPROVAL**

275

Subdivision	Magisterial District	Original No. of Lots	Remaining Lots	Previous Extensions	Year(s) Extended
*Almond Creek Estates (January 1993 Plan)	Varina	100	21	8	1 Year 1/22/03
Carter Oaks, Sec. C (July 1993 Plan)	Tuckahoe	8	8	8	1 Year 1/22/03

276

277 \*This development shall meet all ordinance requirements currently in effect as of the date of this  
 278 extension.

279

280 Mr. Wilhite - The staff is recommending a one-year extension with a condition for  
 281 Almond Creek Estates that the project would have to meet all current ordinance requirements as  
 282 far as lot designs, and staff would recommend approval for one year. Also, Carter Oaks, Section  
 283 C, requires Planning Commission action as well, the July 1993 Plan, in the Tuckahoe district.  
 284 Staff is recommending extension of one year on that as well. I'll be happy to answer any  
 285 questions you have on those two.

286

287 Mr. Jernigan - Mr. Wilhite, I want you to know that I did, and I told you yesterday, but  
 288 for the record, I called Greg Koontz of Koontz & Bryant and told them that they would have to  
 289 bring it up to County Code on those three flag lots. He understood and I made him aware that he  
 290 may lose a lot. So, they are okay with that.

291

292 Mr. Wilhite - All right.

293

294 Mr. Jernigan - So, with that, I'll recommend approval of Almond Creek Estates for a  
 295 period of one year.

296

297 Mr. Vanarsdall - Second.

298

299 Mr. Taylor - The motion was made by Mr. Taylor and seconded by Mr. Vanarsdall. All  
 300 in favor say aye...all opposed say nay. The ayes have it.

301

302 Mr. Wilhite - Sir, is that with the condition added?

303

304 Mr. Taylor - With the condition.

305

306 Mr. Jernigan - With the condition.

307 Mr. Taylor - The ayes have it and the motion is approved. We will go on to Carter  
308 Oaks.

309

310 Ms. Ware - I move to approve a one-year extension for Carter Oaks, Section C.

311

312 Mr. Vanarsdall - Second.

313

314 Mr. Taylor - The motion was made by Ms. Ware and seconded by Mr. Vanarsdall. All  
315 in favor say aye...all opposed say nay. The ayes have it.

316

317 The Planning Commission approved a one-year (January 22, 2003) conditional extension for  
318 Almond Creek Estates (January 1993 Plan) and Carter Oaks, Section C (July 1993 Plan).

319

320 Mr. Taylor - Next item, Mr. Director.

321

322 Mr. Marlles - Mr. Chairman, the next items are also requests for conditional subdivision  
323 extensions and those are presented to the Commission for informational purposes only. There is  
324 no action by the Commission needed. Mr. Wilhite.

325

326 Mr. Wilhite - We have five subdivisions that will be extended administratively by the  
327 Director of Planning. They are Carrington (January 2000 Plan) in the Three Chopt District,  
328 Carrington North (January 2000 Plan) in the Three Chopt District, Malvern Hill Manor (January  
329 2001 Plan) in the Varina District, Old Washington Place (January 2001 Plan) in the Brookland  
330 District and Sterling Forest (January 2000 Plan) in the Fairfield District. Magnolia Pointe was  
331 removed from that list. It has received final approval.

332

333 (FOR INFORMATIONAL PURPOSE ONLY)

334

<b>Subdivision</b>	<b>Magisterial District</b>	<b>Original No. of Lots</b>	<b>Remaining Lots</b>	<b>Previous Extensions</b>	<b>Year(s) Extended</b>
<b>Carrington (January 2000 Plan)</b>	<b>Three Chopt</b>	<b>35</b>	<b>35</b>	<b>1</b>	<b>1 Year 1/22/03</b>
<b>Carrington North (January 2000 Plan)</b>	<b>Three Chopt</b>	<b>108</b>	<b>108</b>	<b>1</b>	<b>1 Year 1/22/03</b>
<b>Magnolia Pointe (January 2001 Plan)</b>	<b>Fairfield</b>	<b>66</b>	<b>66</b>	<b>0</b>	
<b>Malvern Hill Manor (January 2001 Plan)</b>	<b>Varina</b>	<b>121</b>	<b>80</b>	<b>0</b>	<b>1 Year 1/22/03</b>
<b>Old Washington Place (January 2001 Place)</b>	<b>Brookland</b>	<b>10</b>	<b>10</b>	<b>0</b>	<b>1 Year 1/22/03</b>
<b>Sterling Forest (January 2000 Plan)</b>	<b>Fairfield</b>	<b>175</b>	<b>120</b>	<b>1</b>	<b>3 Years 1/26/05</b>

335

336 Mr. Taylor - All right. Thank you, very much. Next.  
337

338 Mr. Vanarsdall - Mr. Chairman, may I interrupt for a minute. I just had a case that was on  
339 the Expedited Agenda, the name of it was Smith Turf. I don't know if we need another motion  
340 or not... Mr. Secretary, perhaps you can tell me. But I just want to make sure that the landscape  
341 plan is dated the 23<sup>rd</sup> of January. I want to get that in the minutes. We had a lot of trouble with  
342 the planting in the beginning and I want to make sure that we get that. I want to add in there that  
343 the January 23, 2002, landscape plan for Smith Turf, LP/POD-13-01 be in the minutes.

344  
345 Mr. Marlles - We can reflect that in the minutes.  
346

347 Mr. Vanarsdall - I know they heard it back there, I saw Diana writing. Excuse me for the  
348 interruption.  
349

350 Mr. Taylor - All right. Next case, Mr. Director.  
351

352 Mr. Marlles - Mr. Chairman, the next case is on page 4 of your agenda, POD-4-02,  
353 Lakeside Heating, Air Conditioning and Plumbing.  
354

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

356

POD-4-02 Lakeside Heating, Air Conditioning and Plumbing - 2372 Charles City Road	<b>Engineering Design Associates for George Allen Brock:</b> Request for approval of a plan of development and transitional buffer deviation, as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code, to construct a phased, one-story, 13,150 square foot office/warehouse. The 3.0 acre site is located on the north side of Charles City Road approximately 300 feet west of Glen Alden Drive on parcel 813-711-8407 (172-2-2-26). The zoning is M-1C, Light Industrial District and ASO (Airport Safety Overlay) District. County water and sewer. ( <b>Varina</b> )
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357

358 Mr. Taylor - Good morning, Mr. McGarry.

359

360 Mr. McGarry - Good morning, Mr. Chairman. Do you want to ask for opposition?

361

362 Mr. Taylor - Is there any opposition to this case? No opposition. Good morning, again,

363 Mr. McGarry.

364

365 Mr. McGarry - All right. The Commission will need to make two motions with this plan, one for  
366 approval of the site plan and the other for the transitional buffer deviation. We think we have got  
367 this worked out. Staff is in the position to recommend approval of the plan, the standard  
368 condition plus additional conditions Nos. 23 through 28 and we have crafted a new No. 29, do  
369 not use the one in your addendum. The issue here for staff was trying to get a proper design to  
370 allow ingress/egress to an abutting parcel which was reflected in the commitments that were

371 made during the rezoning case. So with that in mind, the following item is to be included in our  
372 recommendation of approval. This is a new revised condition No. 29 and it would read: The  
373 applicant shall agree to provide to abutting property owners a joint ingress/egress maintenance  
374 and construction easement when requested by the County. The agreement shall be submitted to  
375 the Planning Office for review and approved by the County Attorney and the Director of  
376 Planning. On the transitional buffer deviation, the applicant normally makes their case for that  
377 and the staff does not comment on it. I'll be happy to answer any questions.

378

379 Mr. Taylor - Are there any questions of Mr. McGarry?

380

381 Mr. Jernigan - No. I think we have worked it all out. We will just hear from the  
382 applicant. Good morning, Ms. Isaac.

383

384 Ms. Isaac - Good morning. I'm Laraine Isaac from Engineering Design Associates.  
385 Yes. I think we have worked all of the conditions out. And I thank Mr. Jernigan and Mr.  
386 McGarry for their help. We have asked for a decrease in the transitional buffer. The ordinance  
387 requires 50 feet and we would like to provide 25 feet. This site is 200 feet wide and the  
388 ordinance requirements would mean half of it would be in buffer strips. The property to the east  
389 is vacant. The house shown there no longer exists and does not even meet the ordinance  
390 requirements for A-1 property. So, I do not foresee it being developed as a residential use. The  
391 property to the west, there is a house on it. It has not been occupied for 10 years. I am told that  
392 if you lean on it it's going to fall over and does not have central heating. So, we do not foresee  
393 that house being used as a residence in the near future. The A-1 property, in this whole area of  
394 Charles City Road, is recommended by the Land Use Plan to be industrial property. So, it makes  
395 sense, the property, when developed will be rezoned and developed as M-1 property. The  
396 property across the street is M-2 and is a landfill. We think that these are reasons to reduce the  
397 required landscape strip to 25 feet, and we have agreed to providing the landscaping in those  
398 landscape strips in accordance with the 25-foot buffer strip as required by the ordinance. I'll be  
399 happy to answer any questions.

400

401 Mr. Archer - So, Ms. Isaac, the footprint that we see for the house on the east is really  
402 not there. Is that what you are saying?

403

404 Ms. Isaac - Right. It's vacant.

405

406 Mr. Archer - Okay. Thank you.

407

408 Mr. Jernigan - I want to let you know that we are going to amend No. 9. So, we will  
409 bring back the landscape plan through the Commission.

410

411 Ms. Isaac - That's fine.

412

412 Mr. Jernigan - Rather than just running it through staff. Now, as long as we have got  
413 everything worked out. Now, we are going to dedicate the 25 foot for the next tenant coming in  
414 and we are going to have a maintenance agreement that's going to be presented to the County,  
415 reviewed by the County and approved by the County.

416

417 Ms. Isaac - Right.

418

419 Mr. Jernigan - We are looking pretty good.

420

421 Ms. Isaac - I hope so.

422

423 Mr. Jernigan - Are there anymore questions? All right, with that, Mr. Chairman, we will  
424 have to make two motions here, first for the transitional buffer deviation. So, I'll make a motion  
425 for a transitional buffer deviation on POD-4-02, Lakeside Heating, Air Conditioning and  
426 Plumbing.

427

428 Mr. Vanarsdall - Second.

429

430 Mr. Taylor - The motion was made by Mr. Jernigan and seconded by Mr. Vanarsdall.  
431 All in favor say aye...all opposed say nay. The ayes have it.

432

433 The Planning Commission approved the transitional buffer deviation for POD-4-02, Lakeside  
434 Heating, Air Conditioning and Plumbing – 2372 Charles City Road for 25 feet.

435

436 Mr. Jernigan - And, Mr. Chairman, I would like to make a motion to approved POD-4-  
437 02, Lakeside Heating, Air Conditioning and Plumbing on Charles City Road, subject to the  
438 annotations on the plans, the standard conditions for developments of this type and the following  
439 additional conditions Nos. 23 through 28, No. 9 amended and No. 29 amended.

440

441 Mr. Archer - Second, Mr. Chairman.

442

443 Mr. Taylor - The motion was made by Mr. Jernigan and seconded by Mr. Archer. All  
444 in favor say aye...all opposed say nay. The ayes have it.

445

446 The Planning Commission approved POD-4-02, Lakeside Heating, Air Conditioning and  
447 Plumbing – 2372 Charles City Road, subject to the annotations on the plan, the standard  
448 conditions for developments of this type and the following additional conditions.

449

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

453 23. The developer shall provide fire hydrants as required by the Department of Public  
454 Utilities and Division of Fire.

455 24. The proffers approved as a part of zoning case C-51C-01 shall be incorporated in this  
456 approval.

- 457 25. Any necessary off-site drainage and/or water and sewer easements must be obtained in a  
 458 form acceptable to the County Attorney prior to final approval of the construction plans.  
 459 26. Deviations from County standards for pavement, curb or curb and gutter design shall be  
 460 approved by the County Engineer prior to final approval of the construction plans by the  
 461 Department of Public Works.  
 462 27. Insurance Services Office (ISO) calculations must be included with the plans and  
 463 contracts and must be approved by the Department of Public Utilities prior to the  
 464 issuance of a building permit.  
 465 28. Approval of the construction plans by the Department of Public Works does not  
 466 establish the curb and gutter elevations along the Henrico County maintained right-of-  
 467 way. The elevations will be set by Henrico County.  
 468 29. The applicant shall agree to provide to abutting property owners a joint ingress/egress,  
 469 maintenance and construction easement when requested by the County. The agreement  
 470 shall be submitted to the Planning Office for review and approval by the County Attorney  
 471 and the Director of Planning prior to signature of construction plans.  
 472

473 **PLAN OF DEVELOPMENT & LIGHTING PLAN**

474 **(Deferred from the December 19, 2001, Meeting)**

475

476 477 478 479	<b>POD-78-01</b> <b>Rigsby Road Retail Shops</b>  <b>QMT Corporation for Than Phan &amp; Lan Thi Huynh:</b> Request for approval of a plan of development and lighting plan, as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a one-story, <del>2,311</del> 2,214 square foot retail building. The .41 acre site is located on the south line of Rigsby Road approximately 60 feet east of Pinehaven Road on parcels 768-741-4099 (92-9-B-9), 768-741-4600 (92-9-B-8) and part of parcel 768-741-3983 (102-10-B-1). The zoning is B-2, Business District. County water and sewer. <b>(Three Chopt)</b>
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476  
 477 Mr. Taylor - Is there anybody in opposition to this case, POD-78-01, Rigsby Road  
 478 Retail Shops? No opposition. Mr. Wilhite.

479  
 480 Mr. Wilhite - Thank you, sir. This is a deferred case. You are currently being handed  
 481 out a revised cover map, a revised site plan and architectural plans. In addition, I have received  
 482 another revised site plan from the engineer this morning. In order for this to be considered you  
 483 would have to waive the time limits for approval. Currently on the site there is a 6,164 square  
 484 foot building at the corner of Horsepen Road and Pinehaven Road, owned by the applicant.  
 485 Originally, this was a European Health Spa. In addition, the site, which is being considered here,  
 486 was a parking lot that also served that building. The property owner owns both of these lots,  
 487 which is separated by a public alley. Originally, the applicant had proposed a building of 3,814  
 488 square feet but due to parking requirements to meet the County ordinance, that was more square  
 489 footage than he could handle due to the existing uses he has in the building at the corner. One of  
 490 the uses is a pool hall, which creates a larger parking demand under the code than you would find  
 491 in normal retail centers. The revised plan reduced the building down to 2,100 square feet.  
 492 However, it lacked landscape islands that the County recommends in the parking area. The

493 revised plan that you have this morning shows two landscape islands placed in there at the  
494 County's request. He was able to increase the square footage of the building to 2,214 square feet.  
495 If you take a look at the layout that you received this morning, it looks workable as far as staff is  
496 concerned. In addition, the applicant is willing to add another light pole into the parking lot to  
497 reduce the concern staff had about the lack of lighting levels in the center of the parking lot. One  
498 thing staff has suggested, is that the rear of this building facing Rigsby Road is only 15 feet off of  
499 the public right-of-way. Staff recommends that that side either be enhanced by the addition of  
500 architectural design elements or increase landscaping along there to keep it from looking like the  
501 back of a building. The applicant is here today and he has brought some elevations and colored  
502 renderings to show you. If you have any questions, I'll be happy to answer them.

503

504 Mr. Taylor - Mr. Wilhite, I don't have any questions. I think we have been working  
505 with the engineer over the past 24 hours and I think that, at least I'm hopeful, that we have made  
506 most of the accommodations that they offered. Is Mr. Rohrmoser here?

