

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, October 25, 2000.

4

5 Members Present: Mr. Ernest B. Vanarsdall, C.P.C., Chairman (Brookland)
6 Mrs. Debra Quesinberry, C.P.C., Vice Chairman (Varina)
7 Mr. C. W. Archer, C.P.C. (Fairfield)
8 Mr. Allen Taylor, P. E., C.P.C. (Three Chopt)
9 Ms. Elizabeth G. Dwyer, C.P.C. (Tuckahoe)
10 Mrs. Patricia S. O'Bannon, C.P.C., Board of Supervisors
11 Representative (Tuckahoe)

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, County Planner
20 Mr. Michael F. Kennedy, County Planner
21 Mr. Todd Eure, Assistant Traffic Engineer
22 Ms. Diana B. Carver, Recording Secretary

23

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

26

27

28 Mr. Vanarsdall - Good morning, fellow commissioners, staff members, officers, and
29 everyone in the audience.

30

31 Mr. Archer - Good morning, Mr. Chairman.

32

33 Mr. Vanarsdall - Welcome to the Planning Commission meeting this morning. We have a
34 number of cases and I will turn the meeting over to our Secretary and Director of Planning, Mr.
35 John Marlles. Mr. Marlles.

36

37 Mr. Marlles - Good morning, Mr. Chairman, and members of the Commission. We do
38 have a quorum today. I believe Mrs. O'Bannon will be joining us later in the morning. The first
39 item on the agenda is request for deferrals and withdrawals, and that will be presented by Mr.
40 Wilhite.

41

42 Mr. Vanarsdall - Good morning, Mr. Wilhite.

43 Mr. Wilhite - Good morning, Mr. Chairman, members of the Commission, and ladies and
44 gentlemen. There are three requests for deferrals. We have become aware of another one this
45 morning on page 7.

46

47 **SUBDIVISION (Deferred from the September 27, 2000 Meeting)**

48

Oak Hill Manor
(June 2000 Plan)

**Schmidt & Associates for English Street Development,
L.L.C.:** The 5.021 acre site is located on Tonoka Road and
Tonoka Court, approximately 200 feet west of the intersection on
parcels 128-A-55 and part of 128-A-44A. The zoning is R-4,
One-Family Residence District. County water and sewer.
(Fairfield) 19 Lots

49

50 Mr. Wilhite - The applicant has requested a deferral until November 15.

51

52 Mr. Vanarsdall - This is a request for a deferral of Oak Hill Manor (June 2000 Plan)
53 Subdivision. Is anyone in the audience in opposition to this deferral? No opposition. Mr. Archer.

54

55 Mr. Archer - Mr. Chairman, I move deferral of Oak Hill Manor to the November 15,
56 2000 meeting, at the applicant's request.

57

58 Mrs. Quesinberry - Second.

59

60 Mr. Vanarsdall - We have a motion made by Mr. Archer and seconded by Mrs. Quesinberry.
61 All in favor say aye. All opposes say nay. The ayes have it. The motion passes. The reason that
62 is the 15th Mr. Archer is because we would have had to have it on Thanksgiving Day, and we've
63 never done that. We were afraid we wouldn't have a quorum.

64

65 Mr. Archer - I would have been here.

66

67 At the applicant's request, the Planning Commission voted to defer Oak Hill Manor (June 2000
68 Plan) Subdivision to its meeting on November 15, 2000. Mrs. O'Bannon was absent.

69

70 Mr. Wilhite - The next item is on page 24.

71

72 **LANDSCAPE PLAN**

73

LP/POD-96-99
Impala Drive Office/Warehouse
- Putney Place

Stockner's Rockville Nurseries: Request for approval of a
landscape plan as required by Chapter 24, Sections 24-106 and
24-106.2 of the Henrico County Code. The .69 acre site is
located on the northwest corner of Impala Drive and Lafayette
Avenue on part of parcel 82-18-A-9. The zoning is M-1, Light
Industrial District. **(Brookland)**

74

75 Mr. Wilhite - The applicant has requested a deferral to November 15.

76

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77 Mr. Vanarsdall - Is there anyone in the audience in opposition to LP/POD-96-99, Impala
78 Drive Office/Warehouse - Putney Place? This is in the Brookland District and it is Impala Drive
79 Office/Warehouse? No opposition. I move that LP/POD-96-99 be deferred to the 15th of
80 November at the applicant's request.

81

82 Mrs. Quesinberry - Second.

83

84 Mr. Vanarsdall - We have a motion made by Mr. Vanarsdall and seconded by Mrs.
85 Quesinberry. All in favor say aye. All opposed say nay. The ayes have it.

86

87 At the applicant's request, the Planning Commission deferred LP/POD-96-99, Impala Drive
88 Office/Warehouse - Putney Place, to its meeting on November 15, 2000. Mrs. O'Bannon was
89 absent.

90

91 **PLAN OF DEVELOPMENT & LIGHTING PLAN**

92

POD-76-00

O'Charley's Restaurant -
The Creeks @ Virginia
Center Shopping Center

Design & Engineering, P.C. for Richmond Developers, LLC:
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, 7,062 square foot restaurant. The
1.98 acre site is located on an outparcel at The Creeks at Virginia
Center Shopping Center on part of parcel 33-A-1A. The zoning is
B-2C, Business District (Conditional). County water and sewer.
(Fairfield)

93

94 Mr. Wilhite - The applicant is requesting a deferral until November 15, 2000.

95

96 Mr. Vanarsdall - This is O'Charley's Restaurant. It is not the same thing as Charley's, is it,
97 Mr. Archer?

98

99 Mr. Archer - No, sir.

100

101 Mr. Vanarsdall - O'Charley's, POD-76-00. Any opposition to the deferral of this case? No
102 opposition. Mr. Archer.

103

104 Mr. Archer - Mr. Chairman, I move deferral of POD-76-00, O'Charley's Restaurant, to
105 the November 15, 2000 meeting, at the applicant's request.

106

107 Mrs. Quesinberry - Motion was made by Mr. Archer and seconded by Mrs. Quesinberry. All in
108 favor say aye. All opposed say nay. The ayes have it. The motion passes.

109

110 At the applicant's request, the Planning Commission deferred LP/POD-76-00, O'Charley's
111 Restaurant - The Creeks @ Virginia Center Shopping Center, to its meeting on November 15,
112 2000. Mrs. O'Bannon was absent.

113

114 **PLAN OF DEVELOPMENT**

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115

POD-95-00
Superstar, Inc. Service Center
- 9999 Brook Road
(POD-3-96 Revised)

Foster & Miller, P.C. for Superstar, Inc.: Request for approval of a revised plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a one-story, 969 square foot service bay addition. The 1.316 acre site is located at 9999 Brook Road at the southeast corner of Brook Road (U.S. Route 1) and J.E.B. Stuart Parkway on parcel 33-A-3C. The zoning is B-3C, Business District (Conditional). County water and sewer. **(Fairfield)**

116

117 Mr. Wilhite - The applicant is requesting a deferral to the November 15, 2000 meeting.

118

119 Mr. Vanarsdall - Is anyone in the audience in opposition to this case? POD-95-00,
120 Superstar, Inc., in the Fairfield District? No opposition. Mr. Archer.

121

122 Mr. Archer - I move deferral of POD-95-00, Superstar, Inc. Service Center - 9999 Brook
123 Road, to November 15th, at the applicant's request.

124

125 Mrs. Quesinberry - Second.

126

127 Mr. Vanarsdall - Motion by Mr. Archer and seconded by Mrs. Quesinberry. All in favor say
128 aye. All opposed say no. The ayes have it. The motion carries.

129

130 At the applicant's request, the Planning Commission deferred POD-95-00, Superstar, Inc. Service
131 Center - 9999 Brook Road (POD-3-96 Revised) to its meeting on November 15, 2000.

132 Mrs. O'Bannon was absent.

133

134 Mr. Marlles - Mr. Chairman, the next item on the agenda are expedited items. We have
135 quite a few and those will also be presented by Mr. Wilhite.

136

137 Mr. Vanarsdall - For the benefit of the audience, the expedited agenda that we have are cases
138 that are no problem to us and no opposition that we know of, and the applicant finds that everything
139 is all right. We have a time limit that the staff accepts it, and if we find when we call it, and we
140 call each case separately in case someone in the audience does have a problem or has opposition,
141 and if they do, we will pull it off the expedited agenda and we handle it in the order in which it
142 appears on the agenda. Mr. Wilhite.

143

144 Mr. Wilhite - Mr. Chairman, we have about 13 items on the expedited agenda. The first
145 one is on page 3.

146

147 **TRANSFER OF APPROVAL**

148

POD-45-99
Hewlett Packard, Phase II

Technology Court Building Company, L.L.C.: Request for a transfer of approval, as required by Chapter 24, Section 24-106 of the Henrico County Code, from County of Henrico Economic Development Authority (formerly Industrial Development

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Authority), Panattoni Development Company and Hewlett Packard Company to Technology Court Building Company, LLC. The 64.047 acre site is located on the east line of Technology Court, approximately 800 feet east of the intersection of Technology Boulevard and Technology Court on parcel 209-A-2. The zoning is M-2, General Industrial District. County water and sewer. (**Varina**)

149

150 Mr. Wilhite - The first case is transfer of approval of POD-45-99, Hewlett Packard,
151 Phase II.

152

153 Mr. Vanarsdall - Is anyone in opposition to POD-45-99 in the Varina District? No
154 opposition. Mrs. Quesinberry.

155

156 Mrs. Quesinberry - I recommend approval of the transfer of approval of POD-45-99 subject to
157 the conditions of the original approval.

158

159 Mr. Archer - Second.

160

161 Mr. Vanarsdall - We have a motion made by Mrs. Quesinberry and seconded by Mr. Archer.
162 All in favor say aye. All opposed say nay. The ayes have it. The motion passes.

163

164 The Planning Commission approved Transfer of Approval for POD-45-99, Hewlett Packard,
165 Phase II, subject to the new owner accepting and agreeing to be responsible for continued
166 compliance with the conditions of the original approval. Mrs. O'Bannon was absent.

167

168 Mr. Wilhite - The next case is on page 4.

169

170 **LANDSCAPE PLAN**

171

LP/POD-43-99 Steel Services Executive Offices	William H. Spell, L.L.C.: 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 .95 acre site is located at the northwest corner of Pemberton Road (State Route 157) and Mayland Drive, on parcel 58-A-21. The zoning is O-2C, Office District (Conditional). (Three Chopt)
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172

173 Mr. Wilhite - On your addendum, on page 1, there is a revised recommendation. The staff
174 recommends approval.

175 Mr. Vanarsdall - Is anyone in the audience in opposition to this case? No opposition. Mr.
176 Taylor.

177

178 Mr. Taylor - Mr. Chairman, I move LP/POD-43-99, Steel Services Executive Offices, be
179 approved on the expedited agenda.

180

181 Mrs. Quesinberry - Second.

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182

183 Mr. Vanarsdall - Motion was made by Mr. Taylor and seconded by Mrs. Quesinberry. All in
184 favor say aye. All opposed say nay. The ayes have it. The motion passes.

185

186 The Planning Commission approved LP/POD-43-99, Steel Services Executive Offices, subject to
187 the annotations on the plans and the standard conditions attached to these minutes for landscape
188 plans. Mrs. O'Bannon was absent.

189

190 **LANDSCAPE & LIGHTING PLAN**

191

LP/POD-81-99 Town Center @ Twin Hickory	Southeast Lighting and Purvis Associates: Request for approval of a landscape and lighting plan as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code. The 19.3 acre site is located at the northwest corner of Nuckols Road and Twin Hickory Road on parcels 18-A-21 and 22B. The zoning is B-2C, Business District (Conditional). (Three Chopt)
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192

193 Mr. Wilhite - Staff recommends approval.

194

195 Mr. Vanarsdall - Is anyone in the audience in opposition to this case, LP/POD-81-99, in the
196 Three Chopt District? No opposition. Mr. Taylor.

197

198 Mr. Taylor - Mr. Chairman, I move that LP/POD-81-99, Town Center at Twin Hickory,
199 be approved, on the expedited agenda, subject to the annotations on the plans and the standard
200 conditions for landscape and lighting plans.

201

202 Mrs. Quesinberry - Motion made by Mr. Taylor and seconded by Mrs. Quesinberry. All in
203 favor say aye. All opposed. The ayes have it.

204

205 The Planning Commission approved LP/POD-81-99, Town Center @ Twin Hickory, subject to the
206 annotations on the plans and the standard conditions attached to these minutes for landscape and
207 lighting plans. Mrs. O'Bannon was absent.

208 **LIGHTING PLAN**

209

LP/POD-29-99 Koontz-Bryant, P. C.: Request for approval of a lighting plan as
Discovery United Methodist required by Chapter 24, Section 24-106 of the Henrico County
Church - Gayton Road and Code. The 7.69 acre site is located at the intersection of
Lauderdale Drive and Gayton Road on parcel 55-A-3B. The
Lauderdale Drive zoning is RTH, Residential Townhouse District. (Three Chopt)

210

211 Mr. Wilhite - The staff recommends approval.

212

213 Mr. Vanarsdall - LP/POD-29-99, Discovery United Methodist Church - Gayton Road and
214 Lauderdale Drive. Anyone in the audience in opposition to this case? No opposition. Mr. Taylor,
215 again.

216

217 Mr. Taylor - Mr. Chairman, I move that LP/POD-29-99, Discovery United Methodist
218 Church - Gayton Road and Lauderdale Drive, be approved on the expedited agenda, subject to the
219 annotations on the plan, the standard conditions for lighting plans, and additional conditions Nos. 5
220 and 6.

221

222 Mrs. Quesinberry - Second.

223

224 Mr. Vanarsdall - Motion was made by Mr. Taylor and seconded by Mrs. Quesinberry. All in
225 favor say aye. All opposed say nay. The ayes have it. The motion passes.

226

227 The Planning Commission approved LP/POD-29-99, Discovery United Methodist Church - Gayton
228 Road and Lauderdale Drive, subject to the standard conditions attached to these minutes for
229 lighting plans and the following additional conditions. Mrs. O'Bannon was absent.

230

231 5. Lighting shall be reduced to that level required for security following the end of operating
232 hours on the property.

233 6. Any proposed lighting of the church spire shall be approved by the Planning Commission
234 with a Phase II lighting plan for POD-29-99 in accordance with condition No. 2 of the
235 Planning Commission's approval granted on June 10, 1999.

236

237 Mr. Wilhite - The next case is on page 8.

238

239 **SUBDIVISION**

240

Sutton Woods Engineering Design Associates for Byrl S. Sutton and Sharon S. Johnson:
(October 2000 Plan) The 28.196 acre site is located on the east side of Doran Road, approximately 500 feet south of Ella Road on parcel 227-A-13N. The zoning is A-1, Agricultural District and ASO (Airport Safety Overlay District). Individual Well and Septic Tank/Drainfield. (Varina) 5 Lots

241

242 Mr. Vanarsdall - Sutton Woods, in the Varina District. Is there anyone in the audience in
243 opposition to this case? No opposition. Mrs. Quesinberry.

244

245 Mrs. Quesinberry - I move approval of Sutton Woods, October 2000 Plan, subject to the
246 standard conditions for subdivisions not served by public utilities and the additional condition No.
247 11.

248

249 Mr. Archer - Second.

250

251 Mr. Vanarsdall - Motion made by Mrs. Quesinberry and seconded by Mr. Archer. All in
252 favor say aye. All opposed say nay. The ayes have it. The motion passes.

253

254 The Planning Commission granted conditional approval Subdivision Sutton Woods, (October 2000
255 Plan), subject to the standard conditions attached to these minutes for subdivisions not served by
256 public utilities and the following additional condition. Mrs. O'Bannon was Absent.

257

258 11. Each pair of lots shall provide a single shared driveway connection to Doran Road, the
259 location of which shall be approved with the construction plans.

260

261 Mr. Wilhite - The next case is on page 9.

262

263 **PLAN OF DEVELOPMENT**

264

POD-88-00 **Engineering Design Associates for P & T Associates and O. Brooks**
Airport Center East - **Pollock:** Request for approval of a revised plan of development, as
Trampton Road required by Chapter 24, Section 24-106 of the Henrico County Code to
(POD-108-95 Expired) construct a 698 640 space commercial parking lot. The 9.82 acre site is
located at the eastern terminus of Trampton Road, approximately 900
feet north of Audubon Drive on parcels 163-A-19D, 155-A-43. The
zoning is M-1C, Light Industrial District (Conditional) and ASO
(Airport Safety Overlay District). (**Varina**)

265

266 Mr. Vanarsdall - Again in the Varina District, this is POD-88-00, Airport Center East -
267 Trampton Road (POD-108-95 Expired). Is anyone in the audience in opposition to this case? No
268 opposition. Mrs. Quesinberry.

269 Mrs. Quesinberry - I move approval of POD-88-00, Airport Center East - Trampton Road,
270 subject to the standard conditions for developments of this type and the following additional
271 conditions Nos. 23 through 28.

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272

273 Ms. Dwyer - Second.

274

275 Mr. Vanarsdall - We have a motion by Mrs. Quesinberry and a second by Mrs. Dwyer. All in
276 favor say aye. All opposed say nay. The ayes have it. The motion passes.

277

278 The Planning Commission approved POD-88-00, Airport Center East - Trampton Road (POD-
279 108-95 Expired), subject to the standard conditions attached to these minutes for developments of
280 this type and the following additional conditions:

281

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

284 24. The proffers approved as a part of zoning case C-67C-89 shall be incorporated in this
285 approval.

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

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

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

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

298

299 Mr. Wilhite - The next case is on page 10, Battlefield Veterinary Clinic.

300

301 **PLAN OF DEVELOPMENT**

302

POD-90-00
Battlefield Veterinary
Clinic - Whiteside and
Williamsburg Roads

Engineering Design Associates, for Ruth M. Hofmeyer, Hattie H. Muller
and Battlefield Properties: Request for approval of a plan of development,
as required by Chapter 24, Section 24-106 of the Henrico County Code to
construct a one-story, 4,960 square foot veterinary clinic. The 1.28 acre
site is located on the northwest corner of Williamsburg Road (U. S. Route
60) and Whiteside Road on part of parcel 165-A-27. The zoning is B-1C,
Business District (Conditional) and ASO (Airport Safety Overlay
District). County water and sewer. (Varina)

303

304 Mr. Vanarsdall - Is anyone in the audience in opposition to POD-90-00, Battlefield
305 Veterinary Clinic - Whiteside and Williamsburg Roads? No opposition. Mrs. Quesinberry.

306

307 Mrs. Quesinberry - I recommend approval of POD-90-00, Battlefield Veterinary Clinic -
308 Whiteside and Williamsburg Road, subject to the annotations on the plan, the standard conditions
309 for developments of this type, and the following additional conditions Nos. 23 through 28.

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310

311 Mr. Taylor - Second.

312

313 Mr. Vanarsdall - We have a motion made by Mrs. Quesinberry and seconded by Mr. Taylor.

314 All in favor say aye. All opposed say nay. The ayes have it. The motion passes.

315

316 The Planning Commission approved POD-90-00, Battlefield Veterinary Clinic - Whiteside and
317 Williamsburg Road, subject to the standard conditions attached to these minutes for developments
318 of this type and the following additional conditions:

319

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

322 24. The proffers approved as a part of zoning case C-63C-00 shall be incorporated in this
323 approval.

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

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

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

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

335

336 Mr. Wilhite - The next case is on page 18, POD-92-00, Texas Roadhouse @ Virginia
337 Center Commons Shopping Center. Staff recommends approval.

338

339

340 **PLAN OF DEVELOPMENT**

341

POD-92-00 Balzer & Associates, P.C. for Texas Roadhouse: Request for
Texas Roadhouse @ approval of a revised plan of development, as required by Chapter
Virginia Center Commons 24, Section 24-106 of the Henrico County Code to construct a one-
Shopping Center story, 6,355 square foot restaurant. The 226 acre site is located
(POD-87-97 Revised) approximately 250 feet north of the intersection of relocated
Telegraph Road and J.E.B. Stuart Parkway, on part of parcel 24-A-
9B. The zoning is B-3C, Business District (Conditional). County
water and sewer. (Fairfield)

342

343 Mr. Vanarsdall - Is this page 18?

344

345 Mr. Wilhite - Yes, sir.

346

347 Mr. Vanarsdall - That was just a revised plan, wasn't it? All right, is there anyone in
348 opposition to POD-92-00, Texas Roadhouse @ Virginia Center Commons Shopping Center,
349 Fairfield District? No opposition. Mr. Archer.

350

351 Mr. Archer - Was there anything on the addendum about that?

352

353 Mr. Vanarsdall - No. There wasn't anything on the addendum. It was just a revised plan.

354

355 Mr. Strauss - Mr. Archer, there was an additional handout this morning. It had the
356 elevations.

357

358 Mr. Archer - But not on the addendum?

359

360 Mr. Vanarsdall - It was just something to confuse us.

361

362 Mr. Archer - Mr. Chairman, I move approval of POD-92-00, Texas Roadhouse @
363 Virginia Center Commons Shopping Center (POD-87-97 Revised), subject to the annotations on
364 the plans, the standard conditions for developments of this type, and the additional conditions Nos.
365 23 through 30.

366

367 Mr. Taylor - Second.

368

369 Mr. Vanarsdall - Motion made by Mr. Archer and second by Mr. Taylor. All in favor say
370 aye. All opposed say nay. The ayes have it. The motion carries.

371

372 The Planning Commission approved POD-92-00, Texas Roadhouse @ Virginia Center Commons
373 Shopping Center (POD-87-97 Revised), subject to the annotations on the plans, the standard
374 conditions attached to these minutes for developments of this type, and the following additional
375 conditions:

376

377 23. The easements for drainage and utilities as shown on approved plans shall be granted to

- 378 the County in a form acceptable to the County Attorney prior to any occupancy permits
 379 being issued. The easement plats and any other required information shall be submitted to
 380 the County Real Property Agent at least sixty (60) days prior to requesting occupancy
 381 permits.
- 382 24. The developer shall provide fire hydrants as required by the Department of Public Utilities
 383 in its approval of the utility plans and contracts.
- 384 25. The proffers approved as a part of zoning case C-113C-88 shall be incorporated in this
 385 approval
- 386 26. All exterior lighting fixtures shall be designed and arranged so the source of light is not
 387 visible from the roadways or adjacent residential properties. The lighting shall be low
 388 intensity, residential in character, and the height or standards shall not exceed 15 feet.
- 389 27. The developer shall install an adequate restaurant ventilating and exhaust system to
 390 minimize smoke, odors, and grease vapors. The plans and specifications shall be included
 391 with the building permit application for review and approval. If, in the opinion of the
 392 County, the type system provided is not effective, the Commission retains the rights to
 393 review and direct the type of system to be used.
- 394 28. Any necessary off-site drainage easements must be obtained in a form acceptable to the
 395 County Attorney prior to final approval of the construction plans by the Department of
 396 Public Works.
- 397 29. Insurance Services Office (ISO) calculations must be included with the utilities plans and
 398 contracts and must be approved by the Department of Public Utilities prior to the issuance
 399 of a building permit.
- 400 30. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the
 401 Planning Office and approved prior to issuance of a certificate of occupancy for this
 402 development.

403
 404 The next case is on page 19.

405

406 **PLAN OF DEVELOPMENT**

407

POD-94-00 Merchants Tire @ Virginia Center Marketplace (POD-77-96 Revised)	Balzer & Associates, P. C. for Merchant's Inc. and Trammell Crow BTS, Inc.: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a one-story, 7,000 square foot service center. The 1.314 acre site location abuts J.E.B. Stuart Parkway in the Virginia Center Marketplace on part of parcel 24-A-9E. The zoning is B-3C, Business District (Conditional). County water and sewer. (Fairfield)
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408

409 Mr. Wilhite - There is an addendum item on page 1 of the addendum, a revised elevation
 410 plan which is attached.

411

412 Mr. Vanarsdall - This is in the Fairfield District, POD-94-00, Merchant's Tire @ Virginia
 413 Center Marketplace. Any opposition? No opposition. Mr. Archer.