507

508 Mr. Wilhite - Yes, he is here.

509

510 Mr. Taylor - I would like to hear from the applicant.

511

512 Mr. Rohrmoser - Good morning. My name is Tim Rohrmoser with QMT Engineering. We  
513 do have some elevations and we understand the concerns on the rear of the building facing  
514 Rigsby Road. I'm going to illustrate what we had in concept, what it might look like at this  
515 moment. Please excuse the renderings. We weren't able to get in touch with the architect so as  
516 engineers we only have a few color pencils available, mostly red. The rear elevation is the one I  
517 believe is of concern. Again, in our concept at this time, this is what it would look like (referring  
518 to picture on screen) based on the present plan. The building features split-face CMU. There is  
519 an architectural awning over the main entrances. I believe you can see that in the other  
520 elevations (referring to screen). We intend to carry a band of colored block around the building.  
521 The owner does not desire to put windows in that area as it presents somewhat of a security  
522 problem. It's really not the focal point of the building. It does tie into the other retail area that's  
523 up on Horsepen Road. Again, architectural suggestions, the owner is very willing to enhance the  
524 area with landscaping or to continue with additional awning treatments around the back. Other  
525 than that, we are open for suggestions.

526

527 Mr. Taylor - Thank you, Mr. Rohrmoser. Particularly, your comment with cars, I guess  
528 the color red maybe somewhat limited by the color of your pencils and it might take a little less,  
529 brilliant, red when we see the final elevations.

530

531 Mr. Rohrmoser - There are two color schemes. The split-face is readily available in a light  
532 gray, and we planned a muted maroon. The other color scheme that the owner would be willing  
533 to consider is a beige, again, with a complimentary highlighted awning and band color. However,  
534 the health spa building is brick and beige, up on Horsepen Road, which this ties into, but then we  
535 have a 7-11 next to that. Back here on Rigsby Road, we have a number of framed structures,  
536 mostly white. It's an eclectic mix where we just can't find a theme to follow. We think the area  
537 will be, as it is redeveloped more, in this style, with a little more color. Again, it's small retail

538 shops. Again, we think there will be a little more colorful area.

539

540 Mr. Taylor - My concern in this area, as a reemerging center of commerce, I can appreciate  
541 what you have done here. I think it is a good start. My concern is that the trend, the concepts, be  
542 colored or be carried forward as the area is developed. In that regard, I have a question. Is Mr.  
543 Phan with us today?

544

545 Mr. Rohrmoser - Mr. Phan is here.

546

547 Mr. Taylor - Good morning, Mr. Phan. Mr. Rohrmoser said that you enjoyed coming  
548 and I wanted to welcome you, sir. And I want to thank you for all of the hard work and  
549 cooperation in working with this area. Thank you very much. What I would like to do, though,  
550 is ask if there are other intentions to develop your buildings in this along the same phasing  
551 character. Is that what we are trying to do here? Okay, Mr. Phan, would you step forward on the  
552 podium. I want to welcome you again, sir. And I want to thank you again. The question is, are  
553 you planning to build additional, or improving additional buildings on that site?

554

555 Mr. Phan - Yes.

556

557 Mr. Taylor - Would you be willing to carry the same color theme forward?

558

559 Mr. Phan - Yes, sir.

560

561 Mr. Taylor - Because I think that whole segment of the neighborhood, right there,  
562 deserves what we can best do to improve it and brighten it up. And, again, I credit you with your  
563 effort as a good start. So, thank you very much.

564

565 Mr. Phan - Thank you, sir.

566

567 Mr. Taylor - And best of luck in your project.

568

569 Mr. Rohrmoser - Mr. Taylor, again, the old health spa building, which everybody  
570 recognizes, had been there for years. We could tie our architectural elements to that building.  
571 And, again, that's the only property Mr. Phan owns in that site. So, I guess we would have to  
572 present a combination of improvements between the two buildings, since they are joined at the  
573 hip and sharing the parking.

574

575 Mr. Taylor - Okay. Well, we would appreciate what you can do. And I want to thank  
576 you very much for those comments.

577

578 Mr. Wilhite - I just want to remind you that in order to accept the drawings that you  
579 received this morning, you would have to waive the time limits.

580

581 Mr. Taylor - Yes. And what I would like to do is start and move that we waive the time  
582 limits in the case of POD-78-01, Rigsby Road Retail Shops.

583

584 Mr. Jernigan - Second.

585

586 Mr. Taylor - The motion was made by Mr. Taylor and seconded by Mr. Jernigan to  
587 waive the time limits. All in favor say aye...all opposed say nay. The ayes have it.

588

589 The Planning Commission waived the time limits for POD-78-01, Rigsby Road Retail Shops.

590

591 Mr. Taylor - And now I'll make a motion to approve the entire project POD-78-01,  
592 Rigsby Road Retail Shops, with the standard conditions, the annotations on the plan and  
593 additional conditions Nos. 23 through 28.

594

595 Mr. Vanarsdall - Second.

596

597 Mr. Taylor - The motion was made by Mr. Taylor and seconded by Mr. Vanarsdall. All  
598 in favor say aye...all opposed say nay. The ayes have it.

599

600 The Planning Commission approved POD-78-01, Rigsby Road Retail Shops, subject to the  
601 annotations on the plan, the standard conditions for developments of this type, and the following  
602 additional conditions.

603

604 11B. **AMENDED** - Prior to the approval of an electrical permit application and installation of  
605 the site lighting equipment, a plan including light spread and intensity diagrams, and  
606 fixture specifications and mounting height details shall be revised as annotated on the  
607 staff plan and included with the construction plans for final signature.

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

613 24. Outside storage shall not be permitted.

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

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

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

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

625

626 **PLAN OF DEVELOPMENT (Deferred from the December 19, 2001, Meeting)**

627

POD-84-01  
Walgreen's – Nuckols Road  
and Twin Hickory Road

**Balzer & Associates, Inc. for CK Concourse Associates, LLC and G.H.K. Development, 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 ~~14,490~~ 13,650 square foot retail building on an outparcel of a future community shopping center. The 1.905 acre site is located on the northeast corner of Nuckols Road and Twin Hickory Road on part of parcel 773-746-8345 (18-A-22D). The zoning is B-2C, Business District (Conditional). County water and sewer. **(Three Chopt)**

628

629 Mr. Jernigan - Is there opposition to this plan of development, POD-84-01, Walgreen's?

630

631 Lady in Aud. - I'm not in opposition, but I would like to make a statement after Ms. Goggin has  
632 spoken.

633

634 Mr. Jernigan - Yes, ma'am, you will have your chance.

635

636 Ms. Goggin - Good morning. This request is to develop a 13,650 square foot, retail  
637 building on an outparcel in a future shopping center. Not included in this application, but for  
638 your information, there is a master plan that shows the remainder of the parcel in your packet.  
639 The applicant has committed to design features and amenities for this site that would reflect  
640 existing design standards in the Twin Hickory commercial area. The applicant has agreed to  
641 install sidewalks along Nuckols and Twin Hickory Roads and extending into the shopping  
642 center's entrance. They have also agreed to install stamp concrete at the center's entrance like  
643 what has been installed at the Town Center at Twin Hickory. Also steps from Twin Hickory  
644 Road sidewalk to the parking lot have also been provided, and that can be seen on the last layout  
645 in your packet to show where that location is. The applicant has also kept a stand of trees at the  
646 Nuckols Road and Twin Hickory Road intersection, and that can be seen on your site plan. Here  
647 are the elevations (referring to screen). They are also in your packet. The applicant has worked  
648 with staff, HHHunt, with resident input, to design a building complimentary to the area. The  
649 building is solid brick with brick Rololock and Soilder Courses to provide visual texture and  
650 architectural accent. Raised pilasters are utilized to break up the big box feel that a building this  
651 size can bring. A standing seam metal canopy is provided by the main entrance, and the canopy  
652 pattern is repeated on the northeast elevation and the applicant has agreed to repeat the canopy  
653 over the service enclosures on the northwest elevation. So, the northwest elevation, which is the  
654 bottom one, they are going to, to the best of their ability, put canopies over top of the enclosed  
655 service area to repeat that pattern. The applicant is proposing brick wingwalls around the  
656 compactors and shipping totes. The enclosure openings face the northeast and will be behind  
657 opaque doors painted the same color as the brick. Mr. Jones has also indicated that berms will be  
658 provided with their landscape plan to insure effective landscaping. The building colors are to  
659 match the existing BB&T at Twin Hickory. There is a photo, I tried to get a good photo to show  
660 you what the brick and the standing seam metal roof look like but I have a little bit of a closer  
661 one that shows the proposed brick pattern, brick color, and standing seam metal roof. Staff  
662 recommends approval of this plan with the annotations on the revised site plan, Nos. 9 and 11  
663 amended, and additional conditions Nos. 23 through 38. I'll be happy to answer any questions

664 the Commission may have.

665

666 Mr. Vanarsdall - I have a question.

667

668 Ms. Goggin - Yes, sir.

669

670 Mr. Vanarsdall - Mr. Secretary, the sign ordinance that's approved, will that be in effect  
671 before this is built?

672

673 Mr. Marlles - Before it's built, Mr. Vanarsdall, or before it is approved?

674

675 Mr. Vanarsdall - Well, let me put it another way. Is that sign that they have at Three Chopt  
676 going to be at this location?

677

678 Ms. Goggin - Just to let you know, additional condition No. 38, the applicant has agreed  
679 not to apply for or construct an electronic message board sign at this site.

680

681 Mr. Vanarsdall - I didn't turn the page, I'm sorry. "The applicant will not apply for or  
682 construct an electronic message board sign on site." Thank you, Clarke.

683

684 Mr. Jernigan - That clears that up.

685

686 Mr. Vanarsdall - I didn't think Mr. Jones liked that sign. Thank you.

687

688 Mr. Taylor - We have raised that issue and resolved it I think. Would we like to hear  
689 from the applicant?

690

691 Ms. Goggin - Well, I do have a citizen from Twin Hickory who would like to come up  
692 and speak about the project.

693

694 Mr. Taylor - We would like you to please come up.

695

696 Ms. Zuercher - Good morning, Mr. Chairman, members of the Planning Commission.  
697 I'm Lucy Zuercher representing a group of Twin Hickory residents with strong interest in the way  
698 our community is developing. Although, we had objections to the exterior of the Walgreens as  
699 originally designed, we would like to commend the new design. We genuinely appreciate what  
700 Mr. Kaechele, Mr. Taylor and County staff has done to insure that this Walgreens blends with the  
701 existing design standards in the area. And we would like to thank the applicant's architect for his  
702 hard work in lessening the impact of commercial development in our community. The red brick  
703 elevations, standing seam metal roofing, and wingwalls blocking the view of the utility areas, as  
704 well as the welcome addition of stamped brick crosswalks and pedestrian steps leading down to  
705 the entry, are all improvements over the Walgreens at Three Chopt and Parham. We are also  
706 pleased with the tree saved area in front and with the enhanced landscaping plan across the  
707 parking lot from the utility area. We asked the applicant to considering planting more mature  
708 trees than were planted in the Town Center at Twin Hickory as well as adding evergreens and

709 planters against the elevations to visually break up the large expanses of brick. We still have  
710 some concern about signage, especially, neon on the building, which we hope can be eliminated.  
711 And we asked the County to consider installing electronic pedestrian crossing signals at the  
712 intersection of Nuckols Road and Twin Hickory Road as soon as the Walgreens opens so  
713 pedestrians can safely make use of the pedestrian, friendly, features incorporated into its design.  
714 This store has been design to be unobtrusive as possible. And because Walgreens was so willing  
715 to work with the County, and to respect the wishes of the residents, it has earned a great deal of  
716 goodwill that will surely translate into a loyal customer base. We would like to see this standard  
717 of design quality upheld throughout the County. And I thank you and your entire staff, again, on  
718 behalf of a number of the residents of Twin Hickory.

719

720 Mr. Vanarsdall - I have a question for you. Have you addressed the electronic sign?

721

722 Ms. Zuercher -I would not like to see the electronic sign.

723

724 Mr. Vanarsdall - Have you addressed that to anyone else in the County?

725

726 Ms. Zuercher -Are you speaking to me, sir.

727

728 Mr. Vanarsdall - Who's following that sign, Mr. Kaechele or Mr. Taylor?

729

730 Ms. Zuercher -I understood that it was not an issue from what Ms. Goggin said.

731

732 Mr. Taylor - I think we have resolved the issue of the electronic sign board for this  
733 location of Walgreens.

734

735 Mr. Vanarsdall - You are not talking about the sign.

736

737 Ms. Zuercher -I'm talking about neon words on the building that say 24-hour Photos or  
738 Pharmacy or the neon words in addition to just the word Walgreens, which obviously we have no  
739 problem with that but it's the additional neon that we are concerned about.

740

741 Mr. Vanarsdall - You said something about sidewalk.... I must have misinterpreted what  
742 you said. You said something about electronic signs and a sidewalk.

743

744 Ms. Zuercher -Electronic pedestrian crosswalk signs.

745 Mr. Vanarsdall - That's what I am saying. Have you talked to anyone about that?

746

747 Ms. Zuercher -I sent an e-mail to Todd Eure in Public Works. And Ms. Goggin is aware of our  
748 interest in seeing that happen.

749

750 Mr. Vanarsdall - Okay. I just want to make sure it got on record.

751

752 Ms. Zuercher -Okay. Thank you, sir.

753

754 Mr. Taylor - Tim Foster is here too, so we will ask Tim if he would step forward in a  
755 minute. Ms. Zuercher, I want to thank you for all of your continued interest in this project and  
756 the neighborhood.

757

758 Ms. Zuercher - Thank you, Mr. Taylor.

759

760 Mr. Taylor - I'm delighted with your response. I think Mr. Jones has worked long and  
761 hard on the proffers of this case in trying to bring forth the best in the community. We  
762 appreciate, young lady, your continued interest and you coming out this morning. On the issue of  
763 traffic while we have it open, and Mr. Vanarsdall has a question on it. Mr. Foster, would you  
764 come forward, maybe you could address the issue of traffic at this time.

765

766 Mr. Foster - Excuse me for my voice. I've been a little bit under the weather. I'm Tim  
767 Foster, traffic engineer and I'm here in place of Mr. Eure and I would like to tell you that he is  
768 the proud father of a little girl, and he won't be in for another week or so. As far as the  
769 pedestrian signal go, I can go ahead and commit that we will go ahead and proceed in getting  
770 those installed. We will probably have to order the pedestrian signals, but we will probably have  
771 them up within the next 8 to 10 weeks if we can get them in.

772

773 Mr. Taylor - I think that's reasonable.

774

775 Mr. Vanarsdall - So, you don't have any problems with it at all, that's what I want to know?

776

777 Mr. Foster - No, sir.

778

779 Mr. Vanarsdall - Because sometimes, you know, they rely on us for signals and we can't do  
780 anything about it.

781

782 Mr. Foster - We can go ahead and put the pedestrian signals up.

783

784 Mr. Vanarsdall - Thank you.

785

786 Mr. Taylor - Thank you, Mr. Foster.

787

788 Ms. Goggin - I would just like to say, just for your knowledge, the applicant and the  
789 engineer are here if you have any questions of them.

790

791 Mr. Taylor - Mr. Jones, would you like to step forward and address the group.

792

793 Mr. Vanarsdall - I've never known him to say anything he didn't have to.

794

795 Mr. Jones - Good morning, I'm Clarke Jones with Jones Realty Construction,  
796 representing Walgreens Drug Stores. I guess the only comment I have is that I've enjoyed  
797 working with the County and receiving the comments from the neighborhood through the County  
798 in trying to work this project out and the architectural and the layout so that it blends with the

799 neighborhood. I think we have come a long way since we've started about 45 days ago. Unless  
800 you have some questions, I have no more comments.

801

802 Mr. Taylor - No, sir. I want to second that. I want to tell you I enjoyed working with  
803 you on it. I know that Mr. Kaechele was interested in it, the neighborhood was interested in it.  
804 We have made a lot of changes that I think is both constructive and beneficial to the building as  
805 we have gone forward. I think at this point that we are well satisfied with it. And I want to thank  
806 you for all of your work and cooperation in working with me, with the staff and with the  
807 neighbors. I just hope this continues and I know it will. The concerns that are voiced I think  
808 relate to the landscaping plan, but we will see that in the future and I think we can address that  
809 but I am delighted that you saved many of the large and mature trees in there and face the  
810 building. You have done all of the many things that the staff has asked for. I think it will make  
811 for a project that really fits the neighborhood and everybody is satisfied with. So, I just want to  
812 publicly thank you for your efforts.

813

814 Mr. Jones - Thank you, sir.

815

816 Mr. Jernigan - I do have one question. What Ms. Zuercher was saying about the neon  
817 signs, the 24-hour photo and pharmacy, is that on all of their buildings presently?

818

819 Mr. Jones - Yes, sir.

820

821 Mr. Jernigan - Thank you.

822

823 Mr. Vanarsdall - But, you don't have any control over that.

824

825 Mr. Jones - Right. It's a signage issue.

826

827 Mr. Jernigan - I just wanted to know if that's basically what they have on their buildings  
828 throughout the County now.

829

830 Mr. Vanarsdall - That's under the sign ordinance. We can turn that over to the inspectors  
831 and they will take care of that.

832

833 Mr. Taylor - The signage as we have developed is really minimum with a couple of  
834 Walgreens signs and it's standard logo, so as we go forward we will just see what we can do to  
835 minimize any further signs that are there. Are there any other questions by the Commission?  
836 Ms. Goggin, do you have any further questions?

837

838 Ms. Goggin - Just to let the Commission know that HHHunt will also need to review  
839 and approve the applicant's landscaping and signage before they can erect those items. So, we  
840 are going to be working with them again on those two items.

841

842 Mr. Taylor - And I think we have been working with them all along, have we not?

843

844 Ms. Goggin - Yes, sir.  
845  
846 Mr. Taylor - Is there anyone here from HHHunt this morning that would like to speak?  
847 Well, there is no one here so we will assume that they don't want to speak. Is that all then, Ms.  
848 Goggin?  
849  
850 Ms. Goggin - Yes, sir.  
851  
852 Mr. Taylor - We are all set. All right, then, for the Commission I'm ready to move  
853 approval of POD-84-01, Walgreen's at Nuckols Road and Twin Hickory Road subject to the  
854 annotations on the plan, the standard conditions for developments of this type, and conditions  
855 Nos. 9 and 11 amended and Nos. 23 through 38.  
856  
857 Mr. Vanarsdall - Seconded.  
858  
859 Mr. Taylor - The motion was made by Mr. Taylor and seconded by Mr. Vanarsdall. All  
860 in favor say aye...all opposed say nay. The ayes have it.  
861  
862 The Planning Commission approved POD-84-01, Walgreen's – Nuckols Road and Twin Hickory  
863 Road, subject to the annotations on the plans, the standard conditions attached to these minutes  
864 for developments of this type, and the following additional conditions.  
865  
866 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for  
867 review and Planning Commission approval prior to the issuance of any occupancy  
868 permits.  
869 11. **AMENDED** - Prior to the installation of the site lighting equipment, a plan including  
870 depictions of light spread and intensity diagrams, and fixture and specifications and  
871 mounting height details shall be submitted for Planning Office review and Planning  
872 Commission approval.  
873 23. The right-of-way for widening of Nuckols Road as shown on approved plans shall be  
874 dedicated to the County prior to any occupancy permits being issued. The right-of-way  
875 dedication plat and any other required information shall be submitted to the County Real  
876 Property Agent at least sixty (60) days prior to requesting occupancy permits.  
877 24. The easements for drainage and utilities as shown on approved plans shall be granted to  
878 the County in a form acceptable to the County Attorney prior to any occupancy permits  
879 being issued. The easement plats and any other required information shall be submitted  
880 to the County Real Property Agent at least sixty (60) days prior to requesting occupancy  
881 permits.  
882 25. The required building setback shall be measured from the proposed right-of-way line and  
883 the parking shall be located behind the proposed right-of-way line.  
884 26. The developer shall provide fire hydrants as required by the Department of Public  
885 Utilities and Division of Fire.  
886 27. A standard concrete sidewalk shall be provided along the north side of Twin Hickory  
887 Road and the east side of Nuckols Road.  
888 28. Outside storage shall not be permitted.

- 889 29. The proffers approved as a part of zoning case C-71C-95 shall be incorporated in this  
890 approval.
- 891 30. Any necessary off-site drainage and/or water and sewer easements must be obtained in a  
892 form acceptable to the County Attorney prior to final approval of the construction plans.
- 893 31. Deviations from County standards for pavement, curb or curb and gutter design shall be  
894 approved by the County Engineer prior to final approval of the construction plans by the  
895 Department of Public Works.
- 896 32. The loading areas shall be subject to the requirements of Chapter 24, Section 24-97(b) of  
897 the Henrico County Code.
- 898 33. In the event of any traffic backup which blocks the public right-of-way as a result of  
899 congestion caused by the drive-up facilities, the owner/occupant shall close the drive-up  
900 facilities until a solution can be designed to prevent traffic backup.
- 901 34. Insurance Services Office (ISO) calculations must be included with the plans and  
902 approved by the Department of Public Utilities prior to the issuance of a building permit.
- 903 35. Approval of the construction plans by the Department of Public Works does not establish  
904 the curb and gutter elevations along the Henrico County maintained right-of-way. The  
905 elevations will be set by Henrico County.
- 906 36. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the  
907 Planning Office and approved prior to issuance of a certificate of occupancy for this  
908 development.
- 909 37. The conceptual master plan, as submitted with this application, is for planning and  
910 information purposes only.
- 911 38. The applicant will not apply for or construct an electronic message board sign on site.

912  
913 **SUBDIVISION ALTERNATIVE FENCE HEIGHT PLAN**

914

<p>2501 Cedar Cone Drive (Section C, Block C, Lot 3 Cedar Chase)</p>	<p><b>Robert Parsons:</b> Request for approval of an alternative fence height plan, as required by Chapter 24, Section 24-95.(1)(7)b of the Henrico County Code. The site is located at the northeast corner of Cedar Cone Drive and Cedar Knoll Lane on parcel 746-754-2295 (57-9-C-3). The zoning is R-3, One-Family Residence District. <b>(Three Chopt)</b></p>
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915

916 Ms. Goggin - The owner of the residence, Robert Parsons, is requesting Planning  
917 Commission approval of a six-foot-high fence that is located within the front yard of their lot.  
918 The house is located at the intersection of Cedar Cone Drive and Cedar Knoll Lane, and the fence  
919 is located in what is considered the front yard per the County ordinance. It's the yard that has the  
920 least amount street frontage when you have like a corner lot or such. Basically, Mr. Parson hired  
921 a fencing contractor to construct a six-foot wooden board on board fence. Upon completion, it  
922 was brought to the County's attention that there was a sight distance issue. The two issues,  
923 which I will go over again, are the fence height in the front yard and the site distance were  
924 brought to Mr. Parsons attention and he has worked with staff to resolve them. The plan in your  
925 handout addendum shows where the existing fence line is, where the new fence line would be,  
926 which is eight feet back, which is 16 ½ feet away from his property line. The Parsons  
927 constructed this fence to allow him a peaceful coexistence with Cedar Knoll Lane because of the

928 heavy traffic there. It's used as a cut-through between Cox Road and Church Road. He has also  
929 put up the fence to keep his dogs back there and there is a Henrico County school bus stop nearby  
930 his corner. He just wants to make sure that the dogs and the kids would remain separate. And  
931 we can all agree that that is a good thing. The staff has reviewed this request with Todd Eure  
932 from Traffic Engineering and can recommend approval in accordance for recommendations for  
933 landscape plans and conditions Nos. 5 and 6 in your agenda and condition No. 7 in your handout  
934 addendum. The applicant is here. I believe that we do have some citizens here in opposition,  
935 and I'll be happy to answer any questions that the Planning Commission may have.

936

937 Mr. Taylor - Thank you, Ms. Goggin. Is there any opposition to the case?

938

939 Audience - Yes.

940

941 Mr. Taylor - Is the applicant here? Would the applicant want to address the  
942 Commission?

943

944 Mr. Parsons - Good morning. I am Bob Parsons.

945

946 Mr. Archer - Mr. Secretary, do we need to establish time limits since we have  
947 opposition?

948

949 Mr. Marlles - We can do that, yes, sir.

950

951 Mr. Parsons - My statement will be very quick.

952

953 Mr. Archer - Okay. I just wanted to make you aware of it.

954

955 Mr. Parsons - Ms. Goggin has basically covered everything in a nutshell, to be honest  
956 with you. And my only comment in this situation is when I moved into the neighborhood and  
957 wanted to build this fence. It was not my first choice, to be honest with you. However, with the  
958 traffic pattern on Cedar Knoll used as a cut-through and the speed limit is not really observed and  
959 as well as a bus stop at my corner, right here at the traffic sign (referring to screen). My wife and  
960 I felt that it was in our best interest as well as the neighborhood's best interest to put up a privacy  
961 fence for my animals. I have two dogs. To my neighbors I apologize. I certainly did not intend  
962 to create any sort of issue whatsoever. I did not realize that the sight distance issue when I spoke  
963 to my neighbor, and he and his wife did mention to me that it was an issue backing out of their  
964 driveway because the fence is located so close to the street. I immediately went back and went to  
965 the County, James Rice who was my initial contact with this, and said: "Hey, I didn't realize this  
966 and I need to move my fence back and I am willing to move it back. However, I would like to  
967 keep the height. What do I need to do." And this is the process in which they walked me  
968 through. She's covered all of the basics, to be honest with you, but this was never an intention to  
969 become a bad neighbor or anything like that. I really do want to resolve the problem in  
970 everyone's best interest, to be honest with you and I thank you for your time this morning. And I  
971 thank you folks, and, again, my apologies.

972

973 Mr. Taylor - Thank you, Mr. Parsons. I understand from your comments your thoughts  
974 and the background of the project. Let's see. I guess there was opposition. Is there anyone  
975 spokesman for the opposition. Can I ask you again to see the hands of those in opposition? Is  
976 there a spokesman for the group? We have ten minutes and rather than hearing the same  
977 comment 10 times, I would like to see if we could condense them and ask for one spokesman. I  
978 think, from looking at it myself, virtually each of the 10 neighbors that are here will pretty much  
979 say the same thing. So, if we could have one spokesman to come forward. And if there is  
980 anyone else that would like to speak we can. But what I would like to do, in the interest of  
981 brevity, see if we could keep this down and come to some reasonable conclusion. I am  
982 sympathetic to Mr. Parsons. I've been over there. I live quite close to there. I've looked at it, I  
983 understand, and I'm looking for a creative amicable solution.

984

985 Ms. White - Mr. Chairman, could I just ask one question?

986

987 Mr. Taylor - Yes, you may. Would you please come to the podium and identify  
988 yourself for the record, please, before we get started?

989

990 Ms. White - I'm Drew White, I'm Drew Duel, actually is my married name. I live in  
991 the neighborhood. On the alternative site, the alternative plan that he has put forth today, or at  
992 some point, they are still asking for a six-foot fence. Do they need that because the dogs jump  
993 out? I guess I wondering why the need for the six-foot height rather than a 42 inch or 36 inch.  
994 Most of our neighborhood does have 36-inch height. Cedar Chase does have covenants that were  
995 developed 16, 17 or 18 year's ago when the development was put together. The covenants are  
996 still in affect because I've got a copy of them and they say they have to run for 30 years. When I  
997 got my dog, we knew the covenants had to be a 36-inch fence and it had to be behind your home.  
998 In other words, it couldn't stick out from the front of your house. So, here I am a person who  
999 has lived in the neighborhood for a long time and have complied with that. And I am very much  
1000 in sympathy with him because I am a dog lover and I know that everybody that has a dog should  
1001 have a fence. So, I guess my question is why does the fence have to be that high? I guess I see it  
1002 as that there are similar fences on Ridgfield and Cox and those high fences are graffiti magnets.  
1003 I mean, we have young kids in our neighborhood and a beautiful fence like that is just looking for  
1004 someone to spray paint on the side of it. So, I guess that's my question. Why does it have to be  
1005 six-foot high?

1006

1007 Mr. Taylor - Okay, Mrs. White, thank you very much for that comment. I think we will  
1008 be able to address this as we go forward and we work toward to some kind of creative solution.  
1009 But, thank you very much for your comments. Sir, if you would identify yourself for the record,  
1010 please.

1011

1012 Mr. Dacosta - Good morning. My name is Otto Dacosta and I live at 2503 Cedar Cone  
1013 Drive.

1014

1015 Mr. Taylor - Could you say that slowly, please?

1016

1017 Mr. Dacosta - Yes. Otto Dacosta, D A C O S T A.

1018

1019 Mr. Taylor - Thank you, Mr. Dacosta (Unintelligible. Mr. Taylor was speaking Spanish  
1020 to Mr. Dacosta at this time).

1021

1022 Mr. Dacosta - (Unintelligible. Mr. Dacosta responded to Mr. Taylor in Spanish)

1023

1024 Mr. Taylor - Please if you would.

1025

1026 Mr. Dacosta - I am an architect and I live next door at 2503. I am the one in 1992  
1027 designed the garage on that property and I was very aware of the restrictions that I applied for  
1028 that are applicable to a reverse corner lot. Obviously, I was not aware that the fence project was  
1029 getting ready to be erected. When it was erected it became a great concern. And as you can see  
1030 by the show of neighbors, it has become a very passionate issue. Particularly, from the  
1031 standpoint of safety, and I was not aware until today that there had been some discussion to set  
1032 the fence back at the current height. Is that correct?

1033

1034 Mr. Taylor - Yes, that is correct. We have drawings to that affect.

1035

1036 Mr. Dacosta - But still the six-foot height is an issue. I think that fence height, in my  
1037 opinion, hinders the character of our neighborhood. I'm not sure that it is necessary. The person  
1038 who spoke before me has addressed some concerns. I would like for my neighbor to keep the  
1039 fence, a certain level of fence to protect, or to keep his dogs inside. But, aesthetically, I am  
1040 concerned about the height of the fence. At the initial height and location, the safety concern,  
1041 which I hope will be minimized or eliminated by moving the fence back were a realty issue but I  
1042 guess it's not a big issue anymore, is that correct?

1043

1044 Mr. Taylor - Well, I think what we are going to have to do here is work a compromise  
1045 because from what I've heard, in just the last few minutes, is everyone has a different  
1046 interpretation of the fence. So, actually, what I am thinking of doing, and I have this option as  
1047 the Planning Commissioner, is I can defer this case myself for 30 days, or up to 30 days, so that I  
1048 can get together with the members of the neighbor, including Mr. Parsons and yourself and the  
1049 other people, and we can discuss what the alternatives are.

1050

1051 Mr. Vanarsdall - Mr. Chairman, is the applicant here?

1052

1053 Mr. Taylor - Yes, he is.

1054

1055 Mr. Vanarsdall - Well, maybe the applicant would like to defer it since he has a problem  
1056 with the neighborhood. I don't think he don't want to be that unpopular.

1057

1058 Mr. Parsons - I've already addressed the issue. I'm not sure what you are asking me.

1059

1060 Mr. Taylor - The question is whether or not we should defer it and I have the  
1061 opportunity to defer it for 30 days.

1062

1063 Mr. Vanarsdall - The problem is this. You have some unhappy neighbors and you may not  
1064 have known that until this morning, we didn't. And you should do what you can. Isn't it in the  
1065 Homeowners Association that you can't have a fence over 36 or 42 inches?  
1066

1067 Mr. Parsons - There is no Homeowner's Association.  
1068

1069 Ms. White - There are homeowners covenants and I have a copy of them right here.  
1070

1071 Mr. Vanarsdall - Restrictive covenants?  
1072

1073 Mr. Dacosta - Yes. And they allow only a fence that is 36 inches high.  
1074

1075 Mr. Vanarsdall - I don't know how it got this far if it's in your covenants.  
1076

1077 Mr. Parsons - Well, to be honest with you, when I moved into the house....  
1078

1079 Mr. Vanarsdall - You are going to have to come down to the mike because we can't hear  
1080 you from there.  
1081

1082 Mr. Taylor - Thank you, Mr. Dacosta, I appreciate your comments.  
1083

1084 Mr. Dacosta - Thank you.  
1085

1086 Mr. Taylor - We will just go ahead and go back to Mr. Parsons and we will work it out  
1087 here. Mr. Parsons, if you would.  
1088

1089 Mr. Vanarsdall - I'm sorry. You probably can up while I was out in the lobby.  
1090

1091 Mr. Parsons - No problem. The only thing with that, the one gentleman sitting next to  
1092 me mentioned something about the covenants this morning. When I moved in my realtor  
1093 produced nothing, and I know this is an ignorance of the law kind of thing, but when I bought the  
1094 house they told me that there were no homeowners or covenants and I'm not presented a  
1095 covenants for my review prior to purchasing the home. I have to go on the assumption that there  
1096 is no covenants. I did speak with the gentleman that lives behind me....  
1097

1098 Mr. Vanarsdall - Did you speak with your next door neighbors or a neighbor across the  
1099 street.  
1100

1101 Mr. Parsons - That's what I was about to say. I did speak with him when.... When the  
1102 salesman for the fence came out, my neighbor who I share a property line with, was in his  
1103 backyard and I invited him to come over and I showed him what I wanted to do. And I asked  
1104 him "What do you think about this" because it is really separating the two property line. And he  
1105 said "I don't see the need for it, but if that's what you want to do that's fine."  
1106

1107 Mr. Vanarsdall - So, he didn't know about the covenants either?

1108

1109 Mr. Parsons - Well, he made reference of a covenants many years ago, but nothing like  
1110 “hey you need to check this out or anything like that.” And I’m not placing blame on him, it’s  
1111 not his responsibility by any means. But, my experience in buying a home is that you have so  
1112 many days to read through the covenants of the subdivision to either agree or say no I don’t want  
1113 to deal with these covenants. And none of that was presented to me by the realtor company.