414

415 Mr. Archer - I move approval of POD-94-00, Merchant's Tire @ Virginia Center

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416 Marketplace, subject to the annotations on the plans, the standard conditions for developments of
417 this type, No. 9 Amended, additional conditions Nos. 23 through 38 and the revised elevation plan
418 that we received this morning.

419

420 Mrs. Quesinberry - Second.

421

422 Mr. Vanarsdall - Motion was made by Mr. Archer and seconded by Mrs. Quesinberry. All in
423 favor say aye. All opposed say nay. The ayes have it. The motion carries.

424

425 The Planning Commission approved POD-94-00, Merchant's Tire @ Virginia Center Marketplace
426 (POD-77-96 Revised), subject to the annotations on the plans, the standard conditions attached to
427 these minutes for developments of this type, No. 9 Amended and additional conditions Nos. 23
428 through 38, and the revised elevation plan received this morning.

429

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

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

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

439 25. A standard concrete sidewalk shall be provided along the north side of J.E.B. Stuart
440 Parkway.

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

442 27. Outside storage shall not be permitted.

443 28. The proffers approved as a part of zoning case C-115C-88 shall be incorporated in this
444 approval.

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

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

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

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

457 33. No merchandise shall be displayed outside of the building.

458 34. This auto service center shall not be used to sell or rent trailers, nor as a base of operation
459 for truck fleets or fuel oil delivery or other such use that is not strictly an auto service
460 center.

461 35. No wrecked automobiles, nor automobiles incapable of being operated, shall be kept on

462 the premises.
463 36. Only retail business establishments permitted in a B-3 zone may be located in this center.
464 37. The ground area covered by all the buildings shall not exceed in the aggregate 25 percent
465 of the total site area.
466 38. No merchandise shall be displayed or stored outside of the building(s) or on sidewalk(s).

467
468 Mr. Wilhite - The next case is on page 21.

469

470 **PLAN OF DEVELOPMENT**

471

POD-87-00 Foster & Miller, P.C. for First Union Bank and Highwoods
Innslake Center - Innslake Properties, Inc.: Request for approval of a plan of development, as
Drive and Sadler Road required by Chapter 24, Section 24-106 of the Henrico County Code
to construct a three-story, 68,000 square foot office building. The
4.648 acre site is located on the northeast corner of Innslake Drive
and Sadler Road on part of parcel 37-2-E-1B. The zoning is O-3C,
Office District (Conditional). County water and sewer. (Three
Chopt)

472

473 Mr. Wilhite - On page 2 of your addendum, there is a revised recommendation and an
474 additional condition.

475

476 Mr. Vanarsdall - POD-87-00, Innslake Center. Any opposition? No opposition. Mr. Taylor.

477

478 Mr. Taylor - May I ask again where the added conditions are?

479

480 Mr. Wilhite - On page 2 of your addendum there is additional condition No. 30.

481

482 Mr. Taylor - On page 2? I see it. I move this, Mr. Chairman, for approval of POD-87-
483 00, Innslake Center - Innslake Drive and Sadler Road, subject to the standard conditions for
484 developments of this type and additional conditions Nos. 23 through 30.

485

486 Mr. Archer - Second, Mr. Chairman.

487

488 Mr. Vanarsdall - Motion made by Mr. Taylor and seconded by Mr. Archer. All in favor say
489 aye. All opposed say nay. The ayes have it. The motion carries.

490

491 The Planning Commission approved POD-87-00, Innslake Center - Innslake Drive and Sadler
492 Road, subject to the standard conditions for developments of this type and the following additional
493 conditions:

494

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

- 500 24. The developer shall provide fire hydrants as required by the Department of Public Utilities
501 in its approval of the utility plans and contracts.
- 502 25. The proffers approved as a part of zoning case C-10C-84 shall be incorporated in this
503 approval.
- 504 26. Any necessary off-site drainage easements must be obtained in a form acceptable to the
505 County Attorney prior to final approval of the construction plans by the Department of
506 Public Works.
- 507 27. Deviations from County standards for pavement, curb or curb and gutter design shall be
508 approved by the County Engineer prior to final approval of the construction plans by the
509 Department of Public Works.
- 510 28. Insurance Services Office (ISO) calculations must be included with the utilities plans and
511 contracts and must be approved by the Department of Public Utilities prior to the issuance
512 of a building permit.
- 513 29. Approval of the construction plans by the Department of Public Works does not establish
514 the curb and gutter elevations along the Henrico County maintained right-of-way. The
515 elevations will be set by Henrico County.
- 516 30. An accessible parking plan shall be submitted for review and approval by the building
517 official's office prior to approval of final construction plans.

518
519 Mr. Wilhite - The next case is on page 27.

520

521 **LANDSCAPE & LIGHTING PLAN**

522

LP/POD-31-00 Venture Construction Company: Request for approval of a landscape
Krispy Kreme - W. Broad and lighting plan as required by Chapter 24, Sections 24-106 and 24-
Street 106.2 of the Henrico County Code. The .899 acre site is located at
4910 W. Broad Street on the northeast corner of W. Broad Street
(U.S. Route 250) and Bishop Road on part of parcels 115-14-A-3 and
4. The zoning is B-3, Business District. **(Brookland)**

523

524 Mr. Vanarsdall - Is anyone in the audience in opposition to LP/POD-31-00? No opposition.
525 I move that LP/POD-31-00, Krispy Kreme - West Broad Street, be approved on the expedited
526 agenda with the annotations on the plans and the standard conditions for landscape and lighting
527 plans.

528

529 Mrs. Quesinberry - Second.

530

531 Mr. Vanarsdall - Motion was made by Vanarsdall and seconded by Mrs. Quesinberry. All in
532 favor say aye. All opposed say nay. The ayes have it. The motion carries.

533

534 The Planning Commission approved LP/POD-31-00, Krispy Kreme - West Broad Street, subject
535 to the annotations on the plan and the standard conditions attached to these minutes for landscape
536 and lighting plans.

537

538 Mr. Wilhite - The next case is on page 33.

539

540 **PLAN OF DEVELOPMENT**

541

POD-86-00

7-Eleven - Parham Road
and Brook Road

URS Consultants for St. Joseph's Villa and 7-Eleven, Inc.:
Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a one-story, 2,940 square foot convenience store (7-11) with gas pumps. The 0.76 acre site is located on the northwest corner of Parham Road (900 E. Parham Road) and Brook Road (U.S. Route 1) on parcel 63-A-6. The zoning is B-3, Business District. County water and sewer. **(Fairfield)**

542

543 Mr. Wilhite -

544 plan, which is attached.

On page 4 of your addendum, there is a revised condition and a revised

545

546 Mr. Vanarsdall -

547 Road?

Is anyone in opposition to POD-86-00, 7-Eleven - Parham Road and Brook

548

549 Mr. Archer -

550

What page is it on the agenda?

551 Mr. Wilhite -

552

Page 33.

553 Mr. Archer -

554 subject to the annotations on the plan, standard conditions for development of this type, and the
555 deletion of No. 11 Amended in the addendum, and added conditions Nos. 23 through 32 and the
556 revised layout.

557

558 Mrs. Quesinberry -

559

Second.

560 Mr. Vanarsdall -

561 favor say aye. All opposed say nay. The ayes have it. The motion passes.

562

563 The Planning Commission approved POD-86-00, 7-Eleven - Parham Road and Brook Road,
564 subject to the annotations on the plan, the revised layout, the standard conditions attached to these
565 minutes for developments of this type, with the deletion of No. 11 Amended, and the following
566 additional conditions:

567

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

571 23. The entrances and drainage facilities on (U.S. Route 1) shall be approved by the Virginia
572 Department of Transportation and the County.

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

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

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

581 27. Bulk storage of fuel shall be underground.

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

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

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

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

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

596

597 Mr. Wilhite - The next case is on page 36.

598

599 **PLAN OF DEVELOPMENT**

600

POD-91-00

Richmond Association of
Realtors - Parking Lot
Expansion - 9001 Three
Chopt Road (POD-63-74
and POD-90-81 Revised)

E. D. Lewis & Associates, for Richmond Association of Realtors:

Request for approval of a revised plan of development, as required by
Chapter 24, Section 24-106 of the Henrico County Code to construct a
parking lot expansion. The 0.556 acre site is located at 9001 Three Chopt
Road, 360 feet north of Fargo Road on parcel 79-A-79 and part of parcel
79-A-80. The zoning is O-2, Office District. County water and sewer.

(Three Chopt)

601 Mr. Vanarsdall - Is anyone in the audience in opposition to this parking lot, POD-91-00? I

October 25, 2000

602 hope not. I went to a meeting out there Wednesday night and I thought I was going to have to take
603 my car back home and get a ride back. Mr. Taylor.

604

605 Mr. Taylor - I would move that POD-91-00, Richmond Association of Realtors - Parking
606 Lot Expansion - 9001 Three Chopt Road (POD-63-74 and POD-90-81 Revised), be approved,
607 subject to the standard conditions for developments of this type and the additional conditions Nos.
608 23 through 26.

609

610 Mrs. Quesinberry - Second.

611

612 Mr. Vanarsdall - Motion made by Mr. Taylor and seconded by Mrs. Quesinberry. All in
613 favor say aye. All opposed say nay. The ayes have it. The motion passes.

614

615 The Planning Commission approved POD-91-00, Richmond Association of Realtors - Parking Lot
616 Expansion - 9001 Three Chopt Road (POD-63-74 and POD-90-81 Revised), subject to the
617 standard conditions attached to these minutes for developments of this type, and the following
618 additional conditions:

619

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

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

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

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

631

632 Mr. Wilhite - That is all of the expedited items we have.

633

634 Mr. Vanarsdall - Is anyone in the audience who wants to defer a case? All right, Mr.
635 Secretary.

636

637

(FOR INFORMATIONAL PURPOSE ONLY)

638

639 SUBDIVISION EXTENSIONS OF CONDITIONAL APPROVAL

640

Subdivision	Magisterial District	Original No. of Lots	Remaining Lots	Previous Extensions	Year(s) Extended
Canterbury on the James (Oct. 1999 Plan)	Tuckahoe	11	11	0	1 Year 10/24/01
Old Williamsburg Road (A Ded. of a portion of Old Williamsburg Road) (Oct. 1999 Plan)	Varina	1	1	0	1 Year 10/24/01

641

642

FOR PLANNING COMMISSION APPROVAL

643

644

645 SUBDIVISION EXTENSIONS OF CONDITIONAL APPROVAL

646

Subdivision	Magisterial District	Original No. of Lots	Remaining Lots	Previous Extensions	Year(s) Extended
Magnolia Ridge Cluster Lot (October 1994 Plan) (Formerly Stuarts Ridge)	Fairfield	387	73	4	1 Year 10/24/01
Millrace (Oct. 1990 Plan)	Three Chopt	35	35	9	1 Year 10/24/01 *with cond.

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

647

648 Mr. Marles - You will notice on your agenda that there are two categories. The first
649 category of subdivisions requesting extensions of conditional approval are for information
650 purposes only. The explanation here is that newer subdivisions, newer than 60 months, can be
651 approved for extension administratively.

652

653 The second category of subdivisions requesting extensions of conditional approval are older than
654 60 months and do require Planning Commission approval. So, Mr. Wilhite, will you review those
655 please?

656 Mr. Wilhite - Certainly. First, there is Magnolia Ridge, October 1994 Plan, in the
657 Fairfield District. We have had six sections of this overall plan granted final approval. We are
658 down to 73 lots remaining under the conditional approval. Staff recommends extension of one
659 year.

660

661 Mr. Vanarsdall - Does anyone on the Planning Commission have any questions on these two?
662 If not, we will entertain a motion.

663

664 Mr. Archer - Mr. Chairman, I move approval of the subdivision extensions.

665

666 Ms. Dwyer - Second.

667

668 Mr. Vanarsdall - Motion was made by Mr. Archer and seconded by Ms. Dwyer. All in favor
669 say aye. All opposed say nay. The ayes have it. The motion carries.

670

671 The Planning Commission approved subdivision extensions of conditional approval for Magnolia
672 Ridge, Cluster Lot, (October 1994 Plan) (formerly Stuarts Ridge) for one year until October 24,
673 2001, and Millrace (October 1990 Plan), for one year until October 24, 2001 with condition No. 1
674 which reads:

675

676 1. This development shall meet all ordinance requirements currently in effect as of the date of
677 this extension.

678

679 **TRANSFER OF APPROVAL**

680

POD-94-84
Shoney's Inn - 7007 W.
Broad Street

D. H. Shah: Request for a transfer of approval, as required by Chapter 24, Section 24-106 of the Henrico County Code, from Richmond Hotel Developers Unlimited to The Inn at Richmond (Best Western). The 3.5 acre site is located at the northwest quadrant of W. Broad Street (U.S. Route 250) and Glenside Drive on parcel 81-A-68. The zoning is M-1, Light Industrial District. County water and sewer. **(Three Chopt)**

681

682 Mr. Marlles - The staff report will be given by Mr. Ted McGarry.

683

684 Mr. Vanarsdall - Is anyone in the audience in opposition to the transfer of approval in this
685 case, POD-94-84? Good morning, Mr. McGarry.

686

687 Mr. McGarry - Good morning, Mr. Chairman, and members of the Commission. Staff can
688 recommend approval of this. There were some minor landscaping plantings missing and the
689 applicant has agreed to replace them by November 30 during this planting season. Staff
690 recommends approval.

691

692 Mr. Vanarsdall - All right. We need a motion, Mr. Taylor.

693

694 Mr. Taylor - Mr. Chairman, I move that POD-94-84, Shoney's Inn - 7007 W. Broad
October 25, 2000

695 Street, Transfer of Approval, be approved, subject to the owner being responsible for continued
696 compliance with the conditions of the original approval and condition No. 1.

697

698 Mrs. Quesinberry - Second.

699

700 Mr. Vanarsdall - Motion made by Mr. Taylor and seconded by Mrs. Quesinberry. All in
701 favor say aye. All opposed say nay. The ayes have it. The motion passes.

702

703 The Planning Commission approved Transfer of Approval for POD-94-84, Shoney's Inn - 7007
704 West Broad Street, subject to the new owner accepting and agreeing to be responsible for
705 continued compliance with the conditions of the original approval and the following additional
706 condition:

707

708 1. The deficiencies, as identified in the inspector's report dated October 2, 2000, shall be
709 corrected by November 30, 2000.

710

711 **TRANSFER OF APPROVAL**

712

POD-46-00, POD-43-97,
POD-30-78, POD-15-76
and POD-42-72
Sheraton Richmond West
@ Brookfield
(Formerly Hyatt Richmond
@ Brookfield)

The Procaccianti Group for PVA I, L. P.: Request for a transfer
of approval, as required by Chapter 24, Section 24-106 of the
Henrico County Code, from Lend Lease Real Estate Investments to
PVA I, L. P. The 12.7 acre site is located at the southeast
intersection of W. Broad Street (U.S. Route 250) and Interstate 64
on parcel 92-A-22. The zoning is O-3, Office District. County
water and sewer. **(Brookland)**

713

714 Mr. Marlles - Staff report will be given by Mr. Kevin Wilhite.

715

716 Mr. Vanarsdall - Is there anyone here representing this case? Is the applicant here? Mr.
717 Wilhite, I believe you have a couple of things that haven't been settled on that?

718

719 Mr. Wilhite - Yes, sir. Staff has completed inspection of the site and no deficiencies
720 were reported. We have provided them copies of the approval letters for all five PODs with the
721 conditions, of course. I have not heard back from the representative that they have looked at the
722 conditions and have agreed to abide by those. I tried contacting the representative this morning
723 and he was out of the office.

724

725 Mr. Vanarsdall - So you don't expect anyone here?

726

727 Mr. Wilhite - No, sir.

728

729 Mr. Vanarsdall - If he was going to be available later, we would pass it by.

730

731 Mr. Wilhite - I believe that he is actually located in Providence, Rhode Island.

732 Mr. Vanarsdall - Instead of Providence, Va., or Providence Forge. All right, thank you. I
733 recommend that POD-46-00, POD-43-97, POD-30-78, POD-15-76 and POD-42-72, Sheraton

October 25, 2000

734 Richmond West @ Brookfield (Formerly Hyatt Richmond @ Brookfield) Transfer of Approval be
735 deferred to the 15th of November.

736

737 Mrs. Quesinberry - Second.

738

739 Mr. Vanarsdall - Motion was made by Mr. Vanarsdall and seconded by Mrs. Quesinberry.

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

741

742 The reason for this is because we don't have anyone here to represent them, and they have not
743 signed off that they accept what staff is proposing.

744

745 The Planning Commission deferred POD-46-00, POD-43-97, POD-30-78, POD-15-76 and POD-
746 42-72 Sheraton Richmond West @ Brookfield (Formerly Hyatt Richmond @ Brookfield) to its
747 meeting on November 15, 2000.

748

749 **SUBDIVISION (Deferred from the September 27, 2000, Meeting)**

750

Dakota Estates
(May 2000 Plan)

TIMMONS for Dakota Associates, L.L.C.: The 8.92 acre site is located along the west line of Midview Road approximately 400 feet south of its intersection with Darbytown Road on parcel 192-A-19 and part of 192-A-7. The zoning is RTH, Residential Towhhouse District, R-5, General Residence District and ASO (Airport Safety Overlay District). County water and sewer.
(Varina) 80 Lots

751

752

753 Mr. Marlles - The staff report will be given by Mrs. Leslie News.

754

755 Mr. Vanarsdall - Is anyone in the audience in opposition to Dakota Estates? All right. We
756 have some opposition. Good morning, Mrs. News.

757

758 Mrs. News - Good morning, Mr. Chairman. Since the last Planning Commission hearing,
759 a meeting was held by the applicant with the community and the developer presented the project
760 and answered questions. There is still much concern within the surrounding community regarding
761 the impact of traffic from this development and the impact of the quality of the development on
762 their property values. Staff shares these concerns but feels that the minimum requirements for
763 conditional subdivision approval have been met. Based on this and the expressed intent of the
764 applicant to provide access to the R-5 parcel as shown on the conceptual master plan submitted,
765 staff, therefore, recommends approval. The applicant is available to answer questions and update
766 the Commission on any new activity on the site if there are not any questions of staff.

767

768 Mr. Vanarsdall - Any questions for Mrs. News? Is the applicant here?

769

770 Mrs. News - Yes.

771

772 Mr. Vanarsdall - I want to hear from him. If Jeremy Redmond is here from the *Times-*
October 25, 2000

773 *Dispatch*, I haven't seen him in a while, I am getting worried. The last time I inquired about your
774 health, you were still on your honeymoon. Oh, that is good.

775

776 Mr. Holt - Good morning. My name is Gil Holt and I represent the applicant and will
777 try to answer any questions you may have of the applicant this morning.

778

779 Mrs. Quesinberry - I have a few questions. The first thing, the access that you are showing
780 through the R-2 parcel, the access that would be the second point of access at the time that the R-5
781 piece would be developed, do you own that property?

782

783 Mr. Holt - I do not own that. No.

784

785 Mrs. Quesinberry - Do you know who does?

786

787 Mr. Holt - I do know who owns that, yes.

788

789 Mrs. Quesinberry - Well, how do we, as the owner-representative here today, how do we know
790 that there is access for that property?

791

792 Mr. Holt - Because the person that bought that is involved in the R-5 piece and when
793 he comes before you with what they propose to do on the R-5, I guess they will let you know at that
794 time. We have nothing to do with the R-5 piece. Once again, I am here on the 11.77 acres in the
795 RTH.

796

797 Mrs. Quesinberry - I understand that, but we have had discussions about this and the
798 appropriateness of bringing this whole thing, parcel, up at one time to coordinate the development,
799 and without knowing that they have access for that R-5 piece, and essentially your plan for
800 townhouses, on the RTH piece, really isolates that piece and puts everyone in a position of trying
801 to find out stuff for a piece and not really having answers to where that access would be.

802

803 Mr. Holt - I think I've got a letter here from the Traffic Department that I asked Todd
804 Eure to write, if you all would like to examine that. I will hand that to you.

805

806 Mrs. Quesinberry - Yes.

807

808 Mr. Holt - I think he is trying to show that the proposed plan is essentially four points
809 of ingress-egress to the combined parcel, three of them would come off Midview and you can
810 choose one point of ingress-egress off Oakland Road. What we asked the Traffic Department to do
811 was to evaluate and we labeled the alternatives 1, 2 and 3. In each case, 1, 2 and 3, they exit or
812 enter the proposed subdivision that is before you all today. The first question I asked him to
813 evaluate, was the point of ingress-egress for Dakota Estates adequate with any additional
814 development in the rear, and I believe the answer to that is yes.

815

816 The second part of the question was asking the Traffic Department to evaluate which particular
817 route they would support, and what we did is the one that is in black, which is labeled Alternative
818 1. You will notice it is the one that which proposes access to Old Oakland as the second point of

819 ingress-egress, that that appears to be the most feasible.

820

821 Alternative 2, which runs through the existing Varina Station Subdivision, would not be
822 recommended and we are not proposing to do that. That is a point of legal access even though staff
823 would not support that.

824

825 Now, the third alternative which would be coming in Midview and exiting again through Midview
826 through Dakota Estates, they felt like that was not acceptable, because once again you would be
827 going through a proposed single-family development into multi-family, which leads to the
828 conclusion which alternative No. 1 represents, where we come in off of Midview or exit off of
829 Midview and then create a second point of ingress-egress, off of Old Oakland through the
830 proposed lot 3. And I believe, once again, what is important for the Commission to recognize is
831 the fact that those two points of ingress-egress, the point of ingress-egress going through Dakota
832 Estates, does provide for future development of the R-5 parcel in terms of traffic count.

833

834 Ms. Dwyer - As I read this letter from Mr. Eure, he states that the access to Old Oakland
835 Road as proposed here would be feasible provided single-family housing is not proposed along
836 that connecting road. There is presently single-family housing in that location. Right?

837

838 Mr. Holt - What he is referring to, and we can defer that to Mr. Todd Eure, you can see
839 as we exit, as it is shown exiting to Old Oakland Road, there was some proposed single-family
840 homes facing that exit road or infall entranceway, whichever way one wants to look at it. And in
841 the conversation I had with him, if there is no single-family fronting on that road, then that would
842 be permissible.

843

844 Ms. Dwyer - But currently there is single-family housing and it is zoned for single-family
845 housing? Is that right?

846

847 Mr. Holt - You go through Lot 3, which is zoned single-family, that is correct, but there
848 would be no future homes facing on that exit road.

849

850 Ms. Dwyer - We don't know that. Because it is zoned R-2. It is possible that he could.

851

852 Mr. Holt - Well, the owner of that property would own both sides of that road, so they
853 can control, so that can be a proffered condition as you exit Lot 3, if the road was vacated in the
854 center of Lot 3, then it could be proffered that that property would never be subdivided into a
855 single-family home, and you would have adequate distances. I think that parcel is approximately
856 110 feet in width, and if you put a road in the center, then used just a typical 50 foot right of way,
857 that would leave 30 feet on each side, so you wouldn't even have the proffered depth or areas to
858 construct or develop single-family homes.