1114

1115 Mr. Marles - The problem, Mr. Parsons, is even if the Commission were inclined to  
1116 approve your request, you would still have a problem. It sounds like you still might have a  
1117 problem with the covenants. The County doesn’t enforce the covenants but you would still have  
1118 a problem. So, I think staff’s suggestion is perhaps you ask for a deferral and that would give  
1119 you the opportunity to check the covenants out and possibly work out a compromise with the  
1120 neighbors.

1121

1122 Mr. Parsons - Absolutely. Like I stated earlier, that’s why I am here. I don’t want to be  
1123 the bad guy.

1124

1125 Mr. Vanarsdall - Would you object to deferring the case yourself?

1126

1127 Mr. Parsons - No.

1128

1129 Mr. Vanarsdall - Okay.

1130

1131 Mr. Taylor - All right, Mr. Parsons, I’ll go ahead and move deferral of case the  
1132 subdivision alternative fence height plan, 2501 Cedar Cone Drive (Section C, Block C, Lot 3  
1133 Cedar Chase) at the request of the applicant, be deferred at the request of the applicant for 30  
1134 days, February 27, 2002.

1135

1136 Mr. Jernigan - Second.

1137

1138 Mr. Marks - My name is Stephen Marks and I’m at 101 Cedar Lane, directly across  
1139 from it. What are the alternate plans that were already suggested by her?

1140

1141 Mr. Taylor - Ms. Goggin will address that.

1142

1143 Ms. Goggin - Can we get that a little bit further down so we could see (referring to  
1144 slide)?

1145

1146 Mr. Marks - As I am looking at this, you are just moving it back eight feet?

1147

1148 Ms. Goggin - Yes, sir.

1149

1150 Mr. Marks - What is the County Code? Is it 42 inches or is there a County Code about  
1151 the maximum height a fence can be?

1152

1153 Mr. Marles - The normal requirement would be 42 inches in the front yard. It cannot  
1154 exceed that height. A property owner does have the right to come to the Commission for a  
1155 deviation request, and that is what is being sought at this point.  
1156  
1157 Mr. Marks - Doesn't the County have to recommend the 42 and not the 6 feet, keeping  
1158 it with Code?  
1159  
1160 Mr. Marles - The Ordinance calls for 42 inches, but there is a process for requesting  
1161 deviations from that requirement.  
1162  
1163 Mr. Marks - OK.  
1164  
1165 Mr. Marles - That is the process the applicant has initiated. He is within his rights to  
1166 ask.  
1167  
1168 Mr. Marks - OK.  
1169  
1170 Mr. Taylor - I think the best thing to do with this one...  
1171  
1172 Mr. Vanarsdall - I thought we had already voted on the case.  
1173  
1174 Mr. Taylor - We do have a motion on the floor. We haven't voted on it.  
1175  
1176 Ms. Kenna - Good morning. Just one thing to make sure. I am also a resident, Rita  
1177 Kenna, at Cedar Chase. I have a petition here that was signed by 23 residents because everyone  
1178 could not attend, as well as someone who had drafted a small note, for their opposition of the  
1179 variance, as well, and I just didn't know if that should be submitted at this time, or wait until it  
1180 was deferred.  
1181  
1182 Mr. Vanarsdall - Nothing wrong with submitting it now.  
1183 Mr. Taylor - You can submit it right now. Give it to Ms. Goggin.  
1184  
1185 Ms. Kenna - And this is basically a synopsis of the reasons why we were in objection to  
1186 the fence.  
1187  
1188 Ms. Goggin - I will make sure this gets handed out to everyone.  
1189  
1190 Ms. Kenna - OK, thank you.  
1191  
1192 Mr. Taylor - Thank you very much. Are we, we will go back to the motion that we  
1193 have on the floor, and I will repeat it. It is a motion to defer the case for 30 days to February 27,  
1194 2002, at the request of the applicant. Mr. Jernigan seconded it. All in favor say aye. All opposed  
1195 say no. The motion carries.  
1196  
1197 At the request of the applicant, the Planning Commission deferred Subdivision Alternative Fence

1198 Height Plan for 2501 Cedar Cone Drive (Section C, Block C, Lot 3, Cedar Chase) to its meeting  
1199 on February 27, 2002.

1200

1201 Mr. Taylor - What I would like to do before you all leave is, I would suggest that a  
1202 group meeting, with neighborhood people and I will attend, or we will have it down at the  
1203 County. I think the first step is we will talk to the owner, Mr. Parsons, and then we will work  
1204 with you as we go forward. OK? Thank you very much for attending today and look forward to  
1205 working with you, and we will get this resolved.

1206

#### 1207 **SUBDIVISION RECONSIDERATION**

1208

Sadler Grove  
(April 2001 Plan)

**Youngblood, Tyler & Associates, P.C. for Queen Esther Bush, Lillie B. Morton Estate, T-N Corporation of Virginia, Donna F. Tyler, et. als. and Sadler Grove, L.L.C.:** The 26.64 acre site is located at the intersection of Sadler Road and Wonder Lane on parcels 746-766-0613 (27-A-34), 745-765-7271 (27-A-35), 746-765-0853 (37-A-14), 746-765-7878 (37-A-17) and 746-765-7836 (37-A-18). The zoning is R-3C, One-Family Residence District (Conditional) and C-1C, Conservation District (Conditional). County water and sewer. **(Three Chopt) 56 Lots**

1209

1210 Mr. Taylor - Mr. Wilhite, good morning.

1211

1212 Mr. Wilhite - Thank you. The applicant is requesting reconsideration of two aspects of  
1213 Sadler Grove Subdivision. This was approved April 25, 2001 by the Planning Commission.  
1214 This entire area (referring to slide) was rezoned as companion zoning cases. It was supposed to  
1215 be a coordinated development. This area that you see here on the map (referring to slide), the R-  
1216 3AC, R-3C and the colored area which is the Sadler Grove approval of April, 2001. First of all,  
1217 the original subdivision showed a stub street to the property to the west between this site and  
1218 Interstate 295. This area is zoned R-3C, which was supposed to be part of the development that  
1219 was rezoned at the same time. The agreement with the developer and the property owner has  
1220 fallen through, and this area (referring to slide) would be removed from this subdivision, and  
1221 instead the applicant would like to remove the stub street that was approved with that plan, and  
1222 relocate the stub street to the south, to the property still zoned A-1. Webb Tyler is here  
1223 representing the applicant. We did not get any information as far as what types of plans he has  
1224 for the area to the south, but the request appears to be reasonable in staff's opinion. In addition,  
1225 there was a condition placed on the approval that limited the number of lots to be developed on a  
1226 single point of access. Sadler Grove was approved as a 56 lot subdivision. Due to revisions in  
1227 lot size and orientation, this is being reduced down to 52, and the applicant is requesting that the  
1228 condition No. 18 be modified to allow them to develop the 52 lots on a single point of access as  
1229 opposed to the limitation of 50 under that condition. I would like to point out there was an error  
1230 in my staff report that I would like to correct right now. I had mentioned that because of the  
1231 property to the west was being removed from the plan that a second point of access would be  
1232 eliminated to the rest of the development. That was the case with the plan that was shown at the  
1233 time of rezoning. However, the approved, Sadler Glen subdivision, to the northwest, or to the

1234 north of this site has a road connection that could be developed but at this time the applicant  
1235 anticipates developing Sadler Grove Subdivision prior to Sadler Glen. On the revised map that  
1236 you were handed out, the street layout for Sadler Glen was shown on there, so you can see how  
1237 all of the streets tie in. I'd be happy to answer any questions that you have at this time.

1238

1239 Mr. Taylor - Thank you, Mr. Wilhite. I think that is enough for now. Is there any  
1240 opposition to this case? No opposition. Would we like to hear from Mr. Tyler? I would like to  
1241 hear from Mr. Tyler.

1242

1243 Mr. Webb - Because of the value of your time, I am at your disposal to answer any  
1244 questions, sir. My name is Webb Tyler and I am an engineer with Youngblood, Tyler and  
1245 Associates, but I am also the manager of Sadler Grove, LLC and Sadler Green, LLC. Sadler  
1246 Grove, LLC is seeking this from you this day. As far as the layout to the south, it is true that we  
1247 have multiple properties under contract, but they are not presently zoned at this point in time and  
1248 we have done some very, very rough schematics of concepts, but that concept has not even been  
1249 crystallized. However, this stub road to the south would provide an access through our proposed  
1250 \$350,000 neighborhood into a mixed value community known as McDonald Small Farms. As  
1251 far as the connecting link, as far as a secondary means of access, we are seeking your approval of  
1252 52 lots on a single point of access. Sadler Green, LLC to the north there controls all of those  
1253 properties, myself and Mr. Massie, that provide that linkage and that has a tentative approval on  
1254 it. Although, we have made one minor revision and are seeking your approval of it next month  
1255 for a revision to the Sadler Glen Subdivision north of the questioned Sadler Grove Subdivision. I  
1256 believe that you will find that it still establishes that linkage, which provides the second means of  
1257 access. Essentially, that second means of access is anticipated to be constructed within the next  
1258 18 months, and believe our request reasonable and therefore request that you approve this revised  
1259 tentative subdivision to allow for 52 lots. We have, I might add, decreased the density from our  
1260 original proposal of 56 lots by increasing the width of the lots so that they are substantially all  
1261 over 85 feet. I'm sure the former planner will be delighted who encouraged us to do that. I can't  
1262 think of her name. She was pregnant.

1263

1264 Mr. Marbles - Mrs. Hunter.

1265

1266 Mr. Tyler - Yes, Mrs. Hunter.

1267

1268 Ms. Ware - The plans for the next development will be coming through in how many  
1269 days?

1270

1271 Mr. Tyler - In the next 30 days. It's a revision to the Sadler Glen, Section B, parcel,  
1272 tentative, which is essentially this area right in here (referring to screen). And that will include  
1273 that connecting link right there (referring to screen), which allows a second means of access back  
1274 out to Sadler Road.

1275

1276 Mr. Archer - Mr. Tyler, could you expand on that cul-de-sac that you just pointed to a  
1277 minute ago? There is a stem that points to one of the lots down in the triangle. Do you see the  
1278 one I'm talking about?

1279

1280 Mr. Tyler - Down here (referring to screen)

1281

1282 Mr. Archer - No. Come down to the bottom portion.

1283

1284 Mr. Tyler - This here.

1285

1286 Mr. Archer - No. Move over to your left.

1287

1288 Mr. Tyler - This area?

1289

1290 Mr. Archer - Yes, that cul-de-sac. There is a stem that points out of that cul-de-sac,  
 1291 does that lead to the big lot down in there (referring to screen)?

1292

1293 Mr. Tyler - This right here (referring to screen)? The BMP, that area that's in the  
 1294 back, that is a BMP, sir.

1295

1296 Mr. Archer - It's not a lot?

1297

1298 Mr. Tyler - No, sir. That is a BMP with an access point. And, it is my intention to  
 1299 make that into a....

1300

1301 Mr. Vanarsdall - It looks like a road, doesn't it?

1302

1303 Mr. Archer - Yes.

1304

1305 Mr. Tyler - It looks like an old flag lot. It is not a lot, sir, it is a BMP and that is the  
 1306 access to that BMP.

1307 Mr. Archer - Oh, I see it now. I'm sorry.

1308

1309 Mr. Tyler - It is my intention to make that BMP, or make my first effort at attempting  
 1310 a recreational facility in the bottom of a BMP.

1311

1312 Mr. Archer - I couldn't see the writing on the drawing. Thank you for explaining that.

1313

1314 Mr. Taylor - Mr. Tyler, just looking at the map, the rearrangement of the stub road that  
 1315 crosses the conservation area, which is the area that goes from, let's say, northwest to southeast.  
 1316 I think that that is a very environmentally sensitive area. In for the record, I would just like for  
 1317 you to state what your thoughts are with regarding to preserving that area.

1318

1319 Mr. Tyler - That is a floodplain. It's got approximately 130 to 140 acres. At this point  
 1320 I am reasonably certain that it will require multiple box culverts, at a minimum. I believe that it  
 1321 will be the entrance to the new community to the south. It is my intention to make that road  
 1322 crossing aesthetically beautiful in an effort to convert the McDonald's Small Farms to a mixed  
 1323 valued community to a consistently higher valued community. For example: We will be building

1324 values in the neighborhood of \$350,000, whereas the County assesses some of the homes in  
1325 McDonald's Small Farms as low as \$70,000 on a lot that were built in the late 40's early 50's  
1326 that are... although, there are some spotting of higher price homes that have had some difficulty  
1327 in selling. Specifically, those higher price homes are in the \$300,000 plus range. Therefore, it  
1328 would be our, what I would call my mother-in-law entrance.

1329

1330 Mr. Taylor - Thank you very much. I know with some degree of pride that the  
1331 development that you have begun to establish in there is a marked improvement over existing  
1332 conditions, and I want to congratulate you on your effort to upgrade the entire area and the road  
1333 system.

1334

1335 Mr. Tyler - Thank you.

1336

1337 Mr. Taylor - And I want to thank you very much for the comments. What I would like  
1338 to do is move for the approval of the subdivision reconsideration for Sadler Grove. I would just  
1339 like to make that motion. I move approval of the subdivision reconsideration for Sadler Grove  
1340 (April 2001 Plan).

1341

1342 Mr. Archer - Second, Mr. Chairman.

1343

1344 Mr. Taylor - The motion was made by Mr. Taylor and seconded by Mr. Archer. All in  
1345 favor say aye...all opposed say nay. They ayes have it. The motion is approved. Thank you  
1346 very much.

1347

1348 The Planning Commission granted condition approval for the reconsideration of subdivision  
1349 Sadler Grove (April 2001 Plan) subject to the annotations, standard conditions and additional  
1350 conditions previously approved and the following revised condition.

1351 18. **REVISED** - A maximum of 52 lots shall be recorded in this subdivision prior to the  
1352 construction of a second point of access.

1353

1354 Mr. Taylor - The Planning Commission will take a 10-minute break.

1355

1356 **THE PLANNING COMMISSION TOOK A BREAK AND THEN RECONVENED AT**  
1357 **THIS TIME**

1358

1359 Mr. Taylor - The Planning Commission will reconvene and we will hear from Mr.  
1360 Blankinship.

1361

1362 Mr. Marles - Mr. Chairman, the next item on the agenda is a public hearing to amend  
1363 and reordain Section 24-104 entitled "Signs" of the Code of the County of Henrico to regulate  
1364 changeable message signs. The staff report will be given by Mr. Ben Blankinship.

1365

1366 **PUBLIC HEARING:** To Amend and Reordain Section 24-104 Entitled "Signs" of the Code of  
1367 the County of Henrico to Regulate Changeable Message Signs.

1368

1369 Mr. Blankinship - Good morning, Mr. Chairman, members of the Commission, Ms. Ware,  
1370 good morning. This is the first time I have ever addressed you. I'm Ben Blankinship. I'm the  
1371 Zoning Division Manager.

1372

1373 Mrs. Ware - It's nice to meet you.

1374

1375 Mr. Blankinship - It's nice to meet you. This amendment was brought up because the  
1376 County has received several complaints from citizens regarding changeable message signs where  
1377 the message changes too frequently. It becomes a distraction to motorist and creates safety  
1378 concerns. The Code currently regulates the frequency of the message change according to a table  
1379 that compares the speed limit to the size of the letters on the sign and that gives you a range of  
1380 allowable frequencies of 5 seconds to 23 seconds. As we have been enforcing that, we have  
1381 found that 5 seconds is quite a bit too fast for some people. They find it distracting and find that  
1382 it creates a traffic hazard. So, looking toward the other end, not going all the way to the extreme  
1383 but toward the other end of that spectrum, the staff recommends removing that table completely  
1384 from the Code and instead simply requiring that any changeable message sign cannot change  
1385 faster than once every 20 seconds. And that's really all there is to this, Mr. Chairman.

1386

1387 Mr. Taylor - Thank you, Mr. Blankinship. Are there any questions from the members  
1388 of the Commission? Any comments?

1389

1390 Mr. Jernigan - Well, I think you are better off with it this way rather than having a chart  
1391 to calculate. I think a flat code would be better anyway.

1392

1393 Mr. Taylor - I do think that that chart, when you look at it and you have a couple of  
1394 variables, it must be somewhat maddening to understand and also difficult to enforce.

1395 Mr. Blankinship - We have found that people have called and said that the sign is just  
1396 flipping and flipping and flipping, can you make them slow it down. We have gone out and  
1397 measured it and found that it did comply with the chart. So, we do feel there is a problem that  
1398 can be corrected.

1399

1400 Mr. Taylor - But, that's a matter of speed adjustment. So, what do we do, just move  
1401 approval of the ordinance?

1402

1403 Mr. Marles - Well, Mr. Chairman, I believe there may be some individuals in the  
1404 audience who make want to speak. This is a public hearing.

1405

1406 Mr. Taylor - Is there anybody in the audience that came to hear this item.

1407

1408 Mr. Jernigan - Is there opposition?

1409

1410 Mr. Taylor - Is there opposition? All right, sir, we will hear the opposition first. You  
1411 can come forward.

1412

1413 Mr. Twedt - Good morning, Mr. Chairman and members of the Commission. My name

1414 is Allen Twedt. I'm here representing the sign industry this morning.

1415

1416 Mr. Taylor - Would you spell your last name please, sir?

1417

1418 Mr. Twedt - It's T W E D T. It's Norwegian.

1419

1420 Mr. Vanarsdall - You helped us several years ago with what we have now on the book.  
1421 He's the president of this sign company over in Chester.

1422

1423 Mr. Twedt - That's correct, Holiday Signs in Chester.

1424

1425 Mr. Vanarsdall - See his guidance is how we got the signs we have now. One of them is in  
1426 front of Capital Lincoln Mercury is the one we negotiated on.

1427

1428 Mr. Twedt - Yes, I think the first one that went up was Strawberry Hill, which is now  
1429 RIR. And then Capital Lincoln Mercury went up in 1996, I believe. And I totally agree with  
1430 what you are trying to grapple with here as far as this table. I think Earl Clarke was still here and  
1431 they asked me if we are going to put these signs up we need some kind of a guide and they  
1432 wanted to know what VDOT had. So, I brought to them the VDOT's formula. It was actually a  
1433 formula and I just worked that formula out in terms of speed and character heights. I agree that  
1434 it's hard to enforce something like that. And since then, VDOT has changed the way they put  
1435 their language. You will find throughout the whole United States, federal and state government's  
1436 transportation departments are more and more leaning in using this type of technology to  
1437 promote safety. You will see them above the interstates. You will see them when there is a  
1438 dangerous situation. They have got them along side the road. We see a lot of them with other  
1439 construction we've got going along I-95, and also on State route highways. So, VDOT, not just  
1440 VDOT, but across the board, across the country there is a recognition that electronic displays, if  
1441 used properly, actually enhance safety and promote safety. That's what I want to bring to the  
1442 table today. I'm in agreement with getting rid of this table but I think that 20 seconds is perhaps  
1443 too restrictive. VDOT has changed theirs to be 4 seconds. When you are talking about these  
1444 business locations, most of them are on Broad Street, your main corridors, the most recent one is  
1445 down there at Walgreens on Parham. And, so we have had the displays up since 1995, actually,  
1446 and now we are getting these complaints. I don't know how many complaints there are or if they  
1447 are off the chart or if it is one or two people. I have no idea. But, what I want to bring to the  
1448 table, again, today is the safety aspect of it because that is your main primary concern is safety. I  
1449 would offer, and would provide, for the record, whatever you want. Hundreds of pages of studies  
1450 and data that show that if you arbitrarily pick an interval of change that's too slow, it actually  
1451 have a negative effect and can actually cause a safety problem. People are pretty much  
1452 conditioned and are expecting, when they are going down the road and seeing this changeable  
1453 message center, they are expecting to see somewhat of a complete message and they've only got  
1454 a few seconds to see that in. But, if you take and put.... Some of these displays only have one or  
1455 two words on them. There are different sizes of displays, but if there are only one or two words  
1456 up there the tendency is that people are going to tend to look more often and anticipate what's  
1457 coming up next. So, if you do that too long you've got a bottleneck kind of problem. So, I  
1458 would recommend that some study be done to this. I'll be happy to work with you and show you

1459 what I've got available and come up with something that is easy to enforce. But, my opinion,  
1460 and the opinion of all of these studies and data, is that 20 seconds is too restrictive, it would  
1461 actually do negative toward traffic safety concerns. Other than that, I would just like to throw it  
1462 out there because I really like doing business in Henrico County. I do business all over Virginia.  
1463 And the way you process your permits, the way you have got people behind the counter helping  
1464 instead of just throwing up roadblocks, I really appreciate it. And the electronic message center  
1465 can help.... I'm glad you are not coming up with the saying that we want to ban message center.  
1466 I would just like to throw out there that message centers, if they are considered, have some real  
1467 positive attributes to them in that they can take the square footage of a sign and you can work  
1468 with less square footage and put more information in that dedicated space. It will eliminate the  
1469 need for multiple signs. It will eliminate the need for a lot of temporary signs, which, actually, I  
1470 think is more objectionable, things like banners, sidewalk signs, window displays that are just  
1471 filling up the window. If you allow the business person to adequately promote that business at  
1472 that location, you have got a win, win situation.

1473

1474 Mr. Vanarsdall - Well, Allen, I think one of the problems we have, and the staff did  
1475 research this to come up with this. We didn't have the benefit of the Capital Lincoln Mercury  
1476 sign that you helped us get that time, because they turned it off. When they added the Mazda  
1477 dealership we have a certain square footage of signage that you can have on the property and he  
1478 wanted to put up a big Mazda sign so he turned that off to be in compliance with the County  
1479 Code. So, we didn't have it but.... I remember that sign and we've never had any complaints on  
1480 it to my knowledge and we've never had any fender benders. But, one of the things that he did,  
1481 he had all kinds of Mercury's and Lincolns and different models, but he didn't try to get them all  
1482 on the sign at one time. That's what happened to Walgreens drug store. You almost have to pull  
1483 over to the side of the road to read it. It has Pepsi Cola, BC Headache Power and pantyhose. I  
1484 was over there Christmas and never saw so many things on one sign and I don't how in the  
1485 world, whether it's five seconds or 20 seconds, you can take all of that in. So, who controls that?

1486

1487 Mr. Twedt - Well, that might be something you could....

1488

1489 Mr. Vanarsdall - You don't have any control over that. The only other alternative we have  
1490 is to limit the time it comes by you.

1491

1492 Mr. Twedt - Actually, you have another alternative where you could maybe have some  
1493 control over that because basically what we are talking about is multiple line display. The more  
1494 line the more pixel points you've got, you know, the more information you can put up there. So,  
1495 even though your square footage is allowed, you might limit a message center to two lines  
1496 maximum or.... I'm just throwing something out there, but that has a pixel matrix of probably, I  
1497 think that is a three-line display, maybe it's a four-line display. So, that would have up to 48  
1498 vertical pixels on it by 64 pixels long so that would give you four lines. If you limited the lines  
1499 of copy they wouldn't be able to put quite so much information up there. But then again that  
1500 might be a content regulation, which might run into some ramifications too.

1501

1502 Mr. Marles - Mr. Twedt, you mentioned that your initial concern was that 20 seconds  
1503 per sign was perhaps too slow. We are finding a frequency of 5 seconds being too fast. From an

1504 enforcement standpoint, it's hard to enforce and also that end of the range seems to create the  
1505 most complaints from citizens. Do you have, based on your research, do you have something in  
1506 between 5 and 20 seconds that you could recommend based on your research, today?

1507

1508 Mr. Twedt - Yes, but you wouldn't like my answer.

1509

1510 Mr. Jernigan - Well, let's hear it anyway.

1511

1512 Mr. Twedt - It really is at 4 or 5 seconds and that's why VDOT is doing it the way they  
1513 are doing it because found through all these studies, and believe me it's been exhaustively tested.  
1514 In fact, in 1980, researchers actually set out to prove that these displays were traffic hazards, and  
1515 at the end of that study their conclusive evidence was that they did not promote traffic hazards  
1516 but they actually made the environment safer. There is more of a driver awareness because it is  
1517 alerting them to use their motor skills or something. I have all of that documentation.

1518

1519 Mr. Vanarsdall - Well, obviously, you weren't contacted for the survey that the County did.

1520

1521 Mr. Twedt - No. I just found out through the announcement of the public meeting this  
1522 morning.

1523

1524 Mr. Vanarsdall - Mr. Secretary, do you know how many seconds the Fairground sign is?

1525

1526 Mr. Marles - Mr. Vanarsdall, I do have that. The only thing I can tell you when we do  
1527 monitor there are about seven of these signs in the County and we do monitor them probably on a  
1528 month.... Well a little more recently on them on a once a month basis. I don't know what the  
1529 frequency change is. I do know it is in compliance and I do have access to that information I just  
1530 don't have it right here.

1531

1532 Mr. Vanarsdall - The reason I don't understand what you are saying is because, let's take a  
1533 sign that doesn't move, that up there all day, let alone 20 second.

1534

1535 Mr. Twedt - Do you mean the manual change reader board or just a static board?

1536

1537 Mr. Vanarsdall - The manual change sign. I don't understand why 20 seconds would be too  
1538 slow, when a manual sign is there many times as you pass it.

1539

1540 Mr. Twedt - Well, most of your reader board signs, like if you have got a 4 foot by 8  
1541 foot, reader board, there is a complete message there.

1542

1543 Mr. Vanarsdall - People will look at this type sign quicker than they would a billboard is  
1544 that what it is?

1545

1546 Mr. Twedt - I'm sorry.

1547

1548 Mr. Vanarsdall - Something on a building.

1549

1550 Mr. Twedt - Well, yes. When you get something out there along the road it's more  
1551 visible, whether then looking in toward the property. Is the complaint you think is purely based  
1552 upon the frequency of change, or do you have incidences where people are doing animations or  
1553 Bijou effects and that kind of then?

1554

1555 Mr. Marlles - It's the frequency of change, but it leads to that type of fact that I think you  
1556 are referring to.

1557

1558 Mr. Twedt - I would think that in your ordinance you could prohibit animation  
1559 sequences where there is just a continual, you know, Santa Claus going across the screen or a  
1560 Bijou effect where you have got sequential lights just chasing around. You know, those kinds of,  
1561 or blinking where the sign is 100% off and the 100% on. Be selective and prohibiting certain  
1562 functions on that display. But, as far as textual messages....

1563

1564 Mr. Blankinship - We do prohibit those.

1565

1566 Mr. Twedt - Oh, you do. Okay.

1567

1568 Mr. Vanarsdall - It happened. When we started out with the Fairgrounds sign, that had  
1569 some class to it. And the one at Capitol-Lincoln Mercury followed the same thing. And we have  
1570 other kind of signs that are just not in that category, and they flash, and do everything, have bells  
1571 and whistles.

1572

1573 Mr. Twedt - I'm not, I keep a pretty keen eye toward these types of things. The ones  
1574 you mentioned. I know that there is one at Loehman's Plaza. I don't know if there is one  
1575 particular one that is getting most of the attention where these complaints are coming in at.

1576

1577 Mr. Taylor - I think the one that is causing most of the complaints, as I understand it, is  
1578 at Three Chopt and Parham.

1579

1580 Mr. Twedt - I would really expect that the main reason for that is because it has sort of  
1581 moved into more of a residential area rather than just being on a strip, and, you know it is new  
1582 and you are going to have people that just don't like them. We heard it this morning. There was  
1583 a lady, I mean, I don't have a problem with them not liking the electronic displays, but they don't  
1584 want one out there at Wyndham in Twin Hickory, and that is their prerogative, but I think that  
1585 when you have something pop up in more of a residential area in the beginning you might have  
1586 some complaints. I just put a big display up for a church in Colonial Heights, Mt. Pleasant  
1587 Baptist Church, and when that thing first went up they had some, initially, some negative  
1588 comments from people saying "You look like a bank. You look like a car dealer."

1589

1590 Mr. Vanarsdall - I didn't think the Baptist would allow that.

1591

1592 Mr. Twedt - That is a miracle, isn't it? But anyway.

1593

1594 Mr. Vanarsdall - But one thing, we had a request for a sign over in Brookfield and they had  
1595 to rezone just where the sign sat. And so this brought another revisit of the Sign Ordinance, so  
1596 that is how this all came up when it did. Plus the complaints.

1597

1598 Mr. Twedt - The one on Three Chopt?

1599

1600 Mr. Vanarsdall - Yes, that is really what triggered it.

1601

1602 Mr. Taylor - There have been complaints and I am familiar with both the complaints  
1603 and the sign, and this particular sign has a on-screen period of about four seconds, but that is not,  
1604 in my judgment, the maddening part about it. It also moves multi-directionally at random. So  
1605 you will be looking at a sign for four seconds and then it hops up, then it goes on a diagonal, then  
1606 it comes back, and they are all different signs with different intelligence. Now I admit that the  
1607 signs are a good and vital part of commerce today, particularly the road signs that are a warning  
1608 that VDOT and the County uses in terms of a safety issue, and those are normally a lighted sign  
1609 of some size for either an extended period or a non-changing period. So, between the sign that  
1610 we have for the warning and the sign that we have for advertising, the eclipse period, or the  
1611 period that is on the screen, and the direction of the way that it comes on the screen, and as I said,  
1612 the one that we talked about at Parham and Three Chopt, that comes in from different angles, and  
1613 you're never sure which way you are looking at it what is next, so the entry and exit modes. So,  
1614 the steadiness of a sign I think is one thing in a sign, and certainly when you've got something  
1615 that says "Slow Down – Ice Ahead," you want that to be either visible or you want it to flash in  
1616 red so it captures your attention and focuses your eye right on it, but when they change too  
1617 frequently, you get somebody trying to look at that sign and they do not continue to look straight  
1618 ahead as they are driving, and I think that is a concern that people have. So, for those signs that  
1619 are for information, there is one type, and advertising is another, and entertainment, you can have  
1620 some kind of graphics that chase a rabbit, a rabbit being chased by a dog if you want, and that is  
1621 not necessarily going to provide intelligence. It does provide a little entertainment if they want it,  
1622 but I think somewhere between four or five seconds and 20 seconds is probably a reasonable  
1623 period, depending on the nature of the sign. So, if the sign were important, and it was, in fact, a  
1624 six pack of Pepsis, 99 cents today, and you left it on for enough of a period to have that  
1625 advertising message come through, it might be somewhere between five seconds and 20. Now  
1626 my wife can see that sign, and she is on to the advertising like that. I am little slower at  
1627 advertising. But if we could achieve a figure, you know, somewhere in the middle of signs as  
1628 they change, and I see the County wants to do this because they look, that particular sign has  
1629 drawn a large number of complaints because of its repetition, and the nature of it, and if we could  
1630 come up with a figure that is larger for the on-screen period that it communicates the intelligence  
1631 that you are trying to communicate, and then flashes the next one. Like it would say, "Slow – 30  
1632 miles an hour" and there would be a sign, and then "Ice Ahead" would come up for the reason for  
1633 the 30 miles an hour. I think that would be more reasonable than just the flippage of the sign to  
1634 the point that you really, if you watch it a little bit, you are not sure what you have seen.