859

860 Ms. Dwyer - So this proposed road - this access road to Oakland - is owned by you?

861

862 Mr. Holt - No, not by me. It is owned by a gentleman whose name is Mr. Raymond A.
863 Ronker, Jr.

864

865 Ms. Dwyer - And as I recall he was opposed to this road? Didn't he come and speak
866 before us last month?
867
868 Mr. Holt - He just closed on the property in September.
869
870 Ms. Dwyer - Excuse me.
871
872 Mr. Holt - He closed on the property in September. He is not opposed to it. He is part
873 of the development on the R-5 property.
874
875 Ms. Dwyer - Oh, he is?
876
877 Mr. Holt - Yes, that is why he purchased it.
878
879 Ms. Dwyer - I am confused then. So this road is owned by someone who has agreed that
880 it will become an access road to the R-5 property?
881
882 Mr. Holt - Absolutely.
883
884 Ms. Dwyer - There is no impediment to that happening?
885
886 Mr. Holt - No.
887
888 Ms. Dwyer - Whatsoever? Is it owned by the person who owns the R-5 property?
889
890 Mr. Holt - No. He has it under contract.
891
892 Ms. Dwyer - But that deal hasn't closed, has it?
893
894 Mr. Holt - No.
895
896 Ms. Dwyer - I thought you just said it had.
897
898 Mr. Holt - No, the Lot 3.
899
900 Ms. Dwyer - The purchase of the entire lot?
901
902 Mr. Holt - The purchase of the entire lot, that transaction has closed. The purchase of
903 the R-5 parcel has not closed.
904
905 Mrs. Quesinberry - That is what I am asking about, the R-2 piece.
906
907 Mr. Holt - The R-2 piece has closed.
908
909 Mrs. Quesinberry - It absolutely has closed?
910

911 Mr. Holt - It absolutely has closed.
912
913 Mrs. Quesinberry - Because we are, we checked tax records and we didn't see anything on
914 there yet.
915
916 Mr. Holt - He was the real estate agent (pointing at man in audience) involved in that
917 transaction.
918
919 Mrs. Quesinberry - OK. So you are proposing and Mr. Eure has agreed that it is at least
920 feasible that you could have access through the R-2 piece?
921
922 Mr. Holt - I mean, that is for the the R-5 parcel, so I assume when that - the last time I
923 was here, there is a company out of Cincinnati, Ohio, which is Brisbane, who will be coming
924 forward with a site plan on that parcel, and I assume that when they submit that plan they will
925 show the points of ingress-egress going back to Old Oakland Road and then going through Dakota
926 Estates, which is the proposed project that is in front of the Commission this morning.
927
928 Ms. Dwyer - How many units will be in the R-5 piece?
929
930 Mr. Holt - Brisbane, as I understand it, is proposing to do 192 units on approximately,
931 I can't remember if it is 17 acres or 17-1/2 acres.
932
933 Ms. Dwyer - That would mean 272 units on two points of access? When you include
934 your development and their development?
935
936 Mr. Holt - Yes.
937
938 Ms. Dwyer - Is there a traffic rule or regulation about how many units we would like to
939 have on two points of access? Or is it unlimited then? So, no more than 80 on one point of access,
940 but they can have 8,000 on two points conceivably. Do you see where I am going here?
941
942 Mr. Todd Eure - Todd Eure, Traffic Engineer. We do have the rule that we don't want more
943 than 82 lots on a single point of access. Beyond that, for the second point of access, there is no set
944 number in the policy. It is typically at the discretion of the development, what access road it is
945 connecting with and so forth.
946
947 Ms. Dwyer - Would you agree that there is a point where there are too many units on two
948 points of access, as though there may be too many units?
949
950 Mr. Eure - It is certainly conceivable. Right. Depending on again, the layout, what
951 road it is connecting into, internal circulation.
952
953 Ms. Dwyer - This would be 272 units on two points of access. How would you evaluate
954 that?
955
956 Mr. Eure - That is not a lot of difference between a lot of other developments we have

957 in the County which are multi-family that we typically do have more than that on two points of
958 access.

959

960 Ms. Dwyer - Is that a good idea, though? Though we've done it before, is that something
961 that in terms of fire and emergency and issues that we can look at, is that desirable?

962

963 Mr. Eure - I would think that two 272 units on two points of access, you are looking at
964 about 70 to 80 vehicle trips per day, per unit. I can't do the math in my head that quick, but it is,
965 again it satisfies the fire requirement and the second point of access typically. We did look at the
966 front end of Dakota Estates development to make sure they did provide a two-lane approach
967 coming out of this development. They do have a divided median coming in. So, from that
968 standpoint, they can accommodate larger volumes of traffic than if it were simply a single-family
969 driveway.

970

971 Ms. Dwyer - Is this something we should look at, maybe Police and Fire and Traffic, and
972 perhaps the Planning staff, to see if we should have a policy about maximum number of units for
973 two points of access?

974

975 Mr. Eure - It is certainly a reasonable request, yes, ma'am.

976

977 Mr. Taylor - Mr. Eure, does the policy regarding two points of access assume that both
978 points of access are adequate to handle the traffic from the site?

979

980 Mr. Eure - That is correct.

981

982 Mrs. Quesinberry - Do we have any way of knowing that at this time that these two particular
983 points of access would be adequate considering Midview and Oakland Road?

984

985 Mr. Eure - We have looked at those roads, and Midview Road is a minor collector on
986 the County's Thoroughfare Plan and we are comfortable that that can handle not only the existing
987 traffic out there, but the proposed traffic from this development. As far as Old Oakland Road, if
988 you recall, that used to be the primary alignment of Oakland Road and it was realigned some years
989 ago, so Old Oakland is no longer on the Thoroughfare Plan, but it does connect on both ends with a
990 Thoroughfare Road, and if you'd evaluate that road, it is adequate in width and the intersections do
991 appear to be adequate to handle additional traffic. At one point in time that point of road was
992 carrying approximately 22,000 vehicles a day. Now the traffic upon it is very minimal with the
993 redirection of Oakland, but it is capable of handling additional traffic.

994

995 Mrs. Quesinberry - But you don't really know if the two points together, you don't have any way
996 of putting those two points together. You are looking at them separately, separate points of access,
997 and the capacity of that individual road, but...

998

999 Mr. Eure - At this point that is correct, but short of having the developer, without the
1000 development, do a traffic impact study, which would give us a traffic distribution, projected
1001 distribution on how many vehicle trips we'd have in total and how that would be distributed
1002 between the access onto Old Oakland and the access onto Midview, and then within that context

1003 would they be going left or right, coming in and coming out of the development. That would give
1004 us a better overall picture of traffic patterns and what the road is capable of handling. We did not
1005 request that because, that study for this development that we are hearing today, because it was only
1006 80 units.

1007

1008 Mr. Taylor - Would the fact that we know there are plans to add another 192 units to
1009 those current units, would that change the opinion of the Traffic Study in that entire area, because
1010 as you looked at this and you see the connecting points that are possible; down in the southern
1011 corner there is Champagne Way and there are a couple of potential connectors over on the west
1012 side, so I can see that there could be an area where you could connect on the north side and you
1013 could connect on the east side to Midview Road, but also you could connect to the area to the
1014 west, as yet unnamed, just by normal development through there, and the assemblage of a couple
1015 of extra parcels.

1016

1017 Mr. Eure - That is possible and we haven't exhausted that. We've explored all of the
1018 options for that in-house. We have basically taken what Mr. Holt has given us and reviewed the
1019 scenario he presented and just gave our recommendation and which one we would not be
1020 comfortable with - from the standpoint that we don't generally propose multi-family developments
1021 to access through either existing and even proposed single-family because of the inherent problems
1022 that creates with the traffic flow.

1023

1024 Mr. Taylor - Can the developer answer that giving additional thought to other parcels in
1025 that area that would give you effectively a grid pattern for traffic to eliminate a single or dual point
1026 of access?

1027

1028 Mr. Holt - The two parcels that we will be involved with, meaning the Dakota Group
1029 Limited, would be the proposed townhouse development, which is going to be held today, and the
1030 proposed single-family application which hasn't even been submitted. We would have no problem
1031 opening that cul-de-sac into the multi-family, which would provide a third point of ingress-egress,
1032 provided that we could get staff's support, and that would be a point of ingress-egress that would
1033 exist at the time of the development of that single-family. In talking with Todd, I think it is not
1034 something that they would like to see happen, but it would be something that at least it happened
1035 simultaneously with the development of the multi-family in the rear and the single-family in the
1036 front, and none of us would run into the situation that exists today where you have existing single-
1037 family first and multi-family second, but that would give three points of ingress, too, that would
1038 exit and or enter off of Midview, and the third point being through Lot 3 to Old Oakland, which
1039 would be the third point, once again, of ingress-egress. That would be the dashed line, which
1040 would be a combination of Alternate 1 and Alternate 2.

1041

1042 Mr. Vanarsdall - Any other questions of Mr. Holt?

1043

1044 Mrs. Quesinberry - Mr. Holt, the, obviously the road coming through the Dakota Estates
1045 Townhouse project is a private road that is going to be maintained by the homeowners?

1046

1047 Mr. Holt - Yes.

1048

1049 Mrs. Quesinberry - And you are going to require, you're required to have your ingress-egress,
1050 but you also need a maintenance agreement for those homeowners, do you not? Road
1051 maintenance?

1052

1053 Mr. Holt - Yes, ma'am, that would fall under the Homeowner's Association.

1054

1055 Mrs. Quesinberry - And how are those homeowners going to be made aware of that if they are
1056 purchasing townhouses in a small townhome community, unaware that there is...

1057

1058 Mr. Holt - I don't think that they would be unaware of that. Like we discussed, all of
1059 that would be covered in the HOA documentation in terms of what reciprocal; these people get to
1060 leave this particular subdivision and traverse through the R-5 piece to exit onto Old Oakland, so
1061 the discussion is, the converse to that is true with these people in Dakota being able to exit out onto
1062 Old Oakland if they prefer to do that, so there will be some reciprocating rights between the parcel
1063 owners out there, which, in this case, would be the multi-family and the homeowners' association
1064 up front. That is done all of the time. And that can be done through the documentation and get the
1065 attorneys to represent that, because you will have cross easements for several things; water, sewer,
1066 as well as ingress-egress.

1067

1068 Mrs. Quesinberry- I also wondered if the amount of traffic to be generated from that
1069 development of the R-5 piece through the Dakota Estates property, if it would not be a good idea
1070 to build that road to public road standards and width. And I know you have two... but the
1071 beginning of this, they don't go in very far.

1072

1073 Mr. Holt - I think we've laid it out as a typical, I won't say 50 foot right-of-way, I don't
1074 want to put Todd on the spot, but we have had that, is that (asking question of Todd).

1075

1076 Mr. Eure - Actually, initially they did come in with a proposal that did show them as
1077 public roads and they did not meet public road standards until those, until I think a number of
1078 factors, what they are proposing now is a 30 foot section. That is based on minimum standard of
1079 24 with curb and gutter, and as I said previously, it does widen out on, and 30 feet does meet our
1080 public road standards for a curb and gutter road and in the subdivision the parking is restricted on
1081 one side, and it would be my suspicion that the Fire Department would require one side to be
1082 restricted on this road to take on the projected traffic volume in order to preserve fire lanes and
1083 fire trucks.

1084

1085 Mrs. Quesinberry - Well, they have driveways backing onto this road, straight up and down, so
1086 if it was a public road, it would need more like 36 feet of asphalt.

1087

1088 Mr. Eure - Well, certainly 36 would be safer from a traffic engineering standpoint than
1089 30, but then again, 30 feet for a public road, even with the driveways backing out directly onto it
1090 and parking on one side does meet our standards. It is generally not something that we
1091 recommend. We do usually try to get public roads to be 36 foot in width for single-family housing.

1092

1093 Mrs. Quesinberry - What I am getting at is, if you have a townhouse development where all of
1094 these driveways are backing up, 30 feet might look really good, but when you pile on the traffic

1095 from the R-5 in the back that is eventually going to be coming through here, and you have the
1096 driveways, with both of those factors, so 36 feet is probably the better way to go safety-wise, and,
1097 that is something that does concern me that doesn't meet that threshold.

1098

1099 Mr. Eure - That is correct.

1100

1101 Mrs. Quesinberry - I know it doesn't go with your number crunching, but from a practical sense
1102 and the neighborhood is ultimately going to be, it seems to me that 36 feet would be a more prudent
1103 avenue to take, considering how we know what we think is going to happen with the ultimate
1104 development, and we don't have any way of knowing today that that R-5 is going to have 192 units.
1105 It could have many more than that.

1106

1107 Mr. Eure - That is correct. One of the numbers that we crunched previously is that it
1108 could be as many as 500 units, which obviously would generate considerably more traffic.

1109

1110 Mrs. Quesinberry - Mr. Chairman, I think we have some people here that want to speak.

1111

1112 Mr. Vanarsdall - I saw his hand in the back. Ma'am, do you want to come on down? How
1113 are you this morning?

1114

1115 Mrs. Roberts I am just wonderful.

1116

1117 Mr. Vanarsdall - We are glad to have you here.

1118

1119 Mrs. Roberts - I am so happy to be here this morning.

1120 Mr. Vanarsdall - You look natural down at the microphone. You have been here so many
1121 times. We are glad to have you.

1122

1123 Mrs. Roberts - I need some clarification on this dotted line. Is this dotted line the line that goes
1124 straight up Trailing Ridge Road? Oh, I am sorry. I am Judith Roberts. I am sorry. Judith May
1125 Roberts, president of Varina Station Homeowners Association. And, the line that goes straight up
1126 is the one that goes up Trailing Ridge Road. Is that correct, on this side over here?

1127

1128 Mr. Eure - The dots are.

1129

1130 Mrs. Roberts - And the other dots, the other dotted line that is going up, is that going up Midview
1131 from an entrance into the development from Midview - the dashed line?

1132

1133 Mrs. Quesinberry - Yes, that is through that A-1 piece that is undeveloped right now. In the
1134 future it would likely develop into single-family development.

1135

1136 Mrs. Roberts - So that is a possibility for another road? That would be a Midview access?

1137

1138 Mrs. Quesinberry - Right.

1139

1140 Mrs. Roberts - First of all, I would like to thank Mr. Holt for meeting with the community last

1141 week and it was very helpful. The residents had an opportunity to ask many questions. Part of
1142 what absolutely fascinates me about this process is that the path continues to move, and you have
1143 heard me say this before. In 1999, when the first proposal came through from Dakota, the path
1144 always moved. The path continues to move. Example: last week when we were at the meeting,
1145 Mr. Holt said that Brisbane would build townhomes. Today, I am not sure what was said, because
1146 with these 192 units, would that be multi-family units or would that be single-family homes. I
1147 heard single-family homes mentioned also. Could somebody help me with that?

1148

1149 Mr. Vanarsdall - Mrs. Quesinberry.

1150

1151 Mrs. Quesinberry - Townhomes.

1152

1153 Mrs. Roberts - Townhomes. OK. Very good. What I find interesting is that you mentioned
1154 Brisbane would perhaps have some 17 acres. There are 34 point something acres back there. That
1155 leaves another 17 acres and the peg is moving in the sense that all of these question marks. So
1156 what is going to happen to the other? At the meeting last week Mr. Holt said that there would be
1157 another company who would also build back there, and that company was Meridian or another
1158 name. He wasn't sure if Meridian was the first name or the last name. So, the piece that we are
1159 left with as residents - a bunch of questions related to this access - I also notice that Mr. Holt used
1160 the term Varina Station and access to Varina Station is certainly not something that the traffic
1161 engineers want to recommend. However, he did state this morning that that was a legal access.
1162 So, in light of the big questions here, we want to go on record that we are real concerned about this
1163 access issue because there is a hidden company we don't know about and they could be the third
1164 company coming before the Planning Commission, at which point they could say, "Look, we've got
1165 these 17 acres which are landlocked, and we really need your help and you owe us this one."
1166 They wouldn't say it that way, of course, but that is what it would amount to, so of all of the things
1167 that we have heard, we know that the one thing that is a great danger here has to do with the access
1168 to that back part of the property. The final thing that I want to mention to you is that we understand
1169 that we did not know enough to come to the county to find out what kind of zoning was behind us.
1170 We have to accept responsibility for that. What we are, the piece that is just so disheartening is
1171 the nickel and diming process. First, Dakota Estates, then Brisbane, then Meridian. That to me is
1172 unconscionable. I am sorry we have to live through this. I know that staff says that Dakota has met
1173 all of the regulations they have to meet to start to build. We understand that. Please know a few
1174 months down the road when the company comes and says "You must give us access so that we can
1175 get this land unlandlocked, we will be here. I also have said that I am almost 60 years old. I have
1176 not child nor chick. I will stand in front of the bulldozers when they get ready to come through
1177 Varina Station. It absolutely cannot be. You have got to be doing something with that. If that is
1178 what I've got to be doing, that is what I've got to be doing. Thank you.

1179

1180 Mr. Vanarsdall - Thank you. Does anyone have any questions? Does anyone else want to
1181 speak? Good morning.

1182

1183 Mrs. Paschke - My name is Marilyn Paschke. I represent Varina and the Environmental Protection
1184 Group. This is such a classic case of piece-meal zoning and they have comfortably won. It didn't
1185 work that way so we will try it again. Get the little piece in so we can get the bigger piece later. I
1186 am not sure we have a legal leg to stand on, but if the Commission has any recourse we would

1187 appreciate them using it in this case for the community. Thank you.

1188

1189 Mr. Vanarsdall - Thank you, Mrs. Paschke.

1190

1191 Mrs. Quesinberry - I have got to tell you that I've got a lot of problems with this case. I am not
1192 entirely convinced that this case is complete as presented before the Commission and ready for a
1193 recommendation because there are issues that are outstanding that, although in my mind I'm thinking
1194 that some of the issues are more related to the POD that will come later than this particular
1195 subdivision plat, because today we really are just looking at the subdivision. And, I am not real
1196 clear about that. I am not sure that I have gotten really clear answers on that, and denials of
1197 subdivision plats like we are looking at are there because they are meeting the points, as staff
1198 pointed out, you have done as far as that goes, but we've got some issues with this plan and they
1199 may be better addressed during the POD process. Why don't I just go on record and make sure you
1200 understand. I know we've had this conversation and this is not news to you, but there is a real
1201 problem in a piece-meal development like this where you've got the same owner of all of this
1202 property, and the most appropriate way to handle this would be to bring it all up with a master
1203 plan to show the community what you will be developing in this area and give the planners, the
1204 professional planners and the Commission an opportunity to look at this plan in its entirety. I know
1205 you like to make the case that you are only handling the RTH piece, but in effect we've got one
1206 owner for all of this property, and somebody knows what is going to be going on here, and it is
1207 only appropriate that we all know and that we all get involved with this piece. But that is not the
1208 purpose of this particular subdivision plat, so that is what I mean when I say there are probably
1209 some issues that are better served under the POD process. Speaking of which, when we come
1210 back for the POD process, I think it would behoove you to make sure that you have someone here
1211 who represents the owner of this entire property, because these issues that deal with access and
1212 traffic have not been addressed, and they are not addressed here yet and they are not settled yet,
1213 even with some proposals that you are putting out here. That affects this R-5 piece significantly
1214 and those issues are not going to go away, and they are going to have impact on ultimately what
1215 happens with the POD process with your RTH piece. These are not things that can go on in a
1216 vacuum, and they can't go on separately at different points in time. It is just not going to happen.
1217 And I want to make sure that you understand that because we are not going to be backed into a
1218 position where we've got a very small, nice little townhouse community running off of Midview
1219 Road, and all of a sudden, an R-5 piece comes up on line built out to the max, and we are trying to
1220 find places to push cars. We are not going to do that. And we are not going to be forced to push
1221 cars through existing single-family housing out there simply because the developers and owners
1222 throw up their hands at that point and say, "Well, you've got to help us find access because we
1223 don't know what else to do." We have been talking about this access issue for a year now, and
1224 bringing this all up at one time and having a very planned community in this development. There is
1225 no reason why that can't be done. So, I just want to make sure that you understand that, and we are
1226 not going to get very far POD-wise if we don't have those things out on the table and have
1227 somebody here that speaks for the owner of all of this property and understands that what goes on
1228 in this RTH is ultimately going to affect how the R-5 is developed, and vice-versa. Having said
1229 that, I recommend approval of Dakota Estates, May 2000 Plan, subject to the annotations on the
1230 plan, the standard conditions for residential townhouses served by public utilities, and the
1231 following conditions, Nos. 13 and 14.

1232

1233 Mr. Vanarsdall - Are we going to have a second?
1234

1235 Ms. Dwyer - Before I second it, I would like to make a comment on Mrs. Quesinberry's
1236 situation and the situation of the Planning Commission. Sometimes we have to do things because
1237 we are obligated to do them even if we don't want to. I would just like to make a statement that I
1238 think our process and the system works well most of the time. This is a case in which, in my view,
1239 it has not. I think it works well because the first line of review is the zoning process and that is
1240 when you look at the appropriateness of a particular type of zoning, such as multi-family, and
1241 whether or not it should be located as the hole in the donut, in the middle of single-family
1242 residential, and today we will certainly not do that, but this is a legacy of what, in my opinion, is
1243 bad zoning, and the neighbors understand that, and the Commission understands that, so we are
1244 stuck with it. The second line of defense or the second line of review, I guess, is the POD review,
1245 and the standards of development that the County has to ensure that we have good development.
1246 As you know, the County and the Planning Commission have looked at the multi-family standards
1247 that we have in Henrico County, and have determined that, based on my experience, that it would
1248 be good to improve those quality standards, and we submitted those to the Board in April, and
1249 today, as far as I know, there has not been action on those. So I think there are two points at which
1250 the process is broken down, and I will second this because I know that we are obligated to do so,
1251 but I am not happy about that. I just wanted the neighbors who have been so steadfast and so
1252 eloquent in their opposition to this case to know that. So, I second this.

1253

1254 Mrs. Quesinberry - Thank you, Ms. Dwyer.

1255

1256 Mr. Vanarsdall - Thank you. Anyone else?

1257

1258 Mr. Taylor - I would like to just state my support for the position, by both Commissioner
1259 Dwyer and Commission Quesinberry, and also the neighborhood people who have spoken. It
1260 seems to me just looking at this piece, and it is a complicated piece, but it really requires careful
1261 thought with regard to the parcels as they are currently zoned and what they are likely to be, and
1262 some composite plan drawn with the development of this site and an equally appropriate
1263 composite plan for the transportation in and around that area, because there are several areas that
1264 can be joined into some kind of an approved network, and I think this will better serve the
1265 community than a hap-hazard arrangement of corridors that we put on here, and then realize to our
1266 detriment sometime in the future that our planning really was not appropriate to multi-
1267 transportation. So, I really think that some kind of a small area study in conjunction with the staff
1268 or in conjunction with the other developers or in conjunction with the site would work to
1269 everybody's advantage, so I think that is what Ms. Paschke and the neighbors are saying, and the
1270 Commissioners, my fellow Commissioners are saying, that we really need to plan in a holistic
1271 manner and get the plats as well as the transportation linked into the system, so we don't box
1272 ourselves into a corner at some further stage of development.

1273

1274 Mr. Vanarsdall - All right. Thank you. All right. There was a motion made by Mrs.
1275 Quesinberry and a second by Ms. Dwyer. All in favor say aye. All opposed say no. The vote
1276 was as follows:

1277

1278 Mrs. Quesinberry - Yes.

1279
1280 Ms. Dwyer - Yes.
1281
1282 Mr. Vanarsdall - Yes.
1283
1284 Mr. Archer - No.
1285
1286 Mr. Taylor - Yes.
1287
1288 Mr. Vanarsdall - The motion passes. Thank you very much.

1289 The Planning Commission approved Subdivision Dakota Estates (May 2000 Plan), subject to the
1290 standard conditions attached to these minutes for residential townhouses served by public utilities
1291 and the following additional conditions:

1292

1293 13. The conceptual master plan, as submitted with this application, is for planning and
1294 informational purposes only. All subsequent detailed plans of development and
1295 construction plans needed to implement this conceptual plan require Planning Commission
1296 review and approval and shall be subject to all regulations in effect at the time such
1297 subsequent plans are submitted for review/approval.