1635

1636 Mr. Twedt - And I would think there could be something studied out and worked out, I  
1637 think if you just address the entry and exit modes, because you could have them, you know, not  
1638 allow these fast entry and exit modes, and actually VDOT, I think, addresses that.

1639

1640 Mr. Taylor - The thought that we have is 20 seconds appropriate or is 10 seconds  
1641 appropriate, or is there some variable number for a different type of sign that we might be able to  
1642 come up with that would provide the message without annoying or confusing any of the people  
1643 who are driving by.

1644

1645 Mr. Twedt - You would just want to put it in the context of what is going to make the  
1646 display the easiest to read, and if your complaint is that they are too hard to read, and they are  
1647 going at a certain clip and, because quite honestly I've been doing this for 21 years and the nature  
1648 of the beast it all has to do with the number of words that are on a screen at any particular time,  
1649 and if you've got 20 words out there, then that display should stay up longer than the frame that  
1650 only has two words on it. I mean it is just common sense. And so I think that is where  
1651 Walgreen's probably, not to pick on them, but they probably have an operator in there that is  
1652 running the sign, and they are setting all the frames up on the same default where it runs four  
1653 seconds, bing, bing, bing, bing, bing. Well, they could easily go in there and on their longer  
1654 messages put on that frame 10 seconds.

1655

1656 Mr. Marles - The problem, Mr. Twedt, is that they are not doing that and we can't  
1657 enforce that, so we are trying to come up with a fairly simple solution to deal with the frequency  
1658 of the message sign changing, because that is where the primary concern is.

1659

1660 Mr. Twedt - See, I would say 10 seconds would be reasonable if you had x number of  
1661 words up there, but to say 10 seconds and you've got a single line message that a smaller  
1662 business owner has. He can't afford a four-line display, so he's got a single-line display, with  
1663 seven or eight pixels of vertical height on it. He can only put up one or two, so now you are  
1664 penalizing him because the guy down the street has the bigger and snazzier display and is  
1665 obnoxious with his.

1666

1667 Mr. Taylor - That is true. The other thing that we want to try to focus on is our drivers  
1668 need to keep their attention focused on the road, so there is a limit to the amount of intelligence  
1669 or time that we want them reading extraneous signs, and I can see that is another constraint that  
1670 we need to provide for safety. That sign that I talked about that was "Ice Ahead," you only need  
1671 to see that once quickly and you know that you've got to focus on your driving. But if you put a  
1672 sign up there, and I'm not picking on Pepsi, but if you are selling Pepsi or whatever, and you  
1673 have a lot of those, and people start concentrating on Pepsi, the concern is that you are not going  
1674 to be concentrating on a car ahead of you, with a safety angle, and your job is to drive safely, and  
1675 that, I think, is part of the issue. If you have it up for 20 seconds, in my judgment, you can look  
1676 and see "Oh, Pepsi is on sale for 99 cents" and then you can still concentrate on the road ahead  
1677 and not miss that message. If we make them too entertainment, too entertaining, we are likely to  
1678 have people watching the side of the road and the show on the side of the road, and not focusing  
1679 straight ahead. So, it is a very key safety issue here somewhere, I understand, and I would..

1680

1681 Mr. Twedt - I know what you're trying to do, and I appreciate that, and I would just  
1682 want to offer whatever I could.

1683

1684 Mr. Taylor - Oh, I know. My thought is you're trying, you are looking at signs as a  
1685 good advertising medium, and they truly are.

1686

1687 Mr. Twedt - Yes. That is true.

1688

1689 Mr. Taylor - We don't really want people watching those advertisements too much. We  
1690 want them to concentrate on traffic ahead.

1691

1692 Mr. Twedt - If I were to offer studies that show that there has never been any court case  
1693 where there has been any account of a traffic accident due to an electronic display, and bring out,  
1694 and alleviate your concerns for safety because if you can address the animations, which I  
1695 understand you already have, address the animations and make the message more presentable, I  
1696 don't think that the time change interval is really the culprit in the whole mix. I think there is  
1697 other alternatives, and I am belaboring this, I think, just because I think you've got a real good  
1698 sign ordinance the way that it is, with the exception of maybe this table, because it is hard to  
1699 enforce it, but when you get into over-restricting or severely restricting that message coming up,  
1700 it gets to be a real hot potato, and, you know, I would just like to be able to have the opportunity  
1701 to present the how's and whys, so that you can, and maybe you feel like you've got all data that  
1702 you need to say it needs to be 10 seconds or it needs to be 20 seconds, but from everything that I  
1703 have ever seen and been involved with, I have got other information.

1704

1705 Mr. Taylor - Let me thank you very much for your professional comments, and I will  
1706 see if anybody else in the audience would like to address this.

1707

1708 Mr. Jernigan- Mr. Secretary, when we speak of complaints, how many have we had?

1709

1710 Mr. Vanarsdall - That was my question.

1711

1712 Mr. Jernigan - Yes. I mean, is it a significant amount or number and is it basically just  
1713 two or three signs that we are having trouble with.

1714

1715 Mr. Marlles - The complaints come in based on those signs that are changing the  
1716 message closer to the minimum time period, which is once every five seconds. I would say that  
1717 we have had a significant number of those complaints. We have also had some concerns  
1718 expressed by Board members with the frequency of some of those specific signs that are again  
1719 changing the message closer to the five-second frequency. So, I would if we only had seven of  
1720 these signs in the County, remember that the complaints come in on those signs with the  
1721 messages changing closer to the minimum five second frequency, so that is the issue. And, also,  
1722 from an enforcement standpoint, I can tell you that even citizens, if you go out in the field, it  
1723 looks like it is changing faster than five seconds. We often have to send an inspector out there to  
1724 sit there and time it, and it turns out it is in conformance with the Ordinance, five seconds. But  
1725 the perception is that it is changing much faster, so I think a few of the signs are generating the  
1726 majority of the complaints and it is those signs that are changing closer to the five-second  
1727 frequency that are the problem. Mr. Vanarsdall, you had asked a question earlier regarding the  
1728 frequency of change of the sign out at RIR. I didn't realize that we do have a representative from

1729 RIR who may be able to answer that question.

1730

1731 Mr. Vanarsdall - I saw him. I remembered that after I said that. One thing, if we only have  
1732 seven signs, we are one of the last counties or jurisdictions to even allow these signs.  
1733 Chesterfield has had them forever, and if we only have seven signs, I don't remember any  
1734 complaint services and we had not had any then until we got the drug store. It seems like the  
1735 signs are getting a bum rap because of one location.

1736

1737 Mr. Marlles - I can tell you...

1738

1739 Mr. Vanarsdall - Another thing I'd like to ask is, whenever we have a change in the  
1740 Ordinance affecting setbacks and houses or any kind of housing, we always go to the housing  
1741 community. We have the Homebuilders. We go to them, and I am surprised that we haven't  
1742 gone to someone like him who helped us before, so I am wondering how many other sign people  
1743 have not, I am just wondering how deep this is.

1744 Mr. Marlles - Mr. Vanarsdall, we did notify, and I don't know exactly how many, but the  
1745 major sign companies were notified of this hearing, just to make you aware of that.

1746

1747 Mr. Vanarsdall - I know that they were notified, but they weren't asked for any input ahead  
1748 of time, like we have work sessions and the Homebuilders come, and object to everything we  
1749 talk about in the beginning, and we have the developers. We have the attorneys who represent  
1750 them and everybody is up in the air, and we go through this and that, so I was just wondering  
1751 why we haven't done the same thing on the Sign Ordinance.

1752

1753 Mr. Marlles - Staff is responding to...

1754

1755 Mr. Vanarsdall - Ms. Ware wants to say something.

1756

1757 Ms. Ware - No, I was just wondering, since I am new to this, where did the 20 seconds  
1758 come from?

1759

1760 Mr. Marlles - The 20 seconds came from, it is basically a staff recommendation. That is  
1761 all that it is. And, frankly, staff was hoping at this public hearing that we would receive some  
1762 input from the sign industry. We did go through a fairly extensive process about 10 years ago  
1763 where we developed the current table, as you know. So, basically, staff is responding to both  
1764 citizen complaints and stated Board concerns with the frequency that these signs are changing.  
1765 So, 20 seconds, I would say, is a starting point. Staff feels it is reasonable. The purpose of the  
1766 hearing is to get input, and the Commission, of course, is free to make whatever recommendation  
1767 they would like to make to the Board. That is kind of where we are.

1768

1769 Mr. Jernigan - Well, I have an idea. If there are only seven people in the County that  
1770 have this sign, before we change an ordinance, why don't we just go to these people and ask  
1771 them if they will reprogram that sign for let's say, nine or 10 seconds, and do a 30-day study, and  
1772 see how things go then, and, I mean, would that be acceptable, being as there are only seven  
1773 people, if we could ask them if they would do it.

1774

1775 Mr. Marlles - We can certainly do that, Mr. Jernigan. I can tell you one location we have  
1776 had an inspector out probably ten times, at the same location, for the same problem, so from an  
1777 enforcement standpoint, even when we go out and request voluntary compliance, somebody  
1778 forgets to reprogram the machine. There is a new manager or a new employee. I can tell you it is  
1779 a constant enforcement problem, even though there are few of these signs, it is a problem. The  
1780 other thing I would say is we do anticipate we are going to see more of these signs in the County,  
1781 so even though we only have seven of these signs presently, I think we are anticipating that  
1782 additional sign requests will be made.

1783

1784 Mr. Jernigan - At that point I would tell the corporate office “There is going to be a  
1785 change in the sign times”, so make sure they are enforced to make sure it helps along in the  
1786 study. I don’t know if that is normal.

1787

1788 Mr. Marlles - One option for the Commission, if the Commission feels like they would  
1789 like to get additional information, we certainly, like we have with other ordinance amendments,  
1790 we can defer this ordinance amendment perhaps to get some additional information or give the  
1791 sign industry some additional time to come forward with their recommendation, and we have  
1792 certainly done that in the past, so that is an option for the Commission. You don’t have to take  
1793 action today at this public hearing.

1794

1795 Mr. Archer - Mr. Secretary, can I ask one thing before we leave this? The complaints  
1796 that we have been receiving, were they from an aesthetic point of view, safety point of view, or  
1797 what?

1798

1799 Mr. Marlles - I think it is probably both, Mr. Archer.

1800

1801 Mr. Vanarsdall - More aesthetics than anything else.

1802

1803 Mr. Marlles - Some of the input we have received does, especially the sign that we are  
1804 all aware of, does come from some traffic concerns, again because of the frequency of the  
1805 message on that sign and the volume of traffic on that road. This is Parham Road.

1806

1807 Mr. Archer - Yes, I know where it is.

1808

1809 Mr. Ware - Is there any source of information besides the sign industry that would be a  
1810 balanced source of information, if we looked at more information?

1811

1812 Mr. Marlles - What staff can do is check with some of our neighboring jurisdictions to  
1813 see, perhaps, how they regulate the signs. I think we have done a little of that research, but we  
1814 can certainly look at the frequency that those signs are regulated in those codes in some of our  
1815 neighboring jurisdictions.

1816

1817 Mr. Taylor - Would anybody like to make a motion to defer this so we will have more  
1818 time?

1819  
1820 Mr. Jernigan - Yes, I will make a motion. I make a motion to defer the ordinance change  
1821 on sign conditions for 30 days.  
1822  
1823 Mr. Vanarsdall - Second.  
1824  
1825 Mr. Taylor - Motion made to defer action on the sign ordinance for 30 days made by  
1826 Mr. Jernigan, seconded by Mr. Vanarsdall. All in favor say aye. All opposed say no. The  
1827 motion passes.  
1828  
1829 The Planning Commission voted to defer action on the sign ordinance to February 27, 2002.  
1830  
1831 Mr. Vanarsdall - I would like to add to what I said previously, I think just what Lisa said.  
1832 These are the people. We shouldn't view them as enemies; we should pick their brain and then  
1833 tell them we don't agree with them.  
1834  
1835 Mr. Taylor - Then let us amend the motion.  
1836  
1837 Mr. Vanarsdall - If that be the case. I didn't mean to word it that way.  
1838  
1839 Mr. Taylor - Actually before we defer, the Director has just talked to me and perhaps  
1840 there is someone else that can shed some real light on this topic. Is there anyone else here who  
1841 would like to speak?  
1842  
1843 Mr. Archer - I was going to ask if the gentleman was here from RIR, and I didn't know  
1844 if he had something he wanted to say or not.  
1845  
1846 Mr. Marr - I am Mike Marr with VDOT, Richmond District. I am their outdoor  
1847 advertising agent.  
1848  
1849 Mr. Vanarsdall - What is your name?  
1850  
1851 Mr. Marr - Mike Marr.  
1852  
1853 Mr. Taylor - Good morning, Mr. Marr.  
1854  
1855 Mr. Marr - Good morning. I would just like to confirm that the four second rule is the  
1856 regulation that the State uses for the electronic message boards and that also includes blinking  
1857 lights, so I would think that the blinking light or just lights themselves would be, have to be  
1858 included in the drafting of the Ordinance.  
1859  
1860 Mr. Taylor - Would that relate to the amount of intelligence that you are trying to  
1861 provide in that four-second period, too, or just that the light is on and flashes "Warning, warning,  
1862 warning" for four seconds? Do you change that intelligence each time?  
1863

1864 Mr. Marr - Text and an abstract, just lights themselves. One light blinking four  
1865 seconds on, four seconds off, that can be text; animation is prohibited in the State regulations.  
1866

1867 Mr. Taylor - Does the State have a definitive regulation for these signs?  
1868

1869 Mr. Marr - Yes, they do. That is 33.1-369.  
1870

1871 Mr. Taylor - I am sure the County staff is aware of that, but...  
1872

1873 Mr. Marr - A copy will be provided to the staff.  
1874

1875 Mr. Taylor - Thank you very much, sir. We appreciate your comments. Are there any  
1876 other comments? Were you finished at that point? Does anybody have any questions of Mr.  
1877 Marr? Thank you, sir. No further comment? Anybody else? OK. Please come up to the podium  
1878 and identify yourself for the record.  
1879

1880 Mr. Cahoon - I am Jack Cahoon, Richmond International Raceway. I come here this  
1881 morning just to get an education more or less of what we were headed for in this direction of the  
1882 20-second sign. The, I do agree with the gentleman from Holiday Signs that the 20-seconds is  
1883 much, much too long for any individual. Reading the signs, and me being a citizen, I can  
1884 understand where you are coming from with this one-line text that just constantly is running  
1885 through. When you go back to our signs, we go from one line to four lines of text. Twenty  
1886 seconds is a long time to have it up there. And I just think we need to take a real quick look at  
1887 that. Right now we are at eight seconds.  
1888

1889 Mr. Taylor - Is that eight seconds per line or eight second per impression?  
1890

1891 Mr. Cahoon- Per flash.  
1892

1893 Mr. Taylor - And how many words, sir, do you normally have to communicate in that  
1894 period?  
1895

1896 Mr. Cahoon - Generally it is about eight words. It is depending on the line size and the  
1897 text size that we end up, the character size. Like today we have just one sign up there with, it  
1898 stays up there for eight seconds, just one word on the sign.  
1899

1900 Ms. Ware - How many lines do you have?  
1901

1902 Mr. Cahoon - We can go up to four lines, but we do not like to do that. Three lines is  
1903 normally our standard.  
1904

1905 Mr. Vanarsdall - Do you have many wrecks per month out there on Laburnum?  
1906

1907 Mr. Archer - Nobody would admit it.  
1908

1909 Mr. Cahoon - No. We have never, to my knowledge, had any complaints. The only  
1910 complaint that we really have is, and we do the time and temperature, on our message board, and  
1911 we take that off and we get phone calls from the citizens wanting us to put it back up, because  
1912 they use it, judging going down Laburnum, on how late they are to work. Other than that, we  
1913 would appreciate any consideration on this 20-seconds.

1914

1915 Mr. Taylor - Actually, it might help us sir, if you have some rules of thumb you've just  
1916 stated that you use both in the time of the message and the intelligence. If you would furnish  
1917 those to the staff by separate correspondence, I think we'd appreciate it.