1298 14. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the
1299 Planning Office and approved prior to final approval of the construction plans for this
1300 development.

1301

1302 **SUBDIVISION**

1303

Pinedale Farms, Section 10
(October 2000 Plan)

Michael E. Doczi for RBA Ventures, Inc.: The 5.163 acre site
is located at the northwest terminus of Lyndonway Drive,
approximately 7 block west of Three Chopt on part of parcel 68-
A-16. The zoning is R-2A, One-Family Residence District.
County water and sewer. **(Tuckahoe) 9 Lots**

1304

1305 Mr. Vanarsdall - Is there anyone in the audience in opposition to this case?

1306

1307 Ms. Dwyer - Mr. Chairman, may I ask if there is anyone here that may be interested in
1308 this case even though they may not be in opposition?

1309

1310 Mr. Vanarsdall - Is there anyone for or against or who might want to ask a question?

1311

1312 Ms. Dwyer - Or observing. I know that there were a lot of neighbors interested so I just
1313 wanted to make sure. Okay. No one is here.

1314

1315 Mr. Kennedy - Ladies and gentlemen of the Commission you have before you on the screen and in
1316 your addendum package a revised plan. That was submitted late yesterday. Attached to the back
1317 of this plan, it was actually e-mailed so I printed it out and attached the revised annotations on the
1318 back, the annotations are on the back and the plan is dated on the back. In order to accept that plan,
1319 we would need to waive the time limit because the plans were due on Friday at four o'clock and
1320 we received them after four o'clock yesterday. The plan has been reviewed actually, a reduce
1321 version of this plan was reviewed with the Director of Public Works and Jeff Perry, the
1322 environmental engineer yesterday morning and myself. So, we do have staff comments on it. Mr.
1323 Doczi submitted the plans by e-mail late yesterday. So, it has been reviewed by the appropriate
1324 agencies. It is a major revision and I would like to go over it briefly.

1325

1326 The subject property is located at the end of Lyndonway Drive and is a residual part of Pindale
1327 Subdivision. The surrounding property, was developed in 1968. This is a leftover parcel adjacent
1328 to it. It's a little over five acres and would create nine lots. The original plan, which you had in
1329 your earlier packet shows basically a similar layout except that the road had a wider radius and

1330 the lots were located on the other side of the road. And in working that out, at the end of the road
1331 there is a creek that runs there. It was originally shown as intermittent and stream on the GS maps
1332 but by on site observation it's actually a perennial stream. There are actually fish in it. So the
1333 engineer had to revise the plans in order not to lose some lots. So he has put the road on the other
1334 side with the lots on the other side, basically, the road behind the other side of the lots. The road
1335 itself on the original plan that was before the Planning Commission had a little over a 200-foot
1336 radius and we now have 125-foot radius. That required a waiver from the Director of Public
1337 Works. He wasn't available until yesterday because he was on his honeymoon. So, basically,
1338 yesterday was the earliest possible time for Mr. Doczi to see Mr. Thompson. And Mr. Thompson
1339 agreed the request was reasonable given the small number of lots, to have 125-foot radius. They
1340 will preserve a sight distance at the curve. It will provide some buffering for the lots that are
1341 already developed. By reversing the lots to the other side of the road, it prevents headlights from
1342 people coming down Lyndonway Drive to go into the rear yards of other people on the other side.
1343 So, staff feels it is a reasonable alternative. There has been a lot of significant neighborhood
1344 participation in this process. A lot of neighbors have expressed concern. Anytime you have a
1345 subdivision in a 30-year-old neighborhood there are going to be neighborhood concerns. The
1346 developer generously met with the neighborhood and he knows this administrative process. He's
1347 trying to address the concerns the best that he can, to my knowledge. To spite that there is one of
1348 the adjacent property owners who is passionately opposed to any development of the adjoining
1349 property. And I think that gentleman has spoken to both Ms. Dwyer and Mrs. O'Bannon. We have
1350 explained to him that we can't guarantee minimum house prices and that's basically what he wants.
1351 He wants a guarantee that homes will not sell for less than \$300,000. We can't do proffers at this
1352 point. Otherwise, staff is willing to recommend approval if the Planning Commission is willing to
1353 waive time limits given the neighbors concerns.

1354

1355 Mr. Vanarsdall - Are there any questions of Mr. Kennedy? All right, is the applicant here?

1356

1357 Mr. Amason - Good morning. My name is Roy Amason. Very briefly, I think Mr.
1358 Kennedy has presented most of the points. We did meet with the neighbors. This is a switch of the
1359 road from what we talked to the neighbors about. It's the same number of lots, basically the same
1360 size lots. The change was really done because of environmental reasons down at the end of the
1361 cul-de-sac. So this meets all of the environmental concerns. It also, frankly, does give more of a
1362 buffer to the existing homes that are there rather than having houses back right up to the existing
1363 homes. If you start counting homes, the old ones and the new ones, it gives a little more buffer. At
1364 the same time, I very much understood the neighborhood concern, which is why I requested and so
1365 did Mr. Kennedy that we meet with them, which we did at Byrd School. I tried to scrap their fears
1366 of us going in and putting a trailer park back there. But it appears now that what's going to happen
1367 is the houses that we are going to be putting in there will have one builder that's buying all the lots.
1368 We are looking at architectural control so that we don't devalue the homes in Pinedale Farms
1369 existing.

1370

1371 The homes that are in Pinedale Farms that are adjacent to this property are selling from anywhere
1372 \$189,000 to probably \$300,000 something. One just sold recently at \$189,000 that's on the corner.
1373 She was at the meeting and we talked about it. But it looks like we are going to be in the
1374 \$250,000 and up range, that's what it appears. I can't tell the builder what he charges for his
1375 houses but I can certainly look at his houses and make sure that they are in keeping with quality and

1376 the size. The houses that he is proposing to put there are all going to be garage houses. The two
1377 basic plans that he has now have bedrooms on the first floor. We already have three clients about
1378 talking to him about building houses for them. And I'm sure they will be modifying them to some to
1379 their custom needs and desires.

1380

1381 It's a desirable area and we wish to keep it that way. It's always tough when you have had 30
1382 years of woods behind your house. But it was zoned a long, long, time ago. I don't know what
1383 year it was zoned, I guess the same time Pinedale Farms was. I frankly don't know. The lots are in
1384 compliance. We do have some concerns, especially from the neighbor on the left, as you heard,
1385 about some type of buffer. I talked with him twice and I have assured him that we are going to
1386 work on our side yard and we will talk to him about working with his side yard on trying to create
1387 some kind of buffer, if it isn't already there, meaning plantings etc.

1388

1389 We don't have but so much side yard on these lots and I don't want to promise him something that I
1390 can't keep such as I'll keep 15 feet when I don't have but a 15-foot side yard. The guys have got to
1391 get in there and build a house. But, what I can do is to make sure that when the house is built that
1392 we give him some kind of buffer whether it be green planting or whether it be a fence or
1393 something. So, we will be working to that cause. Other than that, I think the plan speak for itself.
1394 It meets the zoning requirements and the ordinance and it meets all the new environmental
1395 requirements since this was zoned.

1396

1397 Mr. Vanarsdall - Are there any questions of Mr. Amason by Commission members?

1398

1399 Ms. Dwyer - I have a couple of things. I want to thank you for meeting with the
1400 neighbors. I know it's not a zoning case but I appreciate you taking the time to meet with them.

1401

1402 Mr. Amason - Well, I made the comment to my engineer this morning that we will again
1403 have a meeting with them after this hearing. In a couple of weeks or so after we get this thing
1404 refined because I just think it would be good for all of them to have the plan and know exactly
1405 what's going on and what's going to happen.

1406

1407 Ms. Dwyer - Well, that's a concern of mine too because there is a change that would
1408 mostly effect the folks on Urban Drive because there will be a change, but, let me get to that point.
1409 The space between the roadway and the rear property line, which backs up to the houses on Urban
1410 Drive, will that be maintained? Will all those trees be saved?

1411

1412 Mr. Amason - Yes, ma'am. All the trees as possible, as you know, when we build the
1413 road there is going to be a strip there on the edge of the road, that will be grading and etc. Other
1414 than that, it would be a wooded area just like it is right now.

1415 Ms. Dwyer - You need some kind of sight distance easement.

1416

1417 Mr. Amason - Yes, ma'am. Obviously, we put in our construction plans, we are going to
1418 have to have a sight easement around the curb right there (referring to map on the screen).

1419

1420 Ms. Dwyer - But otherwise you are going to save every possible tree you can.

1421

1422 Mr. Amason - I would like to leave it a natural area, period.
1423
1424 Ms. Dwyer - That would be great.
1425
1426 Mr. Amason - I'm with the neighbors, it's going to help sell the houses in our neighborhood
1427 as well as protect theirs.
1428
1429 Ms. Dwyer - Do you have a condition or annotation to that affect? That this will be a
1430 tree-save area. I know that you are required to show tree-save areas.
1431
1432 Mr. Kennedy - We require them to show tree-save areas but there is a requirement that they
1433 provide a 10-foot buffer along that side of the road and if has to be maintained or planted in
1434 accordance with the 10-foot buffer.
1435
1436 Ms. Dwyer - Are you talking about the point between the cul-de-sac where it bulges
1437 out....
1438
1439 Mr. Kennedy - Actually, all the way along there.
1440
1441 Ms. Dwyer - But, this is more than 10 feet.
1442
1443 Mr. Kennedy - Right. But, the minimum would be 10 feet. So where the cul-de-sac hits that one
1444 lot, a minimum of 10 feet there and that it will be planted or maintained equivalent to the 10-foot
1445 transitional buffer.
1446
1447 Ms. Dwyer - We may just have a 10 feet against Lot 25 where the cul-de-sac bulge gets
1448 close to the property line.
1449
1450 Mr. Amason - I think you are exactly right. That's what you will have.
1451
1452 Ms. Dwyer - So, that's going to have to be planted? There's not going to be trees there.
1453
1454 Mr. Amason - That's correct.
1455
1456 Ms. Dwyer - But the rest of the area...
1457
1458 Mr. Amason - What I would like to see is the rest of that area be a natural area.
1459
1460 Ms. Dwyer - Okay. Could we make an annotation to that affect that that be maintained as
1461 a natural area.
1462
1463 Mr. Kennedy - We can make an annotation to that affect. It be maintained natural with the
1464 exception of the sight distance easement.
1465
1466 Ms. Dwyer - And road grading.
1467

1468 Mr. Amason - The road grading etc., yes.
1469
1470 Ms. Dwyer - But we are going to minimize the road grading, right?
1471
1472 Mr. Amason - As much as your public works will allow, yes, ma'am.
1473
1474 Ms. Dwyer - Well, I'll speak to them about that. Okay. Mr. Kennedy handed me this
1475 morning a list of comments that are based on the new revised plan that you turned in yesterday.
1476 Have you seen those?
1477
1478 Mr. Amason - No, ma'am. Well, he just told me that it's basically what he previously gone
1479 over with me.
1480
1481 Ms. Dwyer - So, this is no surprise. The common area is really the BMP. Is that right
1482 behind Lot 8 and 9 or primarily behind Lot 8?
1483
1484 Mr. Amason - That is correct. The BMP will literally be down there where is says
1485 "proposed BMP common area."
1486
1487 Ms. Dwyer - So, it will be that whole distance behind Lots 8 and 9?
1488
1489 Mr. Amason - It will probably be more behind Lot 9 than it is anywhere. The reason it is
1490 big as it is, is because we had to pull off that 100-foot strip off the creek because of the
1491 designation of the creek, the Chesapeake Bay.
1492
1493 Ms. Dwyer - How is that going to look to those homeowners? What are they going to see
1494 out their back window?
1495
1496 Mr. Amason - Do you mean to the new homeowners?
1497
1498 Ms. Dwyer - Yes, well the old ones too, but primarily the new ones because they are
1499 going to be closer.
1500
1501 Mr. Amason - It's going to look as pretty as any BMP that you all requires us to build in
1502 Henrico County.
1503
1504 Ms. Dwyer - I'm not assured by that.
1505
1506 Mr. Amason - Well, I don't like them either. It's going to be a cleared area in the woods
1507 back there with the normal BMP basin.
1508
1509 Ms. Dwyer - Will it be wet or dry?
1510
1511 Mr. Amason - Ya'll won't let us have it wet, it's dry. It's required to be dry.
1512
1513 Ms. Dwyer - We do have wet BMP, maybe not intentionally but....

1514

1515 Mr. Amason - In residential areas I don't think, unless you made some big exception, but
1516 this is not an area where you can put a pond. Let's put it that way. It's a very strange area here
1517 because from up the creek either a developer or Henrico County, I don't which, frankly, way back
1518 when. On Ridgefield Road there is a huge, ugly, concrete ditch. And when you go on downstream
1519 when you get toward Pemberton Road you have got rip rap everywhere. And this was one of those
1520 areas right in the middle. Where the fish are coming from I don't have the slightest idea, but they
1521 are in there. So, we are adhering to the Chesapeake Bay Act. So, it may be, Bob Thompson from
1522 Public Works and I talked yesterday and it may be coming up in the spring that there is a new
1523 program out where quite frankly we won't need to put in this BMP at all. We will be paying a fee
1524 to the County and they will use that money to correct some areas that are of more need upstream.
1525 And if that is the case, I've already told him I've been wanting to talk about that because I don't like
1526 them either.

1527

1528 Ms. Dwyer - Well, I'm just wondering... You have such a nice creek, it's fully wooded
1529 and you have the creek running through there and I'm wondering how the BMP and the creek are
1530 going to interact.

1531

1532 Mr. Amason - Let me get some technical help. Mike, do you want to talk about that? This
1533 is Mike Doczi my engineer so we will get it from the real source.

1534

1535 Mr. Doczi - I'm Mike Doczi. Would you mind stating the question again because I was
1536 reading some comments from Michael Kennedy?

1537

1538 Ms. Dwyer - There are two stream that runs through here, one is the perennial stream,
1539 which kind of runs from Ridgefield in a generally westerly direction.

1540

1541 Mr. Doczi - Old House Creek.

1542

1543 Ms. Dwyer - Right. And that generally runs behinds Lots 8 and 9, right?

1544

1545 Mr. Doczi - Yes, ma'am.

1546

1547 Ms. Dwyer - And that's also where the BMP is going to be. So, I'm wondering how will
1548 the BMP be constructed around the creek or near the creek. How will it appear to the
1549 homeowners?

1550

1551 Mr. Doczi - How will it appear to the homeowners? By the rise, we will have at least a
1552 50-foot offset from the creek. The top of the bank of the creek coincides with the wetlands limits
1553 also. There will be a 50-foot offset from there for the RPA and then we would grade and I
1554 anticipate a (unintelligible) small design three basin dry pond. It only needs about 4000 cubic feet
1555 of storage. So, it's going to be very small.

1556

1557 Ms. Dwyer - Will it be relatively shallow?

1558

1559 Mr. Doczi - Yes. It will be a four to one side slope, just as the Public Works manual

1560 guidelines suggest. Shallow, four to five feet deep maybe. I don't anticipate a big large clearing
1561 area or a large BMP. That's why it was basically shown in the rear of Lot 9. It is not a very big
1562 basin and hopefully in the spring we can get rid of it and not have to build it at all. That would be
1563 the best thing.

1564

1565 Ms. Dwyer - I agree. We are in agreement on that. Okay.

1566

1567 Mr. Amason - There is no way that I can make that a stipulation, however, because that is
1568 really going to be more up to Public Works than it is to me, frankly.

1569

1570 Ms. Dwyer - Okay. And utilities now are going to be located in the roadways so there
1571 would be no need to cut down those trees between the road and the property line?

1572

1573 Mr. Doczi - The sewer line right now is planned to come here (pointing to the
1574 subdivision plan) there is an existing sewer on the other side of Old House Creek. So, we would
1575 cross that and come up between Lots 7 and 8 and serve it through the roadway. That's the plan as
1576 of right now.

1577

1578 Ms. Dwyer - Okay. And other utilities, what about electric?

1579

1580 Mr. Doczi - Everything will be extended from Lyndonway Drive.

1581

1582 Ms. Dwyer - Down the road or along the road?

1583

1584 Mr. Doczi - Yes.

1585

1586 Ms. Dwyer - Did you say water and sanitary sewer?

1587

1588 Mr. Doczi - Water is located in Lyndonway Drive and will be extended. We have
1589 already had the pressure analysis done from Public Utilities. Everything is fine. Although, it will
1590 be extended down Lyndonway Drive to the cul-de-sac to serve the lots. The sewer will come up
1591 Old House Creek, which it (unintelligible) right now. And electric will either be served down
1592 Lyndonway Drive or if there is an existing terminal box out there, the rear of the existing lots they
1593 may come off of that. We haven't done an electric plan.

1594

1595 Ms. Dwyer - So, it might be coming through that area that we were talking about.

1596

1597 Mr. Doczi - Well, VEPCO does those plans and they put them in with a trencher and
1598 they can run around trees and everything else. They don't do any clearing to do that.

1599

1600 Ms. Dwyer - Will you have a utility easement along the front or the rear of these lots?

1601

1602 Mr. Doczi - The proposed lots?

1603

1604 Ms. Dwyer - Yes.

1605

1606 Mr. Doczi - I'm sure it will be.... Well, all of the utilities go in the front yard now, so I
1607 am sure there will be a VEPCO easement in the front yard. Virginia Power doesn't like them in the
1608 rear yard anymore.

1609

1610 Ms. Dwyer - I know. Mr. Archer knows that too. Okay. I know this is not a part of this
1611 review, but you did say that these will be selling in the \$250,000 range. Can you say who is
1612 purchasing those buildings?

1613

1614 Mr. Amason - McManon Homes, Tom McManon.

1615

1616 Ms. Dwyer - Do you have idea of the style that he's looking at, colonial, contemporary?

1617

1618 Mr. Amason - I hate to use the term colonial, they are traditional, maybe compared to
1619 Pinedale Farms, you would probably call them traditional transitional because the style has
1620 changed since Pinedale Farms. Saddler Woods, are you familiar with that, over by Innsbrook?

1621

1622 Ms. Dwyer - Yes.

1623

1624 Mr. Amason - He's built both of those. Both of the models he gave me prints of but I didn't
1625 bring them with me today. And they are selling theirs \$250,000 and up. He's paying about
1626 \$25,000 more per lot in here than he's paying over there. So, that's the reason I knew the price
1627 range wasn't going to be bad. You don't pay the kind of money we did for this land and then put
1628 cheap houses on it, it doesn't happen. And, frankly, the demand over here is not for cheap housing,
1629 it's for very nice homes.

1630

1631 Ms. Dwyer - Because there was so much neighborhood interest in this, I could approve it
1632 today but I'm thinking that I would rather postpone it until even our next zoning meeting to give the
1633 neighbors a chance to look at this new plan because it does change somewhat the effect of this
1634 development on the existing housing. And I'm not doing this because I have any outstanding issues
1635 myself but just because I know there was such intense neighborhood interest. There were a lot of
1636 people who came to the meeting. So, what I would like you to do is just send a copy of the new
1637 plan to the adjacent property owners along Urban and Lyndonway and then bring this up again, if it
1638 is okay at the zoning meeting.

1639

1640 Mr. Amason - I would suggest if you do that, that we also send it to the people who live on
1641 Pemberton Road that back up to the new one.

1642

1643 Ms. Dwyer - Well, all the adjacent property owners.

1644

1645 Mr. Amason - Well, obviously, I would like to have it approved today because it's
1646 \$3000.00 a month to sit there on this property, but I understand.

1647

1648 Ms. Dwyer - That's why I'm saying the zoning meeting because I don't expect opposition
1649 but I would like for those who are involved to call me if they have any concerns.

1650

1651 Mr. Amason - I understand, that's the reason I met with them the first time. I really don't

1652 have a problem with that. I did not think we were going to here this at all today, to be frank with
1653 you, because of the timing. It was just one of those things. By the time the staff got through with it,
1654 we didn't have time to do anything like have another meeting. I don't like the fact.... I met with
1655 them eye to eye and showed them the other plan. So, the fact that they'll have time to see this one
1656 suits me better anyway. I don't want them to think that I showed them one thing and came in here
1657 and got the exact opposite approved. So, I don't want that kind of reputation. That's fine.

1658

1659 Ms. Dwyer - Just out of respect for them.

1660

1661 Mr. Amason - I agree.

1662

1663 Ms. Dwyer - Would you like to send those copies?

1664

1665 Mr. Amason - I would be glad to do it. And I think Mr. Kennedy has all of the addresses.

1666 I'll be glad to do that.

1667

1668 Ms. Dwyer - When is our next meeting?

1669

1670 Mr. Marlles - Ms. Dwyer, our zoning meeting is scheduled for November 9, however, the
1671 POD meeting is scheduled early this year because of the holiday and it's on the 15th. Staff would
1672 prefer that it be heard on the 15th if there is no objection.

1673

1674 Mr. Amason - The 15th of November, that will be good.

1675

1676 Ms. Dwyer - Okay. Let's do it on the next POD meeting. And I don't expect that we will
1677 need another hearing or discussion on this, but I expect we will just go on and approve it. But I
1678 will defer.

1679

1680 Mr. Amason - Good. Okay.

1681 Ms. Dwyer - So, my motion is that we defer the subdivision for Pinedale Farms, Section
1682 10 (October 2000 Plan) to November 15, at the applicant's request or.... at the Commission's
1683 request.

1684

1685 Mr. Amason - Applicant's request.

1686

1687 Mrs. Quesinberry - Second.

1688

1689 Mr. Vanarsdall - All right the motion was made by Ms. Dwyer and second by Mrs.
1690 Quesinberry. All in favor say aye...all opposed say nay. The motion carries.

1691

1692 Pursuant to the applicant's request, the Planning Commission deferred subdivision Pinedale Farms,
1693 Section 10 (October 2000 Plan) to its November 15, 2000, meeting.

1694

1695 Mr. Vanarsdall - I believe we need to take a recess now.

1696

1697 **AT THIS TIME THE PLANNING COMMISSION TOOK A BREAK AND THEN**

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1698 **RECONVENED.**

1699

1700 **PLAN OF DEVELOPMENT (Deferred from the September 27, 2000, Meeting)**

1701

POD-58-00
Jiffy Lube - Laburnum
Avenue

TIMMONS for Creighton Laburnum Associates and Jiffy Lube /Lucor inc.: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a one-story, 1,872.68 square foot, 3 bay oil and lube center with a basement. The 0.97 acre site is located along the west line of Laburnum Avenue, approximately 300 feet south of Creighton Road abutting POD-82-90 on part of parcel 140-A-51B. The zoning is B-2C, Business District (Conditional) and ASO (Airport Safety Overlay District). County water and sewer. **(Varina)**

1702

1703 Mr. Vanarsdall - The Planning Commission will now reconvene. Is there anyone in the
1704 audience in opposition to POD-58-00, Jiffy Lube - Laburnum Avenue? We have opposition. Mr.
1705 Kennedy.

1706

1707 Mr. Kennedy - There are several people here who live on Dabbs House Road, who appeared at
1708 the last meeting and if you recall they were opposed to the deferral on this. They were confused.
1709 They are opposed to the proposed development and in particular access to the proposed
1710 development from Dabbs House Road. Staff can recommend approval of the POD subject to the
1711 annotations on the plans including an annotation that would prohibit access to Dabbs House Road
1712 without the approval of the Director of Public Works. The condition is not acceptable to the
1713 applicant.