1918

1919 Mr. Cahoon - We would be willing to work with them at any time and if you would like  
1920 to take our message board and use it as a test, we would be willing to work with you to do that.

1921

1922 Mr. Taylor - I think we'd be interested to see what your rules of thumb are for different  
1923 signs of different number of lines, and how many words in each one, so we could get some rule  
1924 of thumb to work with.

1925

1926 Mr. Cahoon - You have to remember that we have, over the weekend we may have four  
1927 different events going on at the same time, so we just use this as a message board. It is not a  
1928 sales item such as you were speaking about, like at Walgreens.

1929

1930 Mr. Taylor - I think we are basically looking at simply transmitting intelligence at the  
1931 start, and that seems to be what you are able to do without regard to advertising.

1932

1933 Mr. Jernigan - If we were to settle in with a figure now, maybe at 10 seconds, would you  
1934 be comfortable with that?

1935

1936 Mr. Cahoon - Ten seconds would be a whole lot better than 20, yes. I think we can work  
1937 with. Actually, like I say, right now we are right at eight, so 10 seconds we could live with.

1938

1939 Mr. Taylor - And I think if you give us your rules of thumb and we start thinking about  
1940 10 seconds, it might help us and then we could, would you agree, sir, to let us kind of test  
1941 different messages and observe different messages on your board, just for our information?

1942

1943 Mr. Cahoon - Yes, sir.

1944

1945 Mr. Taylor - OK. That might be something we want to do, too. All right. Thank you  
1946 very much. Are there any further comments on this one? Do I have a motion on this one?

1947

1948 Mr. Jernigan - I already did it, but I will do it again, if you'd like.

1949

1950 Mr. Vanarsdall - We motioned it, seconded it, and voted on it to defer it.

1951

1952 Mr. Taylor - And we voted on it to defer it? So, let's go on then, Mr. Director, to the  
1953 Resolution on Gill Dale Road.

1954

1954 **RESOLUTION: Gill Dale Road Park and School Site – Substantially in Accord with the**  
1955 **County of Henrico Comprehensive Plan (Varina District)**

1956

1957 Mr. Marlles - The staff report will be given by Ms. Anderson.

1958

1959 Ms. Anderson - Good morning. This substantially in accord is for the Gill Dale Park and  
1960 School Site on Gill Dale Road. As you see on this vicinity map (referring to slide), the Gill Dale  
1961 Park and School Site is located in the Varina District on the west line of Gill Dale Road  
1962 approximately 500 feet south of Charles City Road. The site contains parcels 219A- 3A,  
1963 containing approximately 76 acres, which is proposed for the park site, and parcel 219A-3G,  
1964 which contains approximately 36 acres, which is proposed to be used for the school property.  
1965 The site's characteristics are suitable for the proposed use. The zoning on the property is A-1,  
1966 Agricultural District, and the area surrounding the property is predominantly A-1, Agricultural,  
1967 as well. The topography on the site is ranging from flat in some areas to slightly steep on other  
1968 parts of the property. The Land Use Plan recommends the site primarily for Prime Agricultural  
1969 development, and there is also some Environmental Protection Area on this site. The Land Use  
1970 Plan does not designate this site for a public use; however, a public facility in Prime Agricultural  
1971 Districts is not necessarily inappropriate according to the Plan. Goals for Government and Semi-  
1972 Public uses are focused on the need for effective planning for these facilities and emphasis is  
1973 placed on shifts in growth patterns and acquiring public facility sites in advance of growth.  
1974 Based upon the staff's review of the site for the proposed uses, we have concluded that the  
1975 proposed improvements will provide an efficient and desirable arrangement of public facilities  
1976 that will maximize opportunities for these types of services to the residents in this area of the  
1977 County, and is not seen by the staff as being in conflict with or a significant departure from the  
1978 Goals, Objectives and Policies of the Plan. Therefore, the staff does recommend that the  
1979 Planning Commission approve the Resolution finding the proposed Gill Dale Park and School  
1980 Site substantially in accord with the County's Comprehensive Plan.

1981

1982 I will be happy to answer your questions and also we have representatives here from Recreation  
1983 and Parks and the Schools' Office, and we also have Mrs. Toland here, a citizen who has some  
1984 questions about future uses for adjacent properties along the south side of the site.

1985

1986 Mr. Taylor - Thank you, Ms. Anderson.

1987

1988 Mr. Jernigan - Ms. Anderson, is there a projection date of when either the park or the  
1989 school would be built?

1990

1991 Ms. Anderson - The park site is being master planned at this time. The school site, there is  
1992 no projection date at this time. It is not in School's CIP for the next 10 years. This was a matter  
1993 of acquiring property ahead of time, rather than trying to catch up with growth in the area.

1994

1995 Mr. Jernigan - But there is work on the park, though?

1996 Ms. Anderson - Yes.

1997

1998 Mr. Archer - Ms. Anderson, one more question. The report indicates there is a RPA

1999 buffer that has to be left in a natural state. Does that pertain to any kind of problem for the future  
2000 development that you can see?

2001

2002 Ms. Anderson - Not that I am aware of, but that would be worked out with the Plan of  
2003 Development process.

2004

2005 Mr. Archer - Thank you.

2006

2007 Mr. Taylor - Any other questions of the Commission? Thank you, Ms. Anderson. Is  
2008 there any opposition? Any other comments? Yes, ma'am. Please come up to the podium and  
2009 give us your name for the record.

2010

2011 Ms. Toland - Good morning. My name is Cary Toland. My husband and I are  
2012 interested in buying the property just to the south of the Gill Dale site. You will see those three  
2013 areas right there (referring to slide) the three lots. Ours would be the one right next to the  
2014 variance.

2015

2016 Mr. Taylor - Those are right on Gill Dale Road at the intersection of that boundary  
2017 there?

2018

2019 Ms. Toland - Yes, sir. So, obviously, before we make a decision to buy the property we  
2020 wanted to have an idea of what was going on. Some of our concerns were as far as the proposed  
2021 plan mentioned, purchasing property south of the proposed area, which could be us. We would  
2022 be interested in knowing specifically what that meant. The other concerns we had were just the  
2023 road widening. We were looking forward to the park. We think that would be a good asset, but  
2024 as far as are there already variances being allotted for that property or would later on when the  
2025 roads dictated that the school came in, would it require them to take part of our road frontage for  
2026 turning lanes or that sort of thing? And then the other question would be, where the planned  
2027 sediment basins and BMP areas would be?

2028

2029 Mr. Taylor - All right. Thank you, ma'am. Perhaps Ms. Anderson can answer those  
2030 questions or is there someone here from School Planning that could answer those?

2031

2032 Mr. Grissom - Good morning, Mr. Chairman. Dwight Grissom, Director of Construction  
2033 and Maintenance with Schools. As Ms. Audrey Anderson alluded to, the Board's five-year and  
2034 10-year CIP do not show any funds being appropriated to develop this site. It was a good  
2035 opportunity between the Division of Recreation and Parks and Schools to purchase this property  
2036 and it is for long-term growth and we just don't know what is going to develop down there, and  
2037 if a developer comes in three months from now and has a nice package and puts 1,000 homes in  
2038 there, that would certainly change our focus, but right now we don't see anything happening  
2039 there that would push us to develop within the next 10 years. As you know, Public Works would  
2040 dictate to us what we will have to do along Gill Dale Road as far as road widening and turn lanes,  
2041 and as far as any BMPs and silt basins, that would be just pure speculation on my part where they  
2042 would be placed. Again, we would be working with Public Works on that as far as the locations  
2043 of those.

2044

2045 Mr. Marles - Mr. Grissom, just for Mrs. Toland's benefit, you don't have a plan or a  
2046 detailed plan of any type?

2047

2048 Mr. Grissom - We did ask a consultant to look at it to see if it was a developable site and  
2049 could we put an elementary or middle school on there, and we felt comfortable with the plan they  
2050 came up with. Again, that was just to make sure, to comfort the Board that we were not buying  
2051 something that we could not build on down the road. But we are not married to that plan.

2052

2053 Mr. Archer - So this would strictly be acquisition at this point?

2054

2055 Mr. Grissom - Yes, sir. Just the Substantially in Accord.

2056

2057 Mr. Jernigan - But they say they are working on a master plan for the park?

2058

2059 Mr. Taylor - But hearing Mr. Grissom, either with those plans made and firmed, you  
2060 really can't describe for Mrs. Toland what the impact would be on traffic or whatever, so that is  
2061 the decision that they have to make with regard to the property, just have to recognize that with  
2062 this there may be a school here. There are no guarantees, and have to just accept the fact that  
2063 there are certain uncertainties in the market in proceeding with any kind of a purchase or business  
2064 transaction. Would that be a correct summary?

2065

2066 Mr. Grissom - I can't certainly speak for the School Board, but the 36 acres that we have  
2067 will certainly accommodate our needs. I don't think, from the school side, we will be looking to  
2068 acquire land. The Division of Recreation and Parks can certainly, you know, possibly want to do  
2069 something there, but from a school side.

2070

2071 Mr. Taylor - In terms of the present boundary, she can pretty much lean on those or rely  
2072 on those?

2073

2074 Mr. Grissom - Yes, sir.

2075

2076 Mr. Taylor - But she cannot rely on, let's say other development around there in the  
2077 adjoining period? So, I guess to summarize it, you can count on us. But beyond that, we really  
2078 can't guarantee anything.

2079

2080 Mr. Grissom - Yes, sir.

2081

2082 Mr. Vanarsdall - Well, Dwight, this is probably the first time Mrs. Toland has had a chance  
2083 to address anything, so is there anyone, should she talk to Hugh Farmer in case he knows  
2084 something and we do not.

2085 Mr. Grissom - That is probably a good suggestion, and I can get with her after the  
2086 meeting and give her his name and how to contact him.

2087

2088 Mr. Vanarsdall - And perhaps the Planning Commissioner and Mr. Donati may have just,

2089 somebody may have said something about, you know, rumors sometimes are nothing and  
2090 sometimes they pan out. I think you probably, are you going to help them?

2091

2092 Mr. Grissom - Yes, sir. I will be glad to.

2093

2094 Mr. Taylor - If you could just share information, addresses and phone numbers, we will  
2095 just proceed and let you handle it directly. Would that be acceptable to you, Mrs. Toland?

2096

2097 Ms. Toland - Yes.

2098

2099 Mr. Taylor - Thank you very much.

2100

2101 Mr. Marlles - Ms. Toland, also for your information, at that future date when this site,  
2102 there is a specific development proposal for this site, for a school and park, there is a process  
2103 where they would have to submit a Plan of Development to the County, that in this case is  
2104 actually approved by the Board of Supervisors, so I am sure at that future date the adjacent  
2105 property owners will be notified, so you would be notified of that if you are an adjacent property  
2106 owner.

2107

2108 Mr. Jernigan - And I will add in, your discussion I spoke to Mr. Donati about this  
2109 yesterday, because I knew it was coming up today, and right now it is at least 10 years. I asked  
2110 him "When do you think this will start" and he said, "We may not see it." So, what Ms.  
2111 Anderson said, there is nothing on the plans right now for 10 years. It could be 15 years. I am  
2112 speaking of the school. Not the park, because she says now that there is work on the master plan  
2113 for the park. That could happen within 10 years. It may happen within five years, but as far as  
2114 the school itself, I am pretty sure it is not going to be within 10 years, and probably closer to 15,  
2115 because what will happen, we have to build this area up. Now, let me say this, too. We don't  
2116 know what is going to happen down the road. If a lot of development comes in here, and that  
2117 school is required, then it will be moved to the front burner, but in the 2010 Land Use Plan right  
2118 now, it is not there at this moment. So, if you, what your question was about will you lose any  
2119 property on Gill Dale Road if they widen, I would say, probably if it was, yes. Yes, they will  
2120 probably have to widen that road up some. But I don't think you would lose any extensive  
2121 amount.

2122

2123 Ms. Toland - I think they have already allowed for 15 feet of – being off on either side  
2124 of the road – and we were aware of that, but (unintelligible).

2125

2126 Mr. Jernigan - You said you and your husband were looking at acquiring these three lots?

2127

2128 Ms. Toland - Just the one that is closest to the variance.

2129

2130 Mr. Jernigan - Well, you are a young lady, you may need a school next to you one day.

2131

2132 Ms. Toland - That is fine as long as (unintelligible – not at mike).

2133

2134 Mr. Jernigan - Well, that would be taken care of in the plan of development.  
2135  
2136 Mr. Taylor - Any more questions on this issue? Any more comments? All right, Mr.  
2137 Jernigan, would you like to make a motion?  
2138  
2139 Mr. Jernigan - Well, Mr. Chairman, I will make a motion to approve the Resolution for  
2140 Gill Dale Park and School Site – Substantially in Accord with the Comprehensive Plan.  
2141  
2142 Mr. Vanarsdall - Second.  
2143  
2144 Mr. Taylor - Motion made by Mr. Jernigan and seconded by Mr. Vanarsdall to find that  
2145 the Gill Dale Park and School Site is Substantially in Accord with the County of Henrico’s  
2146 Comprehensive Plan, Varina District. All in favor say aye. All opposed say no. The motion is  
2147 approved.  
2148  
2149 The Planning Commission approved the Resolution for Gill Dale Park and School Site and found  
2150 it to be substantially in accord with the County of Henrico Comprehensive Plan.  
2151  
2152

2152 **DISCUSSION ITEM:** Screening Requirements for Utility and Mechanical Equipment

2153

2154 Mr. Mariles - Under a separate letter that went out on January 16, a proposed policy for  
2155 the screening of mechanical and utility equipment was sent to the Commission for its review.  
2156 This was an issue that I believe was originally brought up by Mr. Vanarsdall. Staff does have a  
2157 proposal for your consideration, and that will be presented by Ms. News.

2158

2159 Ms. News - Good morning, Mr. Chairman, and members of the Commission. You  
2160 should have received copies of the proposed policy statement, but I have additional copies if you  
2161 need them. The adverse effect of utility and mechanical equipment on the overall appearance of  
2162 a development has been a concern for some time. The example on your screen is probably very  
2163 familiar to most of the people in this room (referring to slide). It represents a typical situation  
2164 where some of the most difficult screening scenarios exist. This building is similar to an  
2165 outparcel of a shopping center, which has high visibility from four sides. In the past, much effort  
2166 has been focused on screening of other necessary utilitarian functions, such as trash collection  
2167 and loading areas, from public view. On a site which has visibility from four sides, the location  
2168 and screening details of these items are given strong consideration at the time of POD review to  
2169 make sure they are sited and screened as well as possible, given the often difficult site  
2170 parameters. A number of options are considered, including the orientation of areas to be  
2171 screened, the site lines from public view and the most appropriate screening materials when  
2172 visibility is an issue.

2173

2174 Recently, the Planning Commission has initiated discussion regarding the screening of the utility  
2175 and mechanical equipment and, in particular, the placement of meters, phone and utility junction  
2176 boxes on the sides of buildings. Staff's research has shown that these items are often coordinated  
2177 by the contractor at the time of construction and are not on the plans, even at the time of building  
2178 permit approval. Their location at that time becomes a function of the most efficient and  
2179 probably least expensive way to make the connection to the power or phone source. As you can  
2180 see on the screen (referring to slide), great attention was paid by the architect to the treatment of  
2181 the building façade, but it is doubtful that much, if any, thought was put into the location of these  
2182 boxes.

2183

2184 The obstacle we face is that often, at the time of plan of development review, the architects and  
2185 engineers indicate they have not finalized the details of the plan enough to know where these  
2186 items will need to be located, based upon connections from private utilities. In discussion with  
2187 Chesterfield County, whose ordinance requires the screening of these junctions and accessory  
2188 boxes, it was indicated that the screening of these boxes are reviewed by inspectors in the field at  
2189 the time of C.O. Staff feels this would be difficult to enforce without an ordinance in place and  
2190 that better solutions could be found by addressing this earlier in the process.