1714

1715 Mr. Condlin - Mr. Chairman, members of the Commission. My name is Andy Condlin. I
1716 have Charlie Pike from TIMMONS here with me. This plan that we presented reflects and meets
1717 all conditions from the recent rezoning and provisional use permit cases, including the screening of
1718 the bay doors and the HVAC systems, the buffering required along Laburnum Avenue and the brick
1719 exterior. As Mr. Kennedy pointed out, we would ask that you would approve this POD and we are
1720 willing to accept all of the conditions but that one. That is the condition prohibiting access to
1721 Dabbs House Road. As you know access is critical to the success of any business in particularly
1722 retail. We only have to look at the gas station next door at the corner of Creighton and Laburnum
1723 that does have access both off of our shared access off Laburnum and off of Creighton Road. We
1724 have two critical points of access. This access point that we share with the gas station is a right in
1725 and right out at Laburnum Avenue. As people are traveling both on Laburnum, to get to our site,
1726 they will either have to do a U-turn or as they are coming down Creighton Road and as they pass
1727 and see the site, again, they will have to do a U-turn on Creighton Road to legally get to our site, at
1728 that point. We are requesting from access from Dabbs House Road and we respectfully disagree
1729 with the points of staff and the following reasons. I'm not quite sure that I understand and it's been
1730 tried to explain to me and as far as what affect the movement of Dabbs House Road would be.
1731 From what I understand, Dabbs House Road would be moving from this general location over to
1732 Creighton Road to provide some distance between Laburnum and Dabbs House Road along
1733 Creighton Road. Our access point would provide for connecting to the public right-of-way and as

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-44-

1734 the access on Dabbs House Road is moved, it would still be public right-of-way and that access
1735 could still be accommodated. It's a short area from Dabbs House Road to Creighton Road and I'm
1736 not sure what the impact would be, otherwise the objection would be that we would continue to
1737 have public right-of-way access.

1738

1739 There is also concern that it could be used as a cut through for traffic along Dabbs House Road.
1740 We are willing to put in and would accept a condition that would require a specific speed limit,
1741 speed bump, a jog in the access point. It is my understanding, and again not to put words in the
1742 staff's mouth, that's not preferred by Fire or emergency because they don't like to have the speed
1743 bumps. My point is that if there is no access there at least a speed bump will provide better
1744 emergency access than no access at all. And certainly we have the free access up on Laburnum
1745 Avenue that we share with the gas station. We were also told that there would be probably and
1746 practically what would occur is that people will use the gas station as a cut through. That's the gas
1747 station off of Creighton Road at that location, that access right near the Dabbs House Road.
1748 Legally, of course, we have no right and we have taken a look into that. We have no right to use
1749 that access. And practically, from a policy standpoint I would think that the County would want to
1750 discourage such access or such use of such access as there are fuel pumps, the telephone. There is
1751 customer traffic, both pedestrian and vehicular. There's actually the exit for the car wash. It
1752 comes right out to the access point. Again, I would think that it would certainly not be safe for
1753 both the customers of this site and for the customers of that gas station as compared to the Dabbs
1754 House Road.

1755

1756 Finally, I would like to show you the master plan for this entire shopping center. We are willing
1757 to make this consistent with the shopping center and create a space between Creighton Road and
1758 the access that we are requesting as the County desires. As you can see on this master plan
1759 (referring to rendering on screen) from the original zoning case. There was always intended and
1760 expected to have access onto Dabbs House Road for the entire shopping center. We are willing to
1761 and could put it at that exact location. Again, this is not a proffered plan but the idea was to have
1762 one point of access on Dabbs House Road. With this access point to serve the outparcels, which
1763 typically an outparcel has internal access but the rest of the shopping center has not yet been
1764 developed. If it comes back for development, POD, they will either have to work around this
1765 access point and make that work and/or move the access point to an agreeable point to serve the
1766 rest of the facility.

1767

1768 I don't disagree that the County certainly has the right to protect the health, safety and welfare of its
1769 traveling public. But, I would contend that having this access point is better than the use of the gas
1770 station for access. It's better than U-turns on both Laburnum and Creighton Road and it will set the
1771 standard and would allow for it to be consistent with the shopping center master plan, as we
1772 pointed out up there. Well this is an outparcel, and again it is important to have an encouraging
1773 internal access. There is no internal access because there's only the two points of development,
1774 outparcel 1 here in the corner and then the outparcel that we are requesting. For those reasons we
1775 would request that you approve this POD request with all of the conditions except for the
1776 prohibition of access to Dabbs House Road. I'll be happy to answer any questions you may have.

1777

1778 Mr. Vanarsdall - Are there any questions for Mr. Conklin?

1779

1780 Mr. Archer - Mr. Condlin, in considering the necessity of the second point of access, I'm
1781 just thinking, the service station just naturally and normally has more traffic than an oil change
1782 place. Generally, if you are going to get your oil change you know specifically where you are
1783 going when you leave home. A gas station you just might stop by at any time. So, I can see the
1784 necessity for having more points of access for a gas station but you know you just don't drive in
1785 and out of here every two or three seconds.

1786

1787 Mr. Condlin - And I would agree with that. My client said that they consider themselves
1788 more retail than service because it has been based on their studies, and they are the largest
1789 franchise of Jiffy Lube and one of the most successful ones, to be able to say that as people pass by
1790 they take a look at it and say "oh yeah, that's right I need to get my oil change and they are the ones
1791 I need to go to. Usually it's on the weekends or after work. I can't deny that it makes sense that
1792 essentially it could be more of a destination point. But, they figure that over a third of their of their
1793 traffic is retail, it's not a destination point, as where you see it as you are driving by and go there at
1794 that point.

1795

1796 Mr. Vanarsdall - Are there any more questions of Mr. Condlin by Commission members?
1797 Thank you, Mr. Condlin. Now we will here from those who have opposition or would like to
1798 speak.

1799

1800 Mr. Crockett - Good morning, Sir. My name is Herbert Crockett and I live at 1060 Dabbs House
1801 Road, right up across from where the Jiffy Lube is going to be built. And yesterday I just took a
1802 little time to just walk down the road and talked to everybody that was in the view of my house,
1803 and I talked with 12 people. Not a single one wanted that Jiffy Lube there. So, I'll share that with
1804 you, and I don't want it there either. And asked them why they didn't want it there and they said
1805 they would much rather see something other than that there. So, I leave that with you.

1806

1807 Mr. Vanarsdall - Are there any questions by Commission members? Thank you.

1808

1809 Mr. Crockett - Thank you.

1810

1811 Mr. Vanarsdall - Good morning.

1812

1813 Mr. Henderson - Good morning. My name is Samuel Henderson and I live at 616 Dabbs
1814 House Road, and I certainly came here to speak in opposition to this proposal. I know that I speak
1815 for many who would love to be here but who can't be here because they have to be at work. Poor
1816 people have to work and this time of the day is difficult for them to appear to express their points
1817 of view. I have some things to say and I know that the people in the area would approve 100% of
1818 what I say. I oppose this proposal first of all because helter skelter building around the County
1819 disregarding the detrimental affect on homeowners in the area to me is not a good idea. Now we
1820 don't have \$200,000 or \$300,000 homes out there but to us it's all we have. To put this
1821 development there would be the beginning of the decline of the value of the area homes. I go to
1822 Jiffy Lube and I think all of the people in Mitchell Tree and all the other developments around
1823 there, a lot of people go to Jiffy Lube. I don't have anything against Jiffy Lube. This is not a good
1824 location. What was told to you about a left turn off of Creighton Road is not true. It is a simple U-
1825 turn. Off of Creighton Road, it is not true. It is a simple left turn with an advance light going west.

1826 Why I'm I opposed to this? There are so many other things that could be done. We never in our
1827 discussions heard any mention at all of a shopping center. Apparently, the road coming out to
1828 Dabbs House Road is designed to make it feasible to put a shopping center there. I don't know
1829 anybody in the area who wants a shopping there. We have so many worn out places in that part of
1830 the County that it's unbelievable. I would suggest that we ask this developer to take another look at
1831 the Nine Mile Road Corridor. If you read the newspaper on Monday, there was a front page
1832 article about the Nine Mile Road Corridor. It was titled Nine Miles of needs, to me Nine Miles of
1833 benign neglect. There are vacant lots out there. There are buildings to be refurbished. There are
1834 all kinds of possibilities. The County has said that it would like to revitalize the Nine Mile Road
1835 Corridor. This article says in the paper that people are ashamed of Nine Mile Road. The
1836 shopping center there, called Fairfield Commons, is practically vacant. There are vacant buildings
1837 all up and down Nine Mile Road. There are people who are in business who are planning to
1838 move. There is even a church down there almost in Sandston, in Fair Oaks, they are even moving.
1839 I would like to see this developer take a second look at the Nine Mile Road Corridor and I would
1840 like for you to consider what can be done out there. There are so many possibilities. The County
1841 has proposed to revitalize the corridor. To put Jiffy Lube on Nine Mile Road would be just
1842 wonderful. There is nothing about this particular lot that is so attractive that Nine Mile Road
1843 wouldn't generate just as much business. If they put this Jiffy Lube station on Nine Mile Road it
1844 could be, as the old song says "this could be the start of something big." How do we do it?
1845 People have plans. They make plans. They set aside their finances, well, I don't know if they need
1846 to set aside finances, but they have their arrangements. What can we do about it, what can the
1847 County do about it? I'm not a wealthy man, I'm a poor man, but I understand that wealthy people
1848 like at least a couple of things. A good clue, a good idea on the stock market, I can't give them that,
1849 you can't either, but there is something we can do, something called incentive. Municipalities,
1850 cities, states, what have you, provide incentives to help developers do the things that are best for
1851 the community. They build football, baseball stadiums. They do all kinds of things for the benefit
1852 of the people in the area. We could do something like that to suggest and help Jiffy Lube to build
1853 on Nine Mile Road. We could do that. We could make him, and I know that the County can do it.
1854 I've been involved a little bit in County government in Henrico County myself, very little. We
1855 could make him an offer so good he couldn't turn it down. We can start to develop the Nine Mile
1856 Road Corridor and start life anew in that area and we ought to do it, we owe it to the people out
1857 there. This County was wise enough 25 or 30 year's ago when the people came up and suggested to
1858 them that the section that is now called Huntwood not be developed as it had originally been
1859 planned because it wasn't wise. And the County listened to the people. Now Huntwood is
1860 something that we can be proud of. I beg you let us be proud of Nine Mile Road once again.
1861 Thank you.

1862

1863 Mr. Vanarsdall - Thank you. Let me add, we did have a meeting, I think it was the last of
1864 1999 or 1998. The Planning Commission went down to the Echo building and we had a meeting
1865 with everyone in that area and they had the consultant that they mentioned in the paper and he had
1866 an awful lot of suggestions for Nine Mile Road, to revitalize it. We didn't have as big of a crowd
1867 that we thought we would have but we had a lot of people who had a lot of suggestions. People
1868 like Pat Patrick of Patrick Chevrolet spoke. Tom Gay, who was mentioned in the article spoke.
1869 The lady who spoke about people who would pass her door to go to the west end to get something
1870 done.

1871

October 25, 2000

1872 Mr. Crockett - You can't even get a decent meal. They don't even have a decent restaurant. The
1873 schools are going to pot.

1874

1875 Mr. Vanarsdall - The other thing is where they want to put this is under the zoning that it is
1876 already zoned. And I say this time after time. I don't know when that went to B-2 but the time to
1877 do anything is before this rezoning. I understanding what you are saying.

1878

1879 Mr. Henderson - We could give him a deal that's so good that he couldn't refuse it.

1880

1881 Mr. Vanarsdall - Like the old saying, "They will sell it to you for a song and then sing it for
1882 you."

1883

1884 Mr. Henderson - There you go.

1885

1886 Ms. Dwyer - Mr. Chairman, I agree with the two speakers who have spoken. The two
1887 speakers have spoken quite clearly about their thoughts that they don't want this particular Jiffy
1888 Lube in this location. I understand what you are saying. And I agree with what you said about
1889 Nine Mile Road. And I think that's what the Chairman was saying too, it would be good to have
1890 this development along Nine Mile Road but the problem is that the decision has already been made
1891 to zone this triangular piece, this whole piece of property that has a B-2 attached to it, this whole
1892 sort of triangular piece. The decision was made a long time ago that business could go in that
1893 whole area. So, we can't change that. So, even if Jiffy Lube didn't go in here, another business
1894 could and they could go in there as a matter of right. We can't make that decision today. That's out
1895 of our hands because it has already been made. The issue, as I understand, Mr. Kennedy, is just
1896 whether the road in front of Jiffy Lube will connect to Dabbs House.

1897

1898 Mr. Kennedy - That's right.

1899

1900 Ms. Dwyer - The issue before us, and we can't consider the issue of whether the Jiffy
1901 Lube can go there, that's already been decided.

1902

1903 Mrs. O'Bannon - Can I address the Nine Mile Road Corridor, just a little bit? Two or three
1904 things. The Board has been working very diligently on what can be done and what is public land, I
1905 guess you could call it, along the Nine Mile Road Corridor in improving the curbs, gutters,
1906 walkways, you know, roads, things like that. When developers have come forward, and I was
1907 particularly encouraged by one plan that came forward, the developer had considered, in Highland
1908 Springs, in that area in there, to build a retirement community. And we would encourage that again
1909 because people could walk. I mean it was a development that came forward that was I think was
1910 good. I know you probably saw that too. But, in other words, when developers come forward
1911 with a plan, you can work with them to improve the community through that area when they have a
1912 choice and they've decided that they feel it is profitable too to work on some property in there. I
1913 know Mr. Thornton has worked very hard about Fairfield Commons and I've heard him say it often
1914 to encourage that to be redeveloped. And I will tell you that we have been, I will even say
1915 aggressively looking for ways to use that property. Quite frankly, I can tell you this recently as
1916 office space. And I have talked with developers on trying to look at that space. It's their choice. I
1917 think that's part of what.... It's owned by somebody else, and I know you think we've got this

1918 tremendous amount of leverage, but until someone comes up with an idea, you can say yes or no let
1919 me assist you to move this along or no not that way but let's see if we can work it out. And that's
1920 what we have here is someone who wants to use this land as it is intended to be used to a certain
1921 extent and what you are going to see with the Planning Commission is making adjustments. Yes,
1922 you can, but how about we adjust it. That sort of thing. I think we would all love to see more
1923 development such as this Jiffy Lube along Nine Mile Road to make improvements along that
1924 corridor. But, again, until a developer comes forward, as I said like the one who is thinking about
1925 a retirement community, in Sandston. You can put it out there and say come on everybody and
1926 bring your good ideas to us but that is about as far as you can take it to that extent. I think we are
1927 seeing some of this turnaround. I was discourage by the article because I think we are working on
1928 it. I don't know how else to put it, in as far as we can do it. And that's my perception and
1929 representation from the Board. And until someone, again, goes to Fairfield Commons and says I
1930 will look at it as office space or I will look at it as more retail, it's going to sit there because
1931 somebody else owns it. You can offer incentives or encouragement but until someone goes with
1932 the ball, so of speak. Thank you.

1933

1934 Mr. Vanarsdall - Is there anyone else that would like to speak? Mrs. Quesinberry.

1935

1936 Mrs. Quesinberry - No. I think I'll let Mr. Condlin get back up there. He may have something
1937 else to add. Do you have anything else you would like to add, Mr. Condlin?

1938

1939 Mr. Condlin - No ma'am. Just to answer the question Mr. Vanarsdall had, this property
1940 was zoned in 1988 and at that time this master plan was filed with the Planning Office in 1998. It
1941 was planned for shopping center at that time with a food store, etc. in there with outparcels along
1942 Laburnum Avenue. We would also like to point out that given the fact we were talking about the
1943 use, I don't think that this particular use is inappropriate if you look at the zoning at the intersection
1944 at Laburnum and Creighton with the M-1, B-2 and B3 along that area. I will add, as part of our
1945 provisional use permit, which we requested, the neighborhoods requested that we go back and take
1946 a look at Nine Mile Road. Quite frankly, maybe this area is a victim of its own success called the
1947 Jiffy Lube a victim because this is a well growing area with some good houses, great housing
1948 development with some increase income and this is where they want to be and a lot more of the
1949 traffic is coming onto Creighton and Laburnum then they are seeing on Nine Mile and Laburnum,
1950 the people within the area, and that's their customer base and that's why they want to be in this
1951 specific intersection area as opposed to Nine Mile at this time. But I'm pretty sure they would be
1952 willing to look at any incentives and locate them both, quite honestly.

1953

1954 Mr. Archer - Mr. Condlin, let me ask one question. Mr. Henderson alluded to the fact
1955 that there is a left-turn arrow and a lane at Laburnum and Creighton, which probably does not
1956 create quite as hazardous of a situation if it were not there.

1957

1958 Mr. Condlin - That is correct.

1959

1960 Mr. Archer - Traffic that's going south bound on Laburnum, I think that's south, is just
1961 right in, right out. And I say that because I think we still need to resolve this issue of the road from
1962 Dabbs House, or the entrance from Dabbs House.

1963

1964 Mr. Condlin - I can't disagree with that, sir. And certainly heading northerly on
1965 Laburnum that's clearly physically impossible to turn left into the site unless you do a U-turn
1966 without that access. And I'll give this to you, and take it for what it is worth, it's been their
1967 experience that at this type of intersection that people will see it as they are crossing the
1968 intersection and go oh, yeah, I do want to hit Jiffy Lube before I do the rest of my errands. And so
1969 either they do a cut through the gas station or do a U-turn right at the Dabbs House, Creighton Road
1970 area. It's not going to happen as much as a U-turn potential on Laburnum Avenue but the potential
1971 is there and that's based on their experience. And I just put that out there for what it's worth. It's
1972 just an opinion on their part.

1973

1974 Mr. Archer - Well, you know, I just think that folks who use these types of facilities by
1975 and large are residents of the area that pass by and as time goes by they will accustomed to how
1976 you have to turn to get in here and I don't think you have that much drive by traffic that just all of a
1977 sudden decides to get their oil changed. And I just offer that in support of the argument that the
1978 road may not be necessary to connect to Dabbs House.

1979

1980 Mr. Condlin - Nor, do I want to leave you with the impression that I rather take a
1981 disapproval and keep my access, not that I'm objecting to this condition but I would much rather
1982 have an approval with the condition today.

1983

1984 Mrs. Quesinberry - I just want to say to the neighbors Mr. Crockett and Mr. Henderson, we
1985 really do appreciate you taking the time to come out here and for your comments. Cases like these
1986 are the tough ones that come up unfortunately all too frequently and we are put into a position where
1987 you have property.... We had a case just a little bit earlier where it had to do with residential but
1988 one we have been working with for a long time that was zoned previously and the single-family
1989 home neighbors had issues with traffic access for some potential multi-family home going up all
1990 around them. This is kind of a similar situation where it's commercial property, but it is
1991 previously zoned and it's zoned B-2. And when the applicant came to us with this plan to put the
1992 Jiffy Lube there we didn't have a right to say no you can't develop this B-2 property because it's
1993 already zoned. Would we like to see something else there? Yes. Just like you, we would like
1994 to... the cold hard truth is though something worse could go there. It could be a 7-11. You know,
1995 it could be something as that retailish. There are many things in the B-2 zoning ordinance that
1996 would be allowed to go in that spot. Jiffy Lube is not the worst and it's not the best but it's not the
1997 worst. And when we looked at that and worked with the applicant we were able to get some other
1998 conditions out of the applicant in the way of architectural design that's improved in nicer looking
1999 for the neighborhood and also additional landscaping that many times that developers are not
2000 willing to do. But this one is to give it a better look across Laburnum Avenue and around the
2001 property. So for some of those consideration, we are really appreciative and it does a better job
2002 for this area again considering that other applicants could come forward and want that spot and
2003 want to do something and not offer those kinds of considerations. So, with that said, I think the
2004 previous comments....

2005

2006 Mr. Henderson - Can I ask a question?

2007

2008 Mrs. Quesinberry - Come on down to the microphone, yes.

2009

2010 Mr. Henderson - I certainly wish that you would give serious consideration to denying access
2011 to Dabbs House Road. That definitely would be detrimental to property owners on Dabbs House
2012 Road. And even if you have to approve the Jiffy Lube facility, at least we don't have to harm the
2013 neighbors on Dabbs House Road with that access.

2014

2015 Mrs. Quesinberry - We can do that, but I want you to understand also that as this property
2016 develops in the future, because Jiffy Lube is just one of several of these parcels that are already
2017 lined up and at some point in the future, and I don't know how long that is, there will be some
2018 access required on at least the back side of this property to Dabbs House Road, to circulate the
2019 traffic within the whole parcel. It doesn't have to happen today but at some point in the future it
2020 looks like it certainly would happen.

2021

2022 Mr. Henderson - Yes, I understand that, but that road would encourage it and we are not in
2023 the business of trying to encourage that.

2024

2025 Mrs. Quesinberry - I hear you. I understand what you are saying.

2026

2027 Mr. Henderson - Thank you.

2028

2029 Mr. Vanarsdall - Thank you.

2030

2031 Mrs. Quesinberry - Okay. I would like to make a motion that we recommend approval of POD-
2032 58-00, Jiffy Lube - Laburnum Avenue, subject to the annotations on the plan, the standard
2033 conditions for developments of this type and the following additional conditions Nos. 23 through
2034 32 with an additional condition, I guess No. 33, Mr. Kennedy. That would be worded to prohibit
2035 the access to Dabbs House Road until there is an expressed approval by the Director of Public
2036 Works in consideration of the entire site plan and the future realignment of Dabbs House Road.
2037 Something like that.

2038

2039 Ms. Dwyer - Second.

2040

2041 Mr. Vanarsdall - The motion was made by Mrs. Quesinberry and seconded by Ms. Dwyer.
2042 All in favor say aye...all opposed say nay. The motion carries.

2043 The Planning Commission approved POD-58-00, Jiffy Lube - Laburnum Avenue, subject to the
2044 standard conditions attached to these minutes for developments of this type, the annotations on the
2045 plans and the following additional conditions:

2046

2047 22. The easements for drainage and utilities as shown on approved plans shall be granted to
2048 the County in a form acceptable to the County Attorney prior to any occupancy permits
2049 being issued. The easement plats and any other required information shall be submitted to
2050 the County Real Property Agent at least sixty (60) days prior to requesting occupancy
2051 permits.

2052 23. The developer shall provide fire hydrants as required by the Department of Public Utilities
2053 in its approval of the utility plans and contracts.

2054 24. All repair work shall be conducted entirely within the enclosed building.

2055 25. Outside storage shall not be permitted.

- 2056 26. A 25-foot-planting strip to preclude ingress or egress along the west side of Laburnum
 2057 Avenue shall be shown on the approved plans. The details shall be included with the
 2058 required landscape plans for review and approval.
- 2059 27. Any necessary off-site drainage easements must be obtained in a form acceptable to the
 2060 County Attorney prior to final approval of the construction plans by the Department of
 2061 Public Works.
- 2062 28. Deviations from County standards for pavement, curb or curb and gutter design shall be
 2063 approved by the County Engineer prior to final approval of the construction plans by the
 2064 Department of Public Works.
- 2065 29. Insurance Services Office (ISO) calculations must be included with the utilities plans and
 2066 contracts and must be approved by the Department of Public Utilities prior to the issuance
 2067 of a building permit.
- 2068 30. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the
 2069 Planning Office and approved prior to issuance of a certificate of occupancy for this
 2070 development.
- 2071 31. The proffers approved as a part of zoning case C-59C-00 shall be incorporated in this
 2072 approval.
- 2073 32. Access to Dabbs House Road is prohibited until reviewed and approved by the Director of
 2074 Public Works after consideration of an overall master site plan and the realignment of
 2075 Dabbs House Road.
 2076

2077 Mrs. O'Bannon - If I can make mention one more thing, in this Bond Referendum I understand
 2078 that the church there on Nine Mile Road is going to be the location of the new alternative middle
 2079 school. So, in other words, there will some other encouraging development there.
 2080

2081 Mr. Vanarsdall - I was going to mentioned that. That's the Newbridge Baptist Church. The
 2082 Newbridge Baptist Church is going to be and that's where it is going to be.
 2083

2084 Mrs. O'Bannon - If the Bond Referendum is passed we would go into a portion of that Nine
 2085 Mile Road Corridor to improve the developments along there. Another thing, just to mention very
 2086 quickly, the developers that did approach about Fairfield Commons, and I'm not even sure if staff
 2087 knows this, mentioned that.... As you know at Azalea Mall they took down the buildings and the
 2088 property to make it more attractive to a developer and there was almost a hint that if Fairfield
 2089 Commons were even to, you know the areas and buildings, the vacant buildings were to come
 2090 down, you know some developers would be more interested in properties along there. So when
 2091 we talk about what we can do as a County, those are the types of things we can either suggest or
 2092 work toward is taking down vacant properties or removing them so that the property becomes
 2093 more desirable. And when I say the County do that, it would be the owner of the property,
 2094 obviously, would be the one to remove buildings or properties. So, it's up to the owner though
 2095 who wants to sell their property or redevelop it.
 2096

2097 Mr. Vanarsdall - Thank you, Mrs. O'Bannon.
 2098

2099 Mr. Marlles - Mr. Chairman, if I could also comment on that because I am not sure that the
 2100 Commission is, although I think I have mentioned it, the Manager did start a process about a year in
 2101 a half ago called "The Critical Issues Process" and coming up with innovative strategies to deal

2102 with our older residential and commercial areas has been identified as one of the eight critical
2103 issue facing the County. I can tell you that there are at least three teams of employees that are
2104 working on various aspects of that problem. They have done a number of things including visiting
2105 other communities to see how they are dealing with revitalizing older commercial and residential
2106 areas. Those teams are getting close to being in a position to be able to make recommendations.
2107 So, I do think you are going to see some new information come forward for the Board's
2108 consideration on new strategies for dealing with these older commercial areas. And I just want to
2109 remind the Commission that that process is very actively going on.

2110 Mr. Vanarsdall - That's good to know. There's one other thing that I would like to add.
2111 Highland Springs and the Nine Mile Road Corridor has probably never been a thriving, but it was
2112 in yesteryear when Fairfield Commons, which was called East Gate Mall was open. And then you
2113 have got to remember that the local businesses, Mr. Heckler was living and Mr. Heckler live and
2114 worked in Highland Springs, which is more than some of the people now could say. And he had
2115 his motor company there. And he moved because General Motors made him move not because he
2116 had to. The post office was a local post office and it had a local postmaster and his wife who
2117 were residents and interested in the streets and how it looked. And that became a branch of the
2118 Richmond Post Office and that took away from the locale. And theatre, of course, went because
2119 like all theatres because of videos. And the drug store was owned by Mr. Liscombe who was a
2120 homegrown product and lived there and his whole family lived there and then a man from Bon Air
2121 took it over and he still lives in Bon Air. So, the scenery has changed all together and it not only
2122 happened to Nine Mile Road it has happened in a lot of places. Thank you. Okay, Mr. Secretary,
2123 our next case.

2124

2125 **PLAN OF DEVELOPMENT**

2126

POD-93-00

Capitol Floors & Decorating
- Brookriver Drive

TIMMONS for Brookhollow of Virginia, Inc. and C & V Ventures: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a one-story, 25,432 square foot retail/warehouse building. The 3.0 acre site is located along the east line of Brookriver Drive on part of parcels 37-4-A-2B and 47-4-A-2. The zoning is M-1C, Light Industrial District (Conditional) and WBSO (West Broad Street Overlay District). County water and sewer. **(Three Chopt)**

2127

2128 Mr. Vanarsdall - Is there anyone in the audience in behalf of this POD-93-00, Capitol Floors
2129 & Decorating? No opposition. Mr. Wilhite.

2130

2131 Mr. Wilhite - Yes, sir. There were three issues that came out of the review at the
2132 staff/developer's meeting. First of all, it dealt with the water quality requirements. Staff has
2133 gotten additional information from the applicant and we are satisfied that the water quality
2134 requirements are going to be met on the site. The second issue was the location of the entrance
2135 onto the site. Our policies require that the entrances line up, which would require it to be lined up
2136 with the Best Buy entrance in the rear of that site or offset by at least 150 feet. The entrances that
2137 are shown, actually they are offset by only 50 to 55 feet. We have looked at alternatives for
2138 relocating the entrance on this site. The traffic engineer feels that this location that's shown,

2139 originally on the plan, is the best alternative and is acceptable to leaving it in the location as
2140 shown now. The last issue had to deal with the building materials being proposed. The original
2141 elevation showed a metal wall panel system being used on a good part of the top half of the
2142 building. This particular type of material was not allowed by the proffer on the site unless the
2143 Planning Commission gave specific approval for its use. Staff recommended against use of this
2144 because it does not fall within the West Broad Street Overlay guideline recommendations for
2145 materials being used. The revised elevation that was just handed out to you, the applicant has
2146 removed this metal wall panel system and replaced it with a split face masonry units and staff
2147 finds this acceptable. Thus staff can recommend approval of this plan with the revised
2148 architectural elevations.

2149

2150 Mr. Vanarsdall - Are there any questions of Mr. Wilhite?

2151

2152 Ms. Dwyer - How does this property relate then to the church and its future, the church
2153 property that's there?

2154

2155 Mr. Wilhite - The church is immediately adjacent to this on the west. With the rezoning
2156 case there was a requirement for a 50-foot buffer. This buffer is actually in addition to the
2157 easement. The gas line easement that is already there, so the buffer is completely outside the gas
2158 line easement. In addition, there was a requirement for a fence to be erected along that property
2159 line as well that does show up on the plan. What the plans show is an 8-foot-high wood fence.
2160 Parks and Recreation did comment that they felt that there was adequate buffer between this and
2161 the historical site, the church next door.

2162

2163 Ms. Dwyer - So, did the proffers also require landscaping in that 50 feet or how will that
2164 be?

2165

2166 Mr. Wilhite - The proffers require that they be left in its natural state and that's what we
2167 anticipate. Now there may be the need to supplement some plantings possibly but I believe with
2168 the solid board fence in addition to the natural landscaping, it should provide sufficient buffer.

2169

2170 Ms. Dwyer - Thank you.

2171

2172 Mr. Vanarsdall - Are there any more questions of Mr. Wilhite? Mr. Taylor, do you want to
2173 hear from the applicant?

2174

2175 Mr. Taylor - I would enjoy that, Mr. Chairman.

2176

2177 Mr. West - Mr. Chairman, my name is Junie West, members of the Commission. We are
2178 in agreement with the conditions as prepared by the staff and we have worked to insure the
2179 conditions are met with staff in a quick timeframe and I think that has been accomplished. And we
2180 wanted to be very conscience about making sure that we did get those conditions worked out
2181 quickly because of the arrangement that the folks with Capitol Floors has with their current tenant
2182 puts them pretty much in a situation for about 20 to 30 days late, if you would, to try to start the
2183 building as we stand. And we really tried to expedite the process from the design standpoint and
2184 likewise from a building standpoint. So, we did want to make sure that we work these issues out

2185 as quickly as possible. The clients and owners, Mark Vest and Sherry Clay are present, and the
2186 design engineer with TIMMONS, Joe Vilsac, is present. Counselor of record, Mr. Andy Condlin,
2187 he is present as well. And I am happy to answer any questions by the Commission, staff or anyone
2188 in the audience.

2189

2190 Mr. Vanarsdall - Are there any questions of Mr. West?

2191

2192 Mr. Taylor - I have a few questions, Mr. Chairman. Mr. West, looking at the site plan
2193 and the way you've got it in here, it looks to me now that there is about 100 feet of buffer totally
2194 between I-64 and the limit of vegetation in there and that vegetation is going to be left in tack as
2195 natural vegetation between, on the north side between the area that's not paved and I-64?

2196

2197 Mr. West - Yes, sir. That is a buffer that was required I think by zoning. As far as the
2198 plans represent there is no disturbance proposed in that area to insure that there would be no
2199 undergrowth removed or whatever. I have not chatted with the clients and they are here to
2200 represent that if you like. But the plan calls for no removal of any undergrowth or anything in the
2201 buffer in that area or in the buffer along side the church. That's correct.

2202

2203 Mr. Taylor - Now, as we go a little bit counterclockwise the distance of vegetation
2204 increases so the amount of space between Springfield Baptist Church and Capitol Floors
2205 increases, it looks like, a couple of 100 feet in there. Can you comment on that? What that would
2206 be in term of distance?

2207

2208 Mr. West - I don't have a scale drawing, between the church property, the road, and
2209 Capitol Floors, is that what you are referring to?

2210

2211 Mr. Taylor - Yes. Commissioner Dwyer was concerned about really protecting both the
2212 physical easement of Springfield Baptist Church and the visual easement.

2213

2214 Mr. West - Correct. I don't think there's a couple of 100 feet there, maybe a distorted
2215 scale or something. I think it's the gas line easements there and then there is a buffer.... Do you
2216 have a copy of it, Kevin? Thanks. It's about 70 or 80 feet. There is a 50-foot easement. There is
2217 the pipeline 20-foot easement and then there's the setback off of the easement to the building, just
2218 for accessibility around that side of the building for maintenance in the order of 10 feet. So, you
2219 are probably looking at about 80 feet.

2220

2221 Mr. Taylor - And the natural vegetation is going to be, the undergrowth, is going to
2222 remain in place there.

2223

2224 Mr. West - That is my understanding. Is that correct (referring to someone in the
2225 audience)? Yes, it is. There is no determination on the plan or there is no design on the plan
2226 whatsoever to disturb that natural area.

2227

2228 Mr. Taylor - And now the split face block replaces the metal, what color will that be? Is
2229 that going to be consistent with Brookhollow?

2230

2231 Mr. West - Mr. Mark Vest can better address the building issues, if you would.
2232

2233 Mr. Pival - I'm Terry Pival with Worley Associates, the architect for the job. I think
2234 what we are anticipating right now is a buff or gray kind of color, very similar in tone to the
2235 adjacent Best Buy. There may be one or two colors used maybe an accent band but generally sort
2236 of a subdue grays or buffs for that masonry.
2237

2238 Mr. Taylor - For the most part, the east elevation is the façade of approach, it's kind of
2239 southeast.
2240

2241 Mr. Pival - Yes, kind of southeast.
2242

2243 Mr. Taylor - All right, Mr. Chairman, that's all of the questions that I have on this one.
2244

2245 Mr. Vanarsdall - Anybody else have any? Thank you. I'll entertain a motion then, Mr.
2246 Taylor.
2247

2248 Mr. Taylor - Mr. Chairman, I would move POD-93-00, Capitol Floors & Decorating, I
2249 would move approval of the plan subject to the standard conditions for developments of this type,
2250 the annotations on the plan amendments Nos. 9 and 11 and additional conditions Nos. 23 through
2251 29.
2252

2253 Ms. Quesinberry - Second.
2254

2255 Mr. Vanarsdall - The motion was made by Mr. Taylor and seconded by Mrs. Quesinberry.
2256 All in favor say aye...all opposed say nay. The motion carries.
2257

2258 The Planning Commission approved POD-93-00, Capitol Floors & Decorating - Brookriver
2259 Drive, subject to the standard conditions attached to these minutes, the annotations on the plans and
2260 the following additional conditions:
2261

2262 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for
2263 review and Planning Commission approval prior to the issuance of any occupancy permits.

2264 11. **AMENDED** - Prior to the installation of the site lighting equipment, a plan including
2265 depictions of light spread and intensity diagrams and fixture mounting height details shall
2266 be submitted for Planning Office review and Planning Commission approval.

2267 23. The easements for drainage and utilities as shown on approved plans shall be granted to
2268 the County in a form acceptable to the County Attorney prior to any occupancy permits
2269 being issued. The easement plats and any other required information shall be submitted to
2270 the County Real Property Agent at least sixty (60) days prior to requesting occupancy
2271 permits.

2272 24. The developer shall provide fire hydrants as required by the Department of Public Utilities
2273 in its approval of the utility plans and contracts.

2274 25. A standard concrete sidewalk shall be provided along the east side of Brook River Drive.

2275 26. The proffers approved as a part of zoning case C-4C-96 and C-74C-94 shall be
2276 incorporated in this approval.

- 2277 27. Deviations from County standards for pavement, curb or curb and gutter design shall be
 2278 approved by the County Engineer prior to final approval of the construction plans by the
 2279 Department of Public Works.
- 2280 28. The loading areas shall be subject to the requirements of Chapter 24, Section 24-97(b) of
 2281 the Henrico County Code.
- 2282 29. Insurance Services Office (ISO) calculations must be included with the utilities plans and
 2283 contracts and must be approved by the Department of Public Utilities prior to the issuance
 2284 of a building permit.

2285

2286 **PLAN OF DEVELOPMENT & LIGHTING PLAN**

2287

POD-78-00 **CEGG Associates, L.C. for Retlaw 100 L.L.C. and**
 McDonald's - Town Center @ **McDonald's Corporation:** Request for approval of a plan of
 Twin Hickory development and lighting plan as required by Chapter 24, Section
 24-106 of the Henrico County Code to construct a one-story,
 3,792 square foot fast food restaurant with a drive-thru. The .972
 acre site is located on the southwest corner of Nuckols Road and
 Old Nuckols Road on part of parcel 18-A-22E. The zoning is B-
 2C, Business District (Conditional). County water and sewer.
(Three Chopt)

2288

2289 Mr. Vanarsdall - Is there anyone in the audience in opposition to POD-78-00, McDonald's -
 2290 Town Center @ Twin Hickory? No opposition. Mr. Wilhite.

2291

2292 Mr. Wilhite - A packet has just been handed out to you with a revised site plan,
 2293 architectural elevations and a lighting plan. The site plan eliminates three parking spaces on the
 2294 old Nuckols Road side. As requested by staff, this is to provide additional stacking room for the
 2295 drive-thru. The revised architectural shows the building changed from what was originally shown
 2296 as split face block to brick to match the buildings already approved out there in the shopping
 2297 center. Staff made the recommendation that the same style of brick be used. They do show up on
 2298 the revised architectural elevations, however, they showed it as an accent brick as opposed to the
 2299 predominant field brick. They have agreed to make the change to make that the predominant brick.
 2300 There would be a two-tone brick treatment here (referring to rendering on the screen) using shade
 2301 of brick that would be submitted to and looked at by staff later. They have committed also to using
 2302 the same color on the standing metal seam roof as used on the other buildings approved out there,
 2303 which has a copper tone. The revised lighting plan in the packet shows the landscaping that was
 2304 originally shown on the plan being removed. It also increases the foot candle levels to a minimum
 2305 of two on site as recommended by staff.

2306

2307 However, they did not show the location of existing or proposed easements. Without that
 2308 information staff can't guarantee the location of the poles as going to meet the requirements. The
 2309 applicant has informed me that they are willing to defer this lighting plan for consideration until the
 2310 November 15 meeting and would like to go ahead with the approval of the architectural plans and
 2311 the site plan, which staff can recommend approval for at this time.

2312 Mr. Vanarsdall - Are there any questions for Mr. Wilhite by Commission members?

2313

2314 Ms. Dwyer - Was there an agreement on the roof and the brick, that was suggested by
2315 staff?
2316
2317 Mr. Wilhite - Yes. This is the same color brick and roof materials being used in the other
2318 buildings approved in the shopping center.
2319
2320 Ms. Dwyer - So, it won't be painted white and yellow and red?
2321
2322 Mr. Wilhite - No, I don't believe, not here.
2323
2324 Ms. Dwyer - I know that's the trend these days. I've seen a lot of earth tone brick being
2325 painted white.
2326
2327 Mr. Wilhite - They do propose an accent brick in some areas of the building. Let me put
2328 the rendering up on the screen.
2329
2330 Ms. Dwyer - Okay. I was just curious.
2331
2332 Mr. Vanarsdall - I think that was a good question, Ms. Dwyer, because what happens if it is
2333 painted? How do you get it unpainted? And the reason I asked the question because the last time
2334 when they were all painted it was sort of a surprise attack on everyone. I had one on Broad Street
2335 that I was able to get several buildings brick down the street because of McDonald's and before
2336 the motor company, the motor company went through a lot of trouble to match the brick on their
2337 addition instead of putting the drivit, and before they found the brick, the McDonald's looked like a
2338 flag. So, I'm wondering how you can stop that.
2339
2340 Ms. Dwyer - I don't think you can.
2341
2342 Mr. Vanarsdall - They slip into town paint it and back out.
2343
2344 Ms. Dwyer - As I understand it, it is a corporate move to go retro to have the McDonald's
2345 look uniform as a lot of the franchise companies want to do but also for it to go back to the early
2346 McDonald's colors.
2347
2348 Mr. Wilhite - Depending on the site, we would have some control, depending on what the
2349 proffers on the site addressed or their restrictive covenants. But it varies from site to site.
2350
2351 Mrs. O'Bannon - I know the Commission has heard, I don't remember, I think it was IHOP
2352 and the color of the roof.
2353
2354 Mr. Vanarsdall - Yes, it was a blue roof.
2355
2356 Mrs. O'Bannon - And that was a standard to that particular company's standards. I know
2357 there have been other incidents where, for instance, gas stations have been told by the parent
2358 company that they had to put certain types of roof lines on it and so on and so forth. So, yes, the
2359 parent company of the franchise tells them you have to go along with this or you will lose your

2360 franchise and have to go with some other service station company or whatever. But, if you get the
2361 standard Texaco or the standard, you know, type gas stations for most of these, I don't know how
2362 much we can dictate to make them.

2363

2364 Mr. Vanarsdall - It was told to me that they always say do you have one in Williamsburg or
2365 in Charlottesville. Tell me where it is and I would like to look at it. There is a 7-11 in
2366 Williamsburg that doesn't even have the 7-11 colors in the sign.

2367

2368 Mrs. O'Bannon - Well, that's a part of their sign ordinance, isn't it?

2369

2370 Mr. Vanarsdall - You can't even tell it's a 7-11 because the Williamsburg people wouldn't
2371 allow it but of course that is a different situation.

2372

2373 Mrs. O'Bannon - There are some areas in Florida where they have restrictions on the style of
2374 buildings and that they have those red tile roofs. So, yes, it depends on the sign ordinance and it
2375 depends on an ordinance such as a historic area ordinance. And I'm sure in Williamsburg, I know
2376 in Williamsburg they have a review group down there, the historic review type group and their
2377 sign ordinance is very strict. They can do that because it is Williamsburg.

2378

2379 Mr. Marlles - Mr. Chairman, I think from a strict legal standpoint, outside of a local
2380 historic districts in Virginia, communities do not have control of aesthetics, which include
2381 architecture type and color. However, I think we do perhaps have some leverage in that the colors
2382 that are shown on the rendering approved as part of the POD do give us I think some control over
2383 future changes and color. And have been used in fact, as a point of contention, when colors have
2384 differed from what was approved by the Commission. So, I think that we do have a little bit of
2385 leverage here. It is certainly not what we would have it this were located in a local historic
2386 district where we had a review board, as Mrs. O'Bannon is pointing out. But, we do have a little
2387 bit of control here.

2388

2389 Mr. Vanarsdall - And we do have, by asking questions, I asked the drug store to reduce the
2390 logo and they said that no way that they could possibly do that, that the corporate headquarters
2391 wouldn't allow it. I said, "well how did you do it on Libbie Avenue?" They said, "Oh, we didn't
2392 know we had one over there." Anyway, are there any more questions.

2393

2394 Mr. Taylor - Well, I guess I'll have a follow-on questions with regard to their record,
2395 what are the colors actually described as for this particular edifice?

2396

2397 Mr. Wilhite - The brick type is Lawrenceville Old Richmond, and the roof color is....

2398

2399 Mrs. O'Bannon - Isn't that that really red brick? I mean, I do believe the Old Richmond Brick
2400 is a very, very, dark red. I think there's a Rite Aid on the corner of the Boulevard and Broad Street
2401 that's Old Richmond Brick, am I correct in that?

2402

2403 Mr. Wilhite - I can't answer that one. I can assure you it is being used out on the rest of
2404 the shopping center, I can tell you that much.

2405

2406 Mr. Vanarsdall - What did you say it was, Mrs. O'Bannon?
2407

2408 Mrs. O'Bannon - I believe that Old Richmond is the type of brick described by... There's a
2409 Rite Aid, I think it is a Rite Aid at Boulevard and Broad.
2410

2411 Mrs. Quesinberry - Yes. It looks like it is 50 years old and it was just built about two years
2412 ago.
2413

2414 Mrs. O'Bannon - And that was, of course, something that the City of Richmond really liked
2415 because it did look like it fit in. But I believe that type of brick, and it is a very dark red brick, and
2416 it is referred to as Old Richmond.
2417

2418 Mr. Archer - Well how did Lawrenceville get involved in it.
2419

2420 Mr. Wilhite - The rooftop is listed as copper tone.
2421

2422 Mr. Taylor - Is that a standard copper color, sort of a bronze to red color?
2423

2424 Mr. Wilhite - I would have to ask the applicant. It's the same color type specified on the
2425 other buildings approved out there. The vet hospital and also the Goddard School.
2426

2427 Mr. Taylor - So, it will just match that area.
2428

2429 Mr. Wilhite - It will match, yes.
2430

2431 Mr. Taylor - Thank you, Kevin. I would like to hear from the applicant because I have
2432 one question regarding the sign.
2433

2434 Mr. Jones - My name is Greg Jones and I am the construction manager for McDonald
2435 Corporation for the Norfolk region, which covers the majority of the state of Virginia. I'll be
2436 happy to answer any questions. We have reviewed with Kevin the conditions and I think that the
2437 brick reversing, color scheme was an accident. We were told to match the rest of the shopping
2438 center, we thought we did that and we realized that apparently the lighter tone, which is the accent
2439 ended up being noted upon the field. So, we are going to reverse those and that should give us
2440 some good variation to the elevations. And regarding the copper tone roof, that is not a copper
2441 roof that then would turn green and age. It is actually the most expensive finish you can buy on a
2442 standing seam roof that would match the rest of the development and we have already submitted
2443 those colors.

2444 Mr. Taylor - And that is my concern, Mr. Jones, is that we match the existing area. Now,
2445 looking at the site and looking at the plan view, with regard to Old Nuckols Road, which faces
2446 east. That is the narrowest façade that you have and this would be characterized by which of the
2447 elevations on the plan?

2448

2449 Mr. Jones - That's the front elevation.

2450

2451 Mr. Taylor - That's called the front elevation.

2452

2453 Mr. Jones - Which you see that there is a step and a relief there.

2454

2455 Mr. Taylor - On that particular site there seems to be an elevation difference between
2456 Nuckols Road and the (unintelligible) pad. Is that in fact true?

2457

2458 Mr. Jones - Yes. Right now the site will be falling away from the intersection so we
2459 are going to be lower actually than what the entrance road that you can see on your site plan.
2460 There's about three to four feet of grade differential so we are somewhat depressed and then there
2461 is a lot of fall across that site in general from right to left on the site plan. So, our site will have a
2462 flat spot, obviously, where the building is somewhat to control the parking and the ADA
2463 accessibility for our parking stalls and then it will fall away going to the next pad over.

2464

2465 Mr. Taylor - But between the parking lot on the north side or the east side, which is your
2466 primary face on the road, is that about four feet of elevation difference?

2467

2468 Mr. Jones - Let me look through here.

2469

2470 Mr. Taylor - That's from Nuckols Road to the parking area, the elevation difference
2471 being about four feet.

2472

2473 Mr. Jones - I don't have the... I'm going to have to take a peek at the grading plan. I
2474 know that it is significant. From the intersection, I guess what I call the intersection, the entrance
2475 into the center, where our finished floor is about two and a half to three feet below that location.
2476 However, the road Nuckols is falling. So, directly in front of us Nuckols is almost even with
2477 finished floor according to the survey and drainage map, drainage design. So it is very similar.