2191

2192 The suggested policy in your agenda reads as follows: All existing and proposed utility and  
2193 mechanical equipment (including HVAC units, electric meters, junction and accessory boxes,  
2194 transformers and generators) shall be screened from general public view from adjoining public  
2195 right of way and adjacent properties, by such means as determined appropriate by the Director of  
2196 Planning and the Planning Commission. Measures for screening may include designating

2197 appropriate locations for the equipment, painting the equipment to match the building, and/or  
2198 requiring architecturally compatible structural measures or vegetative screening to reduce the  
2199 visibility of such equipment. The general location of the equipment and proposed screening  
2200 methods should be identified on the plans at the time of plan of development review, and should  
2201 be shown on the landscape plans with all screening details at the time of landscape plan approval.  
2202

2203 The intent behind the implementation of this policy would have three major components: first, it  
2204 clearly establishes that the Planning Commission expects measures to be taken to screen these  
2205 types of facilities from public view. Secondly, it indicates that attempts should be made at the  
2206 time of POD review to determine at least the general location of these facilities. Staff would  
2207 make it known to the applicant that screening of these items, as we do with dumpsters, is  
2208 required and try to get a commitment to the location and type of screening. If major obstacles are  
2209 encountered, steps can be made at this time to resolve issues with adjustments to the site plan. I  
2210 have a couple of examples here of some recent sites that could have benefited from relocation,  
2211 just simple relocation of these facilities (referring to slide). This side of the building is very  
2212 visible from a major public access.

2213

2214 Mr. Vanarsdall - May I make a comment there? I turned this over to John Short and John  
2215 has been negotiating with them and they have agreed to paint the boxes, and that is about all we  
2216 can get out of it. Dave O’Kelly worked on this to get it as good as it did get. And, here again,  
2217 Virginia Power, you notice that everything else is screened, this is the Japanese Restaurant that  
2218 burned and was built back, and before it burned they had everything imaginable behind this  
2219 building, that you could see from the shopping center, and there was nothing we could do about  
2220 it. So, when they built it back they agreed to screen everything, which they did. You can see to  
2221 the left. But they didn’t screen the boxes because that is Virginia Power – Dominion Power says  
2222 “Well, we don’t want anything around that.” So, they have agreed to paint that.

2223

2224 Go ahead. Excuse me.

2225

2226 Ms. News - No problem. The next example is another one that you brought to our  
2227 attention, that we have become aware of. This is the Springfield Commons Office Complex,  
2228 adjacent to the exit from the Price Club and the view that you get when you are leaving.

2229

2230 Mr. Vanarsdall - This is the worst one you have ever seen. You come out of the Price Club.  
2231 They stare you right in the face. Now, maybe someone on the Planning Commission was  
2232 involved in planning, they would not do that, but they did anyway.

2233

2234 Ms. News - And you can see that efforts were taken to screen units that staff knew  
2235 about right next to that with the screen fence, but this was not known. I will mention that Jim  
2236 Strauss is having on-going discussions with the landscape architect to do some planting back in  
2237 this area.

2238

2239 The third intent behind the implementation of the policy would be that it will be required that the  
2240 final location of these facilities be shown on the landscape plans with all screening measures  
2241 addressed, if they have not been fully addressed with the POD. Staff has suggested a

2242 miscellaneous standard condition, which can be recommended for any POD, which at the time of  
2243 POD approval is determined may have screening issues. The wording is as follows: “The  
2244 location of all existing and proposed utility and mechanical equipment (including HVAC units,  
2245 electric meters, junction and accessory boxes, transformers and generators) shall be identified on  
2246 the landscape plans. All equipment shall be screened by such measures as determined  
2247 appropriate by the Director of Planning or the Planning Commission at the time of plan  
2248 approval.” This condition would allow staff or the Commission, if the landscape plan was  
2249 returned to the Commission for public hearing, to finalize any screening details at the time of  
2250 landscape plan approval. Screening measures as outlined in the conditions can take a number of  
2251 forms. Ideally, the boxes should be located away from direct view or within a walled mechanical  
2252 area. And in some cases merely painting the boxes to match the building will provide  
2253 satisfactory results. I have a couple of examples here (referring to slide). This is the Ruby  
2254 Tuesdays on Broad Street, a close up. As you can see, from far off you really can’t see these  
2255 items. And Hop’s facility that has many structures on the side of their building that sort of blend  
2256 in simply with paint. For free standing units, such as HVAC and transformers, planting or screen  
2257 walls can be provided while allowing access as required. In some cases, a combination of  
2258 measures can be employed. In this last example there is quite a difference in the before and after  
2259 photos. I apologize for the quality of this. It is the Polaroid that you gave me, Mr. Vanarsdall.  
2260

2261 Mr. Vanarsdall - Here is how it looks now.

2262

2263 Ms. News - I didn’t have another “before” picture. The “after” picture shows what  
2264 was done, which includes painting the structures and doing some landscaping. Although the  
2265 solution was applied after the fact, it is a vast improvement from where we started.

2266

2267 In closing, the suggested policy and conditions provides staff and the Commission with tools and  
2268 flexibility to help minimize negative effects of these utility structures on the overall appearance  
2269 of the development. At this point I will conclude the presentation, and open the floor up to  
2270 further discussion.

2271

2272 Mr. Taylor - Any questions of Ms. News?

2273

2274 Mr. Vanarsdall - Well, I want to add that here again I went to the source. I called Monte  
2275 Lewis and told him what we were talking about, and he said, “Well, that is no problem at all.” I  
2276 said, “Can you think of the best way we can do this?” as I pass this on to Leslie, and he said,  
2277 “Yes, on the prints.” He said Chesterfield County enforces that. So I said I didn’t know that.  
2278 And he said that if you put it on the prints, then you have an opportunity to change it if you don’t  
2279 like the way it is. The other thing is, Leslie talked to the owner (this picture that is there now)  
2280 and he said, “Oh, I will be happy to do that.” So, he voluntarily did it. It was the way she asked  
2281 him, I think. Anyway, he painted them, screened them, and that is down the road here on Hooper.  
2282 And the other thing is I learned, and you might have told me, Leslie, I learned this particular one  
2283 here, they said the power that has to be brought to the building is near this side. Well, they say  
2284 that if it isn’t near this side, then the applicant will have to pay for the cable and conduit that goes  
2285 around the other side. I had an experience with that when I changed to gas in the house, and they  
2286 always put the gas meter in the front of the house. I said I don’t want that in the front of my

2287 house. I said I want it on the side behind a bush. He said, “Well, sir, that is going to take more  
2288 piping, more conduit.” I said, “Well, how much money will it cost?” “Oh, we are not going to  
2289 charge you” – so they did it, so the point is that many times when we have, the whole thing is if  
2290 we have a chance to see it in the beginning, when they review the plans, then we’ve got a whole  
2291 lot of leeway to negotiate, and that is why it is going to be a policy rather than an ordinance. Is  
2292 that right, Mr. Marlles?

2293

2294 Mr. Marlles - Yes, sir.

2295

2296 Mr. Jernigan - What is Virginia Power’s feeling on this?

2297

2298 Ms. News - The private utilities, I haven’t spoken directly to anybody at Virginia  
2299 Power. The experience we’ve had with these though is that there is no objection to painting the  
2300 structures. They do it in Chesterfield routinely, and they’ve never had any problems with  
2301 painting the structures. I actually talked with Building Inspections to see if the function of these,  
2302 as located, can be determined by architectural plans, where the mechanical rooms or electrical  
2303 rooms are in the building, and they said, no, it is really just where the connection comes in. I  
2304 think it is more just bringing it to somebody’s attention, and asking them up front to move it,  
2305 because if nobody addresses it, it just ends up there.

2306

2307 Mr. Marlles - They are going to do it the most cost effective way.

2308

2309 Ms. News - Exactly.

2310

2311 Mr. Vanarsdall - Mr. Archer had a good suggestion. He said you can always hide them  
2312 behind those big green boxes.

2313

2314 Mr. Jernigan - Well, I think what Mr. Vanarsdall said was that Virginia Power doesn’t  
2315 want any screening on these meters.

2316

2317 Ms. News - I have never been aware of any problem as long as we have allowed  
2318 access. When you have the green boxes generally and even these meters, they have to get to the  
2319 front of them. But, if we can get it around three sides and maintain access, in my experience,  
2320 I’ve never had any problem with it.

2321

2322 Mr. Vanarsdall - I think what they told me was they didn’t want it enclosed. Like you say,  
2323 with a door or a gate with a lock on it and put up a fence.

2324

2325 Ms. News - They are probably not going to like it. The guy is not going to be able to  
2326 ride down the road in his car and point his gun at the meter and read it. He is going to have to get  
2327 out.

2328 Mr. Vanarsdall - They don’t like anything. That is what you get when you deregulate  
2329 something.

2330

2331 Mr. Archer - Mr. Jernigan, one day when you’ve got some time, I will tell you what I

2332 know about it.

2333

2334 Mr. Jernigan - OK. You got a long time.

2335

2336 Mr. Vanarsdall - Mr. Secretary, I asked Leslie when I called her on the phone about should  
2337 we change the word down under policy, the last sentence, "The general location of the equipment  
2338 and proposed screening methods should be identified on the plan." I asked her could we add the  
2339 word "must be" and she said no, because this is not an ordinance, it is a policy. So, I guess we  
2340 can leave the "should."

2341

2342 Mr. Marlles - I think it is pretty clear to staff what the intent of the Commission would  
2343 be.

2344

2345 Mr. Taylor - Would it be reasonable in that regard, Mr. Director, that somewhere in the  
2346 policy, add the words that the, for instance, the meters, junction and accessory boxes,  
2347 transformers and generators will be designed to be "unobtrusive." Because it seems to me that  
2348 they can be designed from the beginning to be unobtrusive, if the engineers and the architects feel  
2349 that that is a matter of policy in our County view as to where to put them and how to make them  
2350 look like stealth utility connections.

2351

2352 Mr. Marlles - The only thing I would say, Mr. Chairman, is I don't know if staff would  
2353 know if they were designed appropriately. I know we can determine that they shall be screened  
2354 from general public view, but I would venture to say that I would not want to get involved with  
2355 staff reviewing the design of those boxes, because we wouldn't know what we were looking at  
2356 anyway.

2357

2358 Mr. Taylor - No, I agree with that, but if we say the boxes will be designed to be  
2359 unobtrusive, that is what I mean as a goal.

2360

2361 Ms. News - We've got wording in there that intends it to be screened from general  
2362 public view, whether it is an adjacent property, such as the Price Club example, or from a right-  
2363 of-way where we think it is most likely to be.

2364

2365 Mr. Vanarsdall - I am just asking a question and I am not endorsing it, but are we going to  
2366 have a condition in there that says boxes will be screened or painted?

2367

2368 Ms. News - The second part of your policy that was handed out to you has a suggested  
2369 condition that can be added, just as we add No. 9 Amended and No. 11 Amended to projects at  
2370 the Commission's request or staff's recommendation. We can add a condition that says that the  
2371 location must be shown and it shall be screened to satisfaction. It is the second part of that  
2372 handout. The first part is policy and the second part is a suggested condition.

2373 Mr. Vanarsdall - Oh, OK.

2374

2375 Mr. Taylor - So we can just move approval of that standard condition and you think that  
2376 will take care of that?

2377

2378 Ms. News - We were thinking we would discuss this today, taking any input you had  
2379 and making any changes, and present it for final action at our next meeting, unless you think  
2380 there are no changes needed. Then, we can go ahead and have a motion to endorse the policy.

2381

2382 Mr. Vanarsdall - The only thing I would suggest is something to bring it to our attention.

2383

2384 Ms. News - That the staff would recommend it when we felt it was appropriate. In  
2385 situations where you've got a building like this, where you've got visibility from four sides of the  
2386 building, you don't have a back. You'd know it is likely that you might have this problem.

2387

2388 Mr. Vanarsdall - Well, I think you've covered it nicely.

2389

2390 Mr. Taylor - I think you've covered it well, too, and there is probably either with the  
2391 AAA or AIA, or that we might find some solution, someone that already exists.

2392

2393 Mr. Jernigan - I guess we can press on the developer and Virginia Power at the time, you  
2394 know. You know where they want to put it and ask them if they can relocate it in a less obtrusive  
2395 spot.

2396

2397 Mr. Taylor - Yes.

2398

2399 Mr. Vanarsdall - Do we need a motion for this today?

2400

2401 Mr. Taylor - Do we need a motion for this?

2402

2403 Ms. News - You have the option to make a motion to endorse the policy.

2404

2405 Mr. Marlles - I would say staff would like to have the Commission endorse it, so that we  
2406 have some basis for moving forward with it.

2407

2408 Mr. Vanarsdall - And you might want to explain what the difference in the policy and the  
2409 ordinance is, particularly to the...

2410

2411 Mr. Marlles - I think, Mr. Vanarsdall, obviously the major difference is that having a  
2412 policy gives us a little bit more flexibility to look at each of these situations on a case-by-case  
2413 basis. We can make exceptions to a policy, administratively, without having the applicant go to  
2414 the Board of Zoning Appeals. So, it gives us control but it also gives us flexibility.

2415

2416 Mr. Vanarsdall - Do you want me to make a motion, Mr. Chairman?

2417 Mr. Taylor - We've got one written here if you want to use it. First, I want to thank Mr.  
2418 Vanarsdall for his perceptiveness in finding this area and bringing it to our attention, as always.  
2419 He is a Commissioner with a view of the whole County.

2420

2421 Mr. Vanarsdall - I move that we adopt the policy for screening of mechanical and utility

2422 equipment as presented by Ms. News and staff today, the 23<sup>rd</sup> of January 2002.

2423

2424 Mr. Archer - I second that motion.

2425

2426 Mr. Taylor - Motion is made by Mr. Vanarsdall, seconded by Mr. Archer to the effect  
2427 that we will adopt this policy. All in favor say aye. All opposed say no. The motion passes.

2428

2429 The Planning Commission voted to adopt the policy for Screening Requirements for Utility and  
2430 Mechanical Equipment as presented on January 23, 2002.

2431

2432 Mr. Vanarsdall - Thank you, Ms. News.

2433

2434

2435 **APPROVAL OF MINUTES:** November 28, 2001 and December 19, 2001, Minutes

2436

2437 Mr. Marles - We only have two items to take care of. Those are the minutes from the  
2438 November 28, 2001 and December 19, 2001 meetings.

2439

2440 Mr. Vanarsdall - I move that we approve both of them with all the changes.

2441

2442 Mr. Archer - Second.

2443

2444 Mr. Taylor - Motion is made and seconded for the approval of the minutes. All in favor  
2445 say aye. All opposed say no. The motion carries.

2446

2447 **DISCUSSION: Set Public Hearing for Capital Improvement Program 02-03 to 06-07 for**  
2448 **March 14, 2002 at 6:15 p.m.**

2449

2450 Mr. Marles - The last item on your agenda is actually in your Addendum, and that is, we  
2451 had previously set a public hearing for the Capital Improvement Program for February 3, 2002. I  
2452 believe it is the Manager that has actually requested that we reschedule that to the March 14,  
2453 2002 meeting at 6:15 p.m. I believe the Commission also asked that we provide dinner prior to  
2454 that hearing/meeting. We will provide it.

2455

2456 Mr. Jernigan - I make a motion that we set a public hearing for the Capital Improvement  
2457 Program for March 14, 2002 at 6:15 p.m.

2458

2459 Mr. Vanarsdall - I second that.

2460

2461 Mr. Taylor - Motion is made by Mr. Jernigan and seconded by Mr. Vanarsdall. All in  
2462 favor say aye. All opposed say no. The motion passes.

2463

2464 The Planning Commission rescheduled the public hearing for the Capital Improvement Program  
2465 2002-2003 to 2006-2007 for March 14, 2002, at 6:15 p.m.

2466

2467 Mr. Vanarsdall - I move we adjourn.

2468

2469 Mr. Jernigan - Second.

2470

2471 Mr. Taylor - The motion was made by Mr. Vanarsdall and seconded by Mr. Jernigan for

2472 adjournment. Thank you for your attendance.

2473

2474

2475 On a motion by Mr. Vanarsdall and seconded by Mr. Jernigan, the Planning Commission

2476 adjourned its meeting for January 23, 2002, meeting at 11:47 a.m.

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Allen Taylor, P.E., C.P.C., Chairman

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John R. Marlles, AICP, Secretary

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