2478

2479 Mr. Taylor - Will you provide landscaping in that area?

2480

2481 Mr. Jones - Yes. There is a very large buffer of landscape between our property line
2482 and the parking requirement that is continuous along that entire stretch for all users.

2483

2484 Mr. Taylor - Now, the concern that has been expressed on that particular area, is with
2485 regard to the sign, the McDonald sign whether or not that will be lighted at night.

2486

2487 Mr. Jones - Yes.

2488 Mr. Taylor - And what are the overall dimensions of the sign letters will be?

2489

2490 Mr. Jones - The total square footage, if you would square it off, because obviously our
2491 McDonald's sign is not exactly square. And the letters are lit individually. If you squared
2492 everything, the tallest part, which would be the arch, you would have about 67 square feet total.
2493 With the ordinance it is very difficult to try to carve up and have six lines and the various rules for
2494 area.

2495

2496 Mr. Taylor - What would be the height dimension of the double arch?

2497

2498 Mr. Jones - The arch can't be higher than the roof line, which is, I believe, 17.6 on the
2499 drawing. So the top of that would be 17.5 so we wouldn't violate any zoning requirements.

2500

2501 Mr. Taylor - What is the vertical dimension of the golden arch?

2502

2503 Mr. Jones - Approximately 49 inches, but I don't have a sign cut sheet in front of me
2504 to.... It's approximately four feet tall. It's about 16 square feet.

2505

2506 Mr. Taylor - But, I'm looking just for the vertical dimension. How does that compare
2507 with the McDonald's that's in Brookhollow now?

2508

2509 Mr. Jones - I don't know. I believe it's probably identical. I do not know that for a fact.
2510 But, I believe it is the same. It is our standard registered trademark logo sign. And there's just the
2511 one large, well it's not that large because we do not get, obviously, a monument sign. There is no
2512 monumentation or freestanding signs allowed in the County. So this is our one sign, one shot so to
2513 speak, at the front of the building.

2514

2515 Mr. Taylor - And that's my concern is that that sign might be too large, particularly when
2516 it is lighted. And I'll ask a question of the staff at this point. As to whether or not a lighted sign is
2517 a part of the lighting plan or is a lighted sign part of the building plan?

2518

2519 Mr. Wilhite - Typically a lighted sign is a part of the sign permit approval process and
2520 not a part of the lighting plan.

2521

2522 Mr. Taylor - So, it is not a part of the lighting plan.

2523

2524 Mr. Wilhite - No.

2525

2526 Mr. Taylor - So, this would be the last time that we would have approval of that sign,
2527 basically?

2528

2529 Mr. Wilhite - The sign itself is not being approved with this POD, it has to go through a
2530 separate sign permit process, similar to the building permit process. It has to conform with the
2531 sign ordinance requirements in the zoning ordinance as well as any proffers dealing with signage
2532 on the site.

2533

2534 Mr. Taylor - Well, I'll ask this of Mr. Jones. Can we minimize that sign, if you've got it
2535 being 40 inches or so? Could we compress it some so that it is not so visible? It will be visible

2536 from Nuckols Road and be that there is an elevation difference in there and there's going to be
2537 landscaping there, some concern has been voiced that along that corridor that will be a little bit
2538 bright. It will be a little bit brighter than necessary.

2539

2540 Mr. Jones - I would say that the restrictive proffers on this particular subdivision are
2541 pretty specific and we plan to meet those. I can't give up a 100% of our visibility because we
2542 obviously need people to know that we are there and it's not the neighborhood.... Fifty percent of
2543 our trips are generated spontaneously. We would love to believe that we are a destination for all
2544 families but we are not. So, I would say we can look at that, at the same time I know that the ratios
2545 and the percentage square feet, we will meet that. At this moment I do not obviously know the
2546 exact square footage that's allowed on that front face. But I know that we reviewed the sign code
2547 and we believe that this is below that requirement and that was our goal.

2548

2549 Mr. Taylor - Well, your golden arches are very well recognized at a long distance. Now
2550 you have seven grandchildren that can spot a McDonald's sign at two miles. So, you don't need to
2551 advertise that brightly is what I'm saying. I would appreciate it, and I think the neighbors would
2552 too, if we could screen that sign a little bit.

2553

2554 Mr. Jones - We will definitely review it. I think with the landscape buffer and the
2555 plantings required, I'm going to have a difficult time having that seen. So, there's obviously, there
2556 is some word odds on a few things but I think we have got a great plan working with staff and I
2557 think we are definitely not the red and white scheme. And obviously with the proffers and the
2558 controls here, we won't be able to change the color on this one.

2559

2560 Mr. Taylor - And now my final question. The question is whether or not there is an
2561 outside playground?

2562

2563 Mr. Jones - The answer is no.

2564

2565 Mr. Taylor - And then the next question is will there be an outside playground sign
2566 announcing that there is a playground inside as Brookhollow has?

2567

2568 Mr. Jones - No. We will not have any interior playground. The interior of this store is
2569 actually going to be very upscale in with the area where we are trying to depart.... Well, actually,
2570 it's going with an adult theme and it's going to be a new experiment for us.

2571

2572 Mr. Taylor - I appreciate that it is a new experiment. But there will be two McDonald's
2573 signs, right, one in front of the building along Nuckols and one on the other façade opposite that?

2574

2575 Mr. Jones - I believe so, yes. Well, actually, if it is restricted, no, there won't be. I
2576 didn't know how we were going to address the signage because I knew that was a whole separate
2577 approval process. I'm not sure that we will be allowed to have the one at the rear. If we are, we
2578 want to make sure that the folks at Food Lion for that impulse buy can see that.

2579

2580 Mr. Taylor - Well, in consideration for the neighbors there, I would recommend that in
2581 that review that one sign be sufficient. And I submit that for your consideration.

2582

2583 Mr. Jones - Okay.

2584

2585 Mr. Taylor - With that, Mr. Chairman.... Thank you very much, sir. I appreciate the
2586 information.

2587

2588 Mrs. Quesinberry - Did I hear Mr. Jones say that this was going to be an age restricted
2589 McDonald's for over 55 only, no kids?

2590

2591 Mr. Jones - That would be suicide, I would be unemployed.

2592

2593 Mrs. Quesinberry - I don't know, I think you could probably pack the house.

2594

2595 Mr. Taylor - Mr. Chairman, I'll move approval of POD-78-00, McDonald's - Town
2596 Center @ Twin Hickory, subject to the standard conditions for developments of this type, Nos. 9
2597 and 11 amended and added conditions Nos. 23 through 31.

2598

2599 Mrs. Quesinberry - Second.

2600

2601 Mr. Wilhite - Are we deferring the lighting plan?

2602

2603 Mr. Taylor - And then under a separate motion, I would move that we would defer the
2604 lighting plan.

2605

2606 Mrs. Quesinberry - Second.

2607

2608 Mr. Vanarsdall - The motion was made by Mr. Taylor and seconded by Mrs. Quesinberry.
2609 All in favor say aye...all opposed say nay the motion carries. And that is without the lighting plan.

2610

2611 Mrs. O'Bannon - Did we establish what color that brick is, I'm just curious?

2612

2613 Mr. Wilhite - We don't have a brick sample here and I don't think we have seen one yet.

2614

2615 Mrs. O'Bannon - I'm just interested, just a point of interest. Okay. Thank you.

2616

2617 Mr. Wilhite - I am now too.

2618 The Planning Commission approved POD-78-00, McDonald's - Town Center @ Twin Hickory,
2619 subject to the standard conditions attached to these minutes, the annotations on the plans and the
2620 following additional conditions:

2621

2622 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for
2623 review and Planning Commission approval prior to the issuance of any occupancy permits.

2624 11. **AMENDED** - Prior to the installation of the site lighting equipment, a plan including
2625 depictions of light spread and intensity diagrams and fixture mounting height details shall
2626 be submitted for Planning Office review and Planning Commission approval.

2627 23. The easements for drainage and utilities as shown on approved plans shall be granted to

2628 the County in a form acceptable to the County Attorney prior to any occupancy permits
2629 being issued. The easement plats and any other required information shall be submitted to
2630 the County Real Property Agent at least sixty (60) days prior to requesting occupancy
2631 permits.

2632 24. The developer shall provide fire hydrants as required by the Department of Public Utilities
2633 in its approval of the utility plans and contracts.

2634 25. Outside storage shall not be permitted.

2635 26. The proffers approved as a part of zoning case C-68C-99 and C-19C-94 shall be
2636 incorporated in this approval.

2637 27. The developer shall install an adequate restaurant ventilating and exhaust system to
2638 minimize smoke, odors, and grease vapors. The plans and specifications shall be included
2639 with the building permit application for review and approval. If, in the opinion of the
2640 County, the type system provided is not effective, the Commission retains the rights to
2641 review and direct the type of system to be used.

2642 28. Deviations from County standards for pavement, curb or curb and gutter design shall be
2643 approved by the County Engineer prior to final approval of the construction plans by the
2644 Department of Public Works.

2645 29. Insurance Services Office (ISO) calculations must be included with the utilities plans and
2646 contracts and must be approved by the Department of Public Utilities prior to the issuance
2647 of a building permit.

2648 30. The ground area covered by all the buildings shall not exceed in the aggregate 25 percent
2649 of the total site area.

2650 31. No merchandise shall be displayed or stored outside of the building(s) or on sidewalk(s).
2651

2652 The Planning Commission deferred the lighting plan for LP/POD-78-00, McDonald's - Town
2653 Center @ Twin Hickory, to its November 15, 2000, meeting.
2654

2655 **PLAN OF DEVELOPMENT (Deferred from the September 27, 2000, Meeting)**

2656

POD-98-98
Trinity Baptist Church

Mel Smith and Spencer Scott Architects for Trinity Baptist Church: Request for approval of a plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a one-story, 30,008 square foot, 1,782 seat church sanctuary, a four-story 103,260 square foot, family education center and a future one-story 2,800 square foot future church office. The 12.09 acre site is located at 3601 Dill Avenue on the southwest corner of Dill Avenue and Barrington Road on parcel 128-A-1A. The zoning is M-2, General Industrial District, R-4, One-Family Residence District, and ASO (Airport Safety Overlay District). County water and Sewer. **(Fairfield)**

2657

2658 Mr. Vanarsdall - Is there anyone in the audience in opposition to POD-98-98, Trinity Baptist
2659 Church? No opposition. Ms. News.

2660

2661 Ms. News - At the last Planning Commission hearing, the Commission deferred the case
2662 so that the applicant could address several issues raised by the Commission. The layout of the
2663 fence has been resolved. Annotations have been added to the revised plans showing the fencing
2664 location and details. Page three of your addendum contains condition No. 32, which also
2665 addresses the fence. In addition, Nos. 9 and 11 amended have been suggested as well as addition
2666 condition No. 33, limiting the hours of construction to help protect the neighborhood from the
2667 disturbance of construction activities. The applicant has indicated that he is not in full agreement
2668 with this condition. The applicant is here to discuss this issue and may wish to address the
2669 Commission in regard to the community meetings, parking, sanitary sewer disposal system, and
2670 materials and colors of the building. The Commission specifically asked that the applicant
2671 address these issues at this meeting. The materials submitted by the applicant regarding these
2672 issues is included in your packets, including a color rendering of the building. The Commission
2673 will need to waive the time limits to accept this information which was received after the
2674 Commission's deadline. I'll be happy to answer any questions.

2675

2676 Mr. Vanarsdall - Are there any questions of Ms. News by Commission members?

2677

2678 Mr. Archer - Ms. News, I believe I saw in one piece that was submitted this morning,
2679 that the construction material has been determined to be EIFS, is that correct?

2680

2681 Ms. News - Yes.

2682

2683 Mr. Vanarsdall - Would you like to hear from the applicant, Mr. Archer?

2684

2685 Mr. Archer - Yes, sir.

2686

2687 Mr. Scott - Good morning, Commissioners. I'm Spencer Scott, architect. I'm
2688 representing Trinity Baptist Church. Here with me today are Reverend James and Reverend
2689 Miles, who is a project representative. At the last meeting, on the 27th, we indicated that we had

2690 one community meeting. This meeting was held on September 25, and it was attended by
2691 approximately four individuals representing three households. The plans were well received but
2692 some concern was expressed in two areas. The first area had to do with parking and I can
2693 summarize that comment by simply saying that they wanted to know where would cars be placed if
2694 the church needed to park more vehicles than the code required the church to build. The second
2695 area of concern had to do with landscaping and lighting, which we indicated at that time that we
2696 would be submitting a landscaping POD and we did have the opportunity to make some other
2697 comments. But, in making that assertion we also noted that the nature of our landscaping generally
2698 would be to provide effective buffers on the perimeter of the property and also the lighting would
2699 be directed down. It would not be intrusive to any of the surrounding neighborhood. Action on the
2700 church application was deferred, as you know, from the last meeting on recommendation by Mr.
2701 Archer, in order to secure additional input from the community. Fortunately, Mr. Archer agreed to
2702 place his on head on the chopping block and service as moderator for each of these two community
2703 meetings. And we are pretty grateful for that.

2704

2705 At the first meeting, which was held on October 3, the church representatives showed up, I was
2706 there. They brought forth a large model of the project which shows the topography and each of the
2707 buildings we are intending to construct, drawings, rendering to really explain the nature of the
2708 project to the attendees. This meeting was attended by four residents representing four households.
2709 The project was very well received. We got a number of compliments on the architectural design
2710 and the general approach to the project, but there was the remaining comment that was left over
2711 from the previous meeting. There was a concern about parking and that concern, once again, was
2712 where would cars be placed if the church needs to park more vehicles than the code requires. On
2713 October 17, we had the second meeting, that's two weeks later. We convened that meeting at six
2714 o'clock and because of other commitments we had to close it an hour and fifteen minutes later. We
2715 didn't get any attendees but we did get one person who showed up when I was departing the
2716 building and they indicated that they had a prior engagement. However, the concern still reminded
2717 about the parking of additional cars exceeding the requirement of the code.

2718

2719 In responding to those concerns, we think there is a legitimate concern about that. The church has
2720 actually attempted to secure comments and input from the people who did attend the meeting as to
2721 how we could solve their concerns about parking. We proposed this. First of all the plan that is
2722 before you shows that we are parking 10% more spaces than the code requires. Secondly, the
2723 church is working on a cooperative agreement with another church, First Union Baptist Church,
2724 which is located immediately across the street. They have parking available there (referring to
2725 rendering on the screen). We are working on an arrangement, a cooperative agreement, so that
2726 when they have services that exceed their parking requirement they may share some of the parking
2727 with Trinity and vice versa. I think they have approximately 100 spaces over there.

2728

2729 The next point about this parking has to do with the fact that the church has.... The church
2730 purchased this property from the Hicks family, which is located in this area here (referring to
2731 rendering). It's a 12-acre site and they have first right of refusal for the purchase of it for an
2732 additional 32 acres at some time in the future, if and when the Hicks decide to sell that property. If
2733 that comes to reality, then the propose of this acquisition would be to relieve any additional
2734 parking demand that was determined to exist after this project went in place. There are a couple of
2735 other issues that were not brought up at any of the hearings. We wanted to make some clarification

2736 about the materials of use on the project. This project is requiring extensive expansion widening
2737 of the highway on one side. The church is making a considerable investment to meet County
2738 concerns and amends there. That has placed a lot of pressure on the budget for the project. Well,
2739 we started off with expectation that we might be able to use brick. We then dropped to split face
2740 and now we are at EIFS, which is and exterior finish insulation product that takes on the
2741 appearance of concrete. So, that's what has been represented and the elevations that you have
2742 before you, I believe you have in your packet, the color renderings.

2743

2744 Finally, I think the issue of the eight-foot fence has been resolved. It is our understanding that we
2745 will be allowed to proceed with the construction of the project, building first the eight-foot section
2746 of fence in the M-2 zone. There is a question about how high the fence could be in the R-4 zone.
2747 Specifically, we have an adjacent property owner who would like to go from 3 feet, six inches
2748 high, to building a full eight-foot fence. There are a lot of concerns about security on the side of
2749 the church and also the attractiveness of such a structure, but in any case we deferred that matter to
2750 be considered at the point in time when we have put forth a landscaping POD for your
2751 consideration. I think that covers most of the major issues. We feel that the church has worked
2752 very diligently, once again, with the community in and the preparation of its plans and it's fully
2753 committed to being a good neighbor in this particular community. I'll entertain any questions you
2754 may have at this time.

2755

2756 Mr. Archer - Mr. Scott, we have a rendering in the packet we received this morning.
2757 Would it be fair to say that this is not the actual color that the EIFS will be or can you tell us what
2758 it will be?

2759

2760 Mr. Scott - Well, the intent was to have something in the beige or reddish tones picking
2761 up some of the materials that we have indigenous to the surrounding community.

2762

2763 Mr. Archer - Is it possible that it will look this color?

2764

2765 Mr. Scott - Yes, it's possible. But, remember that came from a color printer and you
2766 are talking about replicating actual colors from a product. The only way you can do that is to scan
2767 the product and then have it placed in some sort of screen.

2768

2769 Mr. Archer - I understand that, but I guess what I'm asking is are you planning on some
2770 type of beige tone or will it be gray or white or left in its natural state when it is finally
2771 constructed?

2772

2773 Mr. Scott - Yes. There are some beige tones that are indicated on the spandrels that are
2774 lying across the front and columns on the building.

2775

2776 Mr. Archer - I know you can't duplicate it exactly on a color printer but just so that the
2777 Commission will understand what we are looking at. I have a couple of more things that I want to
2778 ask you about but I would like to ask Rev. James if he would like to come up and say a couple of
2779 words. Particularly, when you and I talked last, Rev. James, we talked about how security would
2780 handle any parking overflow that might occur in the neighborhood.

2781

2782 Rev. James - I would like to say good afternoon and thank you for the privilege of
2783 addressing the Commission. At our present site at 2811 Fendall Avenue we have a security
2784 ministry. That ministry is trained to give access and egress to the traffic that parks on our present
2785 parking lot. Because of the conversation that we have had with you, we are having some of the
2786 police and parking personnel, who do it for a living and who are members of our church, train our
2787 staff on site to assist the congregation of the Trinity Baptist Church as they will be coming in and
2788 out of the site on Dill Road. So, we are moving with purposeful intentionality to get that done,
2789 literally as we speak, and it is our intention to be the very best neighbors that we can be and not to
2790 be intrusive on the liberty and freedom of our neighbors. I state again, we want to be and we are
2791 going to be the very best neighbors that we can be.

2792

2793 Mr. Archer - Thank you, sir.

2794

2795 Rev. James - Thank you, sir.

2796

2797 Mr. Archer - I just wanted that done for the benefit of the other members of the Planning
2798 Commission. As you know, I already know about it.

2799

2800 Mrs. O'Bannon - If I can ask just one question? Will you have broadcast capabilities at this
2801 facility?

2802

2803 Rev. James - Let me answer the question the best way that I can. Presently, our church
2804 has a television ministry and a radio ministry. The radio ministry is live on 1540 on your a.m.
2805 dial. Our television ministry is aired on midnight on FOX 35. We have our own equipment and
2806 we produce the three-quarter inch digital tape, and we send it or literally take it to FOX 35. We
2807 will not have, quote, unquote, a broadcast facility on premise where we would be able, for
2808 instance, as I understand the capability. You could have your own satellite linkup and literally
2809 project your broadcast live from your church. But, our intention is to bring the equipment that we
2810 have at the church to the new facility with some new equipment and we will just continue to make
2811 the tape and send it to the station.

2812

2813 Mrs. O'Bannon - I ask that because you have some very tall spires. You have the three
2814 crosses at the top of the church. And I know this is in consideration, perhaps, for
2815 telecommunication equipment that would be available to be used with those spires. Is there any
2816 consideration for that?

2817

2818 Mr. Scott - Those are actually architectural, totally.

2819 Mrs. O'Bannon - Just totally architectural.

2820

2821 Mr. Scott - There was no intent to direct the air traffic or radio waves or television
2822 waves from that.

2823

2824 Mrs. O'Bannon - All right. Thank you.

2825

2826 Mr. Archer - Thank you, Reverend James.

2827

2828 Rev. James - Thank you.
2829

2830 Mr. Archer - I've got a few more things that I think we need to cover. One, Mr. Scott, you
2831 and I had a discussion yesterday concerning hours of operation, and after that Ms. News and I
2832 discussed this again. There have been some additional conditions that have been placed on the
2833 addendum that we have today. This is what the new language would read and I think could be
2834 acceptable and I think is quite reasonable and actually a little bit lenient when we consider some
2835 of the others that we have passed. "Construction activities shall be limited to the hours of 7:00 a.m.
2836 to 10:00 p.m. Monday through Saturday for exterior work, and for interior work which produces
2837 noise audible beyond the property lines. No exterior construction work shall occur on Sunday.
2838 No interior construction work which is audible beyond the property lines shall occur on Sunday."
2839 Is that reasonable and acceptable?
2840

2841 Mr. Scott - Well, you have placed me in a very bad situation here because I'm
2842 representing a church, and, of course, they believe in the sanctity of the Sabbath. However, as
2843 construction manager, we would want to have the flexibility to conduct construction operations
2844 seven days a week. And we frankly feel that we would not want language in this condition that
2845 would offer (unintelligible) in the implementation of construction activity on the project.
2846

2847 Mr. Archer - Let me approach it this way. If you consider that you did exterior work on
2848 Sunday, you have the adjacent neighborhood, you would have construction equipment that would
2849 make noise, that might raise dust, and you have also got First Union across Dill Road having
2850 service. Let me read you a condition that was done in a case two years ago. So, this is not
2851 atypical for us to want to confine a construction. This one reads: Exterior construction activity
2852 shall be limit to the hours of 7:00 a.m. to 5:00 p.m. Monday through Friday and 9:00 a.m. to 5:00
2853 p.m. on Saturdays. There shall be no exterior construction activity permitted on Sunday. Interior
2854 construction may occur at any time after the walls are up and the windows installed in the building.
2855 And I just brought that along as an example that this is not something that we don't typically try to
2856 do. I think it's a little bit intrusive to the neighborhood to have construction traffic and equipment
2857 and dust raised on Sunday, for seven days a week.
2858

2859 Mr. Scott - I would agree to that, I don't think anybody would want construction going
2860 on next door to you. But, the issue of that had to do with our preference to have the religious
2861 organization that we are employed by dictate to us that activity not occur on Sunday as opposed to
2862 a political entity or a representative of the government stating that you can't work on Sunday.
2863

2864 Mr. Archer - I'm not trying to make a law here, I want you to agree with this.
2865

2866 Mr. Scott - I don't agree with that, but I'm not going to be hung by my clients who are a
2867 church and you cast me in a very sensitive position where I do believe in individual rights and free
2868 worship and I think that they should have the right to work on Sunday and I think that it should be
2869 the position of the church to say that that should not occur rather than the state.
2870

2871 Ms. Dwyer - Mr. Archer, I would like to make a comment too. I think the provision that
2872 you just read regarding construction on Sunday is something that we are very accustomed to seeing
2873 for all kinds of construction, non-religious institutions included. And it's not a question of a

2874 religious matter, it's a respect for the neighborhood question. So, this is not being asked of you, I
2875 just want to make this clear, it's not being asked of you to put you in a difficult position because
2876 you are a church, this is something that we routinely see in all kinds of different construction,
2877 whether it's business, apartments or homes or whatever.

2878

2879 Mr. Scott - But, the key here is that you have chosen Sunday as being the distinct day
2880 you determine to be different from any other day. You didn't say Saturday, which would be very
2881 respectful to those who consider Saturday their Sabbath. So, I put that before you as my point of
2882 contention as to why I think that the additional language is bad in that regard. And I think that the
2883 church would be very much mindful of the need to respect the Sabbath in any case without the state
2884 putting conditions in the language of this approval.

2885

2886 Mr. Archer - Are you suggesting that we add Saturday also as a day of non-construction?

2887

2888 Mr. Scott - Well, there are other religious days too. You could probably knock off
2889 everyday of the week if you went around the world.

2890

2891 Mr. Archer - Mr. Scott, I know that we are kicking this lot here, but you know it is, I
2892 guess, conditional with this Commission and with the Board of Supervisors that we don't, and I
2893 shouldn't say allow, but it is traditional that construction projects just don't occur on Sunday. I
2894 mean, that's residential and everywhere. I don't know of any that we have permitted language that
2895 said that they could work on Sunday at all. We are saying that you can work inside...

2896

2897 Mr. Scott - I would suggest that the language is not legally defensible in this Country
2898 anyway. But, that's another matter. And if you want to put that on there, I don't think that it's going
2899 to raise any hair on the back of Trinity Baptist Church. You are simply talking directly to a
2900 representative about my preferences and I do work for the church. And in that capacity, we are
2901 going to be ministers of the construction process. And I know for a fact that if we have conditions
2902 of the contract that requires certain contractors to commit additional time, which would include
2903 work on Sunday, we would be inclined to tell them to do what was necessary to meet that time
2904 line.

2905

2906 Mr. Archer - Well, I guess I can understand where you are coming from, but the motion,
2907 that I am prepared to introduce to the Commission, and to ask for their approval. I think they
2908 would consider it being in good taste at least to prohibit construction work on Sunday, exterior
2909 construction work. We are not restricting you to not being able to work on the inside, but I just
2910 feel like it is appropriate and I think that is what I would prefer to move to the members of the
2911 Commission.

2912

2913 Mr. Scott - I understand and respect your personal sentiments.

2914

2915 Mr. Archer - Thank you, sir. Anybody else have any questions? I want to make a couple
2916 of suggestions before we move on to a motion. First of all I would like to compliment staff and
2917 Ms. News and her hard work on this. I know she has a mental picture of this site still in her mind
2918 that she can recall instantly. I would also suggest, Mr. Scott, as we move through the development
2919 stages, and as the site develops, it would be a good idea to hold some periodic meetings with the

2920 neighborhood, as we have done previously. Just to keep them informed of what the next step is
2921 going to be and what progress you have made. It might cut down on some of the questions that
2922 might arise. And I can assure you, after you start construction more people will attend. Probably
2923 it might be better to move the meetings back a little bit. I don't think six o'clock is the optimum
2924 time to have neighborhood meetings.

2925

2926 Mr. Scott - Let me say this. The church is committed to a continuing dialog with the
2927 community, not only when this project starts but well after the project starts so that they can
2928 become a vital part of that neighborhood.

2929

2930 Mr. Archer - We really appreciate that very much, and we appreciate the meetings you
2931 have already had. I don't think there are any other outstanding issues that we need to address.
2932 First of all, I need a motion to waive the time limits for the new plan that was submitted today, and
2933 I so move.

2934

2935 Mrs. Quesinberry - Second.

2936

2937 Mr. Vanarsdall - The motion was made by Mr. Archer and seconded by Mrs. Quesinberry.
2938 All in favor say aye...all opposed say nay. The motion carries.

2939

2940 The Planning Commission waived the time limits for the new plans that were submitted on this
2941 day.

2942

2943 Mr. Archer - And next I would like to move approval of POD-98-98, Trinity Baptist
2944 Church, subject to the annotations on the plan, the standard conditions for developments of this
2945 type, additional conditions Nos. 23 through 31 as shown on the originally agenda and adding Nos.
2946 32 and 33 as shown on the addendum today and Nos. 9 and 11 amended.

2947

2948 Mrs. Quesinberry - Second.

2949 Mr. Vanarsdall - The motion was made by Mr. Archer and seconded by Mrs. Quesinberry.
2950 All in favor say aye...all opposed say nay. The motion carries.

2951

2952 The Planning Commission approved POD-98-98, Trinity Baptist Church, subject to the standard
2953 conditions attached to these minutes, the annotations on the plans and the following additional
2954 conditions:

2955

2956 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for
2957 review and Planning Commission approval prior to the issuance of any occupancy permits.

2958 11. **AMENDED** - Prior to the installation of the site lighting equipment, a plan including
2959 depictions of light spread and intensity diagrams and fixture mounting height details shall
2960 be submitted for Planning Office review and Planning Commission approval.

2961 23. The easements for drainage and utilities as shown on approved plans shall be granted to the
2962 County in a form acceptable to the County Attorney prior to any occupancy permits being
2963 issued. The easement plats and any other required information shall be submitted to the
2964 County Real Property Agent at least sixty (60) days prior to requesting occupancy permits.

2965 24. The limits and elevations of the 100-year frequency flood shall be conspicuously noted on

- 2966 the plan "Limits of 100 Year Floodplain." In addition, the delineated 100-year floodplain
 2967 must be labeled "Variable Width Drainage and Utility Easement." The easement shall be
 2968 granted to the County prior to the issuance of any occupancy permits.
- 2969 25. The developer shall provide fire hydrants as required by the Department of Public Utilities
 2970 in its approval of the utility plans and contracts.
- 2971 26. Any necessary off-site drainage easements must be obtained in a form acceptable to the
 2972 County Attorney prior to final approval of the construction plans by the Department of
 2973 Public Works.
- 2974 27. Deviations from County standards for pavement, curb or curb and gutter design shall be
 2975 approved by the County Engineer prior to final approval of the construction plans by the
 2976 Department of Public Works.
- 2977 28. Insurance Services Office (ISO) calculations must be included with the utilities plans and
 2978 contracts and must be approved by the Department of Public Utilities prior to the issuance
 2979 of a building permit.
- 2980 29. Approval of the construction plans by the Department of Public Works does not establish
 2981 the curb and gutter elevations along the Henrico County maintained right-of-way. The
 2982 elevations will be set by Henrico County.
- 2983 30. The conceptual master plan, as submitted with this application, is for planning and
 2984 information purposes only. All subsequent detailed plans of development and construction
 2985 plans needed to implement this conceptual plan may be administratively reviewed and
 2986 approved and shall be subject to all regulations in effect at the time such subsequent plans
 2987 are submitted for review/approval.
- 2988 31. Evidence of approval at the sanitary sewer disposal system by the Health Department must
 2989 be provided to the Planning Office prior to approval of construction plans.
- 2990 32. The fence shown and detailed on the plan along the southern property line shall be installed
 2991 prior to commencing clearing and grading operations on the remainder of the site. An
 2992 additional 160 linear feet of fence shall be installed adjacent to the stormwater management
 2993 facility. The final location and details for this 160' of fence shall be determined with the
 2994 landscape plan. Temporary construction fencing 6' in height shall be erected along the
 2995 southern property line within the R-4 portion of the property prior to commencing clearing
 2996 and grading operations on the site.
- 2997 33. Construction activities shall be limited to the hours of 7:00 a.m. to 10:00 p.m. Monday
 2998 through Saturday for exterior work, and for interior work which produces noise audible
 2999 beyond the property lines. No exterior construction work shall occur on Sunday. No
 3000 interior construction work, which is audible beyond the property lines shall occur on
 3001 Sunday.

3002
 3003 **SUBDIVISION**

3004

Townes @ Shady Grove
 (October 2000 Plan)

Bay Design Group, P.C. for John R. and P. S. Jones, Ghassan and Mary Rubiez, George W. Searles, Varina Station Associates, and Wilton Real Estate and Development Corporation: The 13.50 acre site is located on the east line of Shady Grove Road, approximately 800 feet south of Nuckols Road on parcels 10-A-20, 21 and 22 and part of parcel 10-A-19. The zoning is RTHC, Residential Townhouse District

(Conditional). County water and sewer. **(Three Chopt) 84 Lots**

3005

3006 Mr. Vanarsdall - Is there anyone in the audience in opposition to subdivision Townes @
3007 Shady Grove (October 2000 Plan)? No opposition. Mr. Wilhite.

3008

3009 Mr. Wilhite - Thank you. Staff has completed its review of the plan. We have just gotten
3010 the signatures from the remaining property owners this morning. There is a change to the caption.
3011 The parcel owned by Ghassan and Mary Rubeiz is now owned by Wilton Real Estate &
3012 Development Corporation. Staff can recommend approval of the plans subject to the standard
3013 conditions for residential townhouses.

3014

3015 Mr. Vanarsdall - Are there any questions.

3016

3017 Ms. Dwyer - Where is the recreational space on this plan?

3018

3019 Mr. Wilhite - There is a trail proposed and we will be getting more details with the POD
3020 when its submitted that would be....

3021

3022 Ms. Dwyer - Around the BMP.

3023

3024 Mr. Wilhite - Around the BMP, there is a gazebo also shown in that area, but the trail
3025 would run in this location.

3026

3027 Ms. Dwyer - It looks like it is shown on our plan as a dashed line.

3028 Mr. Wilhite - Right. There is a lake on the adjacent property too that is used for
3029 recreational purposes.

3030

3031 Ms. Dwyer - Will there be boating opportunities on the lake.

3032

3033 Mr. Wilton - We have a dock gazebo and there's going to be an (unintelligible) so it will
3034 show a fountain and there will be walkways and picnic areas all the way around that too. The
3035 majority of that recreational area is in Section I, but it is shared by both sections.

3036

3037 Ms. Dwyer - How many units are in both sections?

3038

3039 Mr. Wilton - About 152.

3040

3041 Ms. Dwyer - And the walkway doesn't go all the way around, it goes wherever you have
3042 some...

3043

3044 Mr. Vanarsdall - Do you want to come up to the microphone, we can't pick you up from there.

3045

3046 Mr. Wilton - Yes. The dock and the gazebo is, again, in the first section, where you can't
3047 see it. The walkway comes down along that back area and comes around through.... And we
3048 don't know what side of the BMP or when we get to this section, what we are hoping is hopefully
3049 by that point we will have actually be able to pay a fee, like they are doing in single family

3050 construction. We hope that we wouldn't have to put the BMP in then we can go ahead and use all
3051 that land for additional recreation. That is our plan, that is an area for a BMP at this point but it
3052 hasn't been designed.

3053

3054 Ms. Dwyer - The BMP area is shown on our plan.

3055

3056 Mr. Wilton - There is an additional BMP down here. The actual pond and lake acts as a
3057 BMP for the first section, even though it is a recreational because it's got the aerator and the
3058 fountain.

3059

3060 Ms. Dwyer - Do you have any playground areas with equipment?

3061

3062 Mr. Wilton - These units are a minimum of \$165,000. We don't plan on a lot of children
3063 but we did agree to put in some swing sets and so on so when the people do have over
3064 grandchildren or what have you. We don't expect a lot of children that will actually live in the
3065 complex but we do acknowledge that there is going to be some need for some play areas and we
3066 will put those in.

3067

3068 Ms. Dwyer - Why don't you expect children?

3069

3070 Mr. Wilton - Just that in this type of... We have asked Ryan and they have done some
3071 studies for us as far as townhouse developments in general. And, basically, when people are
3072 going to spend about \$165,000 and they have children, the child might be born here but then they
3073 are basically going to go ahead and move out and get a yard where the children can play. This is
3074 more adaptable to the empty nest product or somebody working in Innsbrook, obviously, that
3075 would... a young professional, that type of thing. And Ryan, again, has done studies of the
3076 townhouse market, in general, just in the Richmond area, and they have national information too but
3077 they do not see a lot of children coming out of these communities.

3078

3079 Ms. Dwyer - I guess I'm wondering if that would hold true given the Capitol One
3080 expansion that's nearby and the good school system.

3081

3082 Mr. Wilton - Well, certainly, they can go across the street. I have 188 single-family units
3083 over there if they would like to go across the street.

3084

3085 Ms. Dwyer - Is that \$165,000?

3086

3087 Mr. Wilton - No. I couldn't give them that price. Again, it is an affordable unit but if you
3088 are going to have two children running around, I think the choice would be to maybe go a little bit
3089 further and have a single-family house with a yard.

3090

3091 Mrs. O'Bannon - Characteristically, the type of people that would buy something like this is a
3092 single mother with two children. That's the characteristic in the research I've done before. And if
3093 she is working for Capitol One and making the money, she can afford the \$165,000 and that's about
3094 it, and she would have two children.

3095

3096 Mr. Wilton - Well, that is a potential buyer but I have the information on the latest
3097 townhouse developments that Ryan is doing and I'll be happy to give you a copy of that. They did
3098 do a study for me of their existing facilities and they are not seeing a lot of children in these
3099 communities. That is a possibility but, again, the majority of the buyers here, we think there are
3100 going to be more of the empty nesters, especially people already living in the Wyndham area. But
3101 they don't want that \$375,000 or \$400,000 house, they want to move down but they want to stay
3102 within that location. And we think that is going to be more of the buyer here. That's what Ryan
3103 researched and they do a marketing study before they do these. But I'll be happy to keep you
3104 inform as to what happens as we develop it.

3105

3106 Ms. Dwyer - I would be curious because, as you mentioned, you have single-family
3107 homes available but not for \$165,000. That's an affordable living space for this neighborhood
3108 with very good schools and very good access, for instance, Capitol One expansion in Goochland.
3109 So, I would tend to guess that perhaps that trend may change given those factors. But, you know,
3110 time will tell. I'm just curious.

3111

3112 Mr. Vanarsdall - All right. Are there any other questions? Mr. Taylor.

3113

3114 Mr. Taylor - Actually, Mr. Chairman, after discussion this with Mr. Wilton and Mr.
3115 Wilhite, there are some conditions that I think yet needs to be developed after the discussions with
3116 Mr. Wilton. And what we have decided what we should do is give us a little more time to discuss
3117 the details on this one.

3118

3119 Mr. Wilton - What we were waiting for was for the people who purchase the property,
3120 for their approval to come in with this request, and we do have that. I did get that while you all
3121 were meeting. So, I don't think we have anything else to actually review other than that. Is that
3122 correct, Mr. Wilhite?

3123

3124 Mr. Wilhite - Yes. Staff can recommend approval of this plan at this time.

3125

3126 Mr. Taylor - Well, that really sort of a really new development.

3127

3128 Mr. Wilton - We just got it and I gave it to him.

3129

3130 Mr. Taylor - So, you are recommending approval at this point?

3131

3132 Mr. Wilhite - Yes, sir. We got the necessary signatures that were required just while the
3133 meeting was going on.

3134

3135 Mr. Taylor - Okay. And with that, if everything is settled and there are no more
3136 questions, I'll move approval of subdivision Townes at Shady Grove subject to the standard
3137 conditions for residential townhouses. And that's it.

3138

3139 Mrs. Quesinberry - Second.

3140

3141 Mr. Vanarsdall - The motion was made by Mr. Taylor and seconded by Mrs. Quesinberry.

3142 All in favor say aye...all opposed say nay. The motion carries.

3143

3144 The Planning Commission granted conditional approval to Townes @ Shady Grove (October 2000

3145 Plan) subject to the standard conditions attached to these minutes for subdivisions served by public

3146 utilities and the annotations on the plans.

3147

3148 **PLAN OF DEVELOPMENT**

3149

POD-81-00

Extra Attic Mini Storage -
Springfield Road

Bay Design Group, P.C. for ~~Springfield Land Development Corporation, L.L.C.~~ Springfield Mini Storage, L.L.C. and Wilton Development: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a one-story, 462 unit mini-storage complex (4 buildings and office). The 4.33 acre site is located at the northeast intersection of Springfield Road and Huron Avenue (State Route 157) on parcel 49-A-33. The zoning is M-1C, Light Industrial District (Conditional). County water and sewer. **(Brookland)**

3150

3151

3152 Mr. Vanarsdall - This is in a famous location across from the Price Club. Is there anyone in

3153 the audience in opposition to POD-81-00, Extra Attic Mini Storage? No opposition. Mr. Wilhite.

3154

3155 Mr. Wilhite -

Mr. Chairman, there were a number of issues that were identified at the staff/developer meeting. First of all, I would like to state that the caption needs to be changed on this. Springfield Land Development Corporation, L.L.C. is no longer the owner. It is now in the name of Springfield Road Mini Storage L.L.C. The issue that staff had was that we believe that there was RPA on the site because our initial field inspections identified a perennial stream. We have received some additional information from the applicant and staff now believes that this stream is not perennial and therefore there is no RPA on the site. We have also gotten sufficient information to assure us that the water quality requirements are going to be met as well. And Public Works is okay now with the routing of the stormsewer underneath the building, coming off of Huron Avenue. In addition, to satisfy building code requirements, the separation between the buildings on the site is going to be increased to 30 feet, it's shown as 25 in most places, but it will be increased to a 30 foot minimum. This would require moving the building closest to Springfield Road, approximately five feet closer. With that staff can recommend approval of this plan with the additional annotations as stated. This site plan is in substantial conformance with the plan shown with the rezoning case. I'll be happy to answer any questions.

3170

3171 Mr. Vanarsdall

Are there any questions of Mr. Wilhite by Commission members? Thank

3172 you. Anybody want to hear from Mr. Wilton?

3173

3174 Mrs. Quesinberry -

Not, unless we have too.

3175

3176 Mr. Archer -

I think that was a compliment.

3177

3178 Mr. Vanarsdall - I move that POD-81-00, Extra Attic Mini Storage, be approved with the
3179 annotations on the plan and the standard conditions for developments of this type. I would like to
3180 and Nos. 9 and 11 amended and Nos. 23 through 33 and Nos. 33 has a, b, c and d.

3181

3182 Mr. Taylor - Second.

3183

3184 Mr. Vanarsdall - The motion was made by Mr. Vanarsdall and seconded by Mr. Taylor. All
3185 in favor say aye...all opposed say nay. The motion carries.

3186

3187 The Planning Commission approved POD-81-00, Extra Attic Mini Storage - Springfield Road,
3188 subject to the minutes attached to the minutes, the annotations on the plans and the following
3189 additional conditions:

3190

3191 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for
3192 review and Planning Commission approval prior to the issuance of any occupancy permits.

3193 11. **AMENDED** - Prior to the installation of the site lighting equipment, a plan including
3194 depictions of light spread and intensity diagrams and fixture mounting height details shall
3195 be submitted for Planning Office review and Planning Commission approval.

3196 23. The easements for drainage and utilities as shown on approved plans shall be granted to
3197 the County in a form acceptable to the County Attorney prior to any occupancy permits
3198 being issued. The easement plats and any other required information shall be submitted to
3199 the County Real Property Agent at least sixty (60) days.

3200 24. The entrances and drainage facilities on Springfield Road (State Route 157) shall be
3201 approved by the Virginia Department of Transportation and the County.

3202 25. A notice of completion form, certifying that the requirements of the Virginia Department of
3203 Transportation entrances permit have been completed, shall be submitted to the Planning
3204 Office prior to any occupancy permits being issued.

3205 26. The developer shall provide fire hydrants as required by the Department of Public Utilities
3206 in its approval of the utility plans and contracts.

3207 27. A standard concrete sidewalk shall be provided along the east side of Springfield Road.

3208 28. Outside storage shall not be permitted.

3209 29. The proffers approved as a part of zoning case C-28C-00 shall be incorporated in this
3210 approval.

3211 30. Deviations from County standards for pavement, curb or curb and gutter design shall be
3212 approved by the County Engineer prior to final approval of the construction plans by the
3213 Department of Public Works.

3214 31. Insurance Services Office (ISO) calculations must be included with the utilities plans and
3215 contracts and must be approved by the Department of Public Utilities prior to the issuance
3216 of a building permit.

3217 32. Approval of the construction plans by the Department of Public Works does not establish
3218 the curb and gutter elevations along the Virginia Department of Transportation maintained
3219 right-of-way. The elevations will be set by the contractor and approved by the Virginia
3220 Department of Transportation.

3221 33. The owners shall not begin clearing of the site until the following conditions have been
3222 met:

3223

- 3224 (a) The site engineer shall conspicuously illustrate on the plan of development or
 3225 subdivision construction plan and the Erosion and Sediment Control Plan, the limits
 3226 of the areas to be cleared and the methods of protecting the required buffer areas.
 3227 The location of utility lines, drainage structures and easements shall be shown.
- 3228 (b) After the Erosion and Sediment Control Plan has been approved but prior to any
 3229 clearing or grading operations of the site, the owner shall have the limits of
 3230 clearing delineated with approved methods such as flagging, silt fencing or
 3231 temporary fencing. Orange tree protection fencing (TP-1) shall be used to delineate
 3232 three save areas.
- 3233 (c) The site engineer shall certify in writing to the owner that the limits of clearing
 3234 have been staked in accordance with the approved plans. A copy of this letter shall
 3235 be sent to the Planning Office and the Department of Public Works.
- 3236 (d) The owner shall be responsible for the protection of the buffer areas and for
 3237 replanting and/or supplemental planting and other necessary improvements to the
 3238 buffer as may be appropriate or required to correct problems. The details shall be
 3239 included on the landscape plans for Planning Commission approval.

3241 **PLAN OF DEVELOPMENT**

3242

POD-89-00

Lauderdale Office Building -
 Lauderdale Drive & Church
 Road

Bay Design Group, P.C. for Mr. Henry Wilton: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a two-story, 5,000 square foot office space. The 1.42 acre site is located at the intersection of Lauderdale Drive and Gayton Road on parcel 46-A-1X. The zoning is O-1C, Office District (Conditional). County water and sewer. **(Three Chopt)**

3243

3244 Mr. Vanarsdall - Is there anyone in the audience in opposition to POD-89-00, Lauderdale
 3245 Office Building? No opposition. Mr. Kennedy.

3246

3247 Mr. Kennedy - Ladies and gentlemen of the Commission, this property was recently rezoned and
 3248 you are probably pretty familiar with it. There are two additional conditions on the addendum and
 3249 with those two conditions, staff can recommend approval. Mr. Wilton has agreed to those
 3250 conditions but he would like to say something about it. The conditions have to do with the
 3251 landscaping. One has to do with the BMP, which will be used for credits which is located across
 3252 the street which is already constructed. The BMP was constructed but never landscaped in
 3253 conjunction with future development of something across the street the BMP property is owned by
 3254 Wilton's Family Partnership as opposed to Wilton Development. Staff feels that because of the
 3255 credits that Mr. Wilton is using for environmental purposes, that Mr. Wilton has to take
 3256 responsibility for it. So, in this case I think what Mr. Wilton would say is that the "Son has to pay
 3257 for the sins of his father." That's exactly his words. But, the BMP is there and the development
 3258 across the street has been held up because of economic reasons, and so, what we are trying to do is
 3259 make sure that it gets landscaped. So that's one of the conditions and the other one is just, which
 3260 actually will come back for review, it has to do with the landscape standards along Lauderdale
 3261 and we are just trying to set the bar. It will actually finally be considered at landscape plan
 3262 approval because that will come back. With that, we can recommend approval and I know Mr.

3263 Wilton has something to say.

3264

3265 Mr. Vanarsdall - Are there any questions of Mr. Kennedy by Commission members? All
3266 right. Mr. Wilton.

3267

3268 Mr. Wilton - Yes, sir. I just have one suggestion in regard to an addition. Number 34,
3269 our go ahead and handle the BMP and get that taken care of. In regard to No. 35, I would just like
3270 to have the additional flexibility because I have already talked to Mr. Taylor and we are going to
3271 meet out there after we actually clear the site to just adjust No. 35 to say "Or as approved by the
3272 Planning Commission at the time of landscape review." And that will give you the flexibility for
3273 us to do whatever we need to do out there. If that would be okay. I would like to add that. We
3274 don't have to go with the 35-foot transition if you agree to something else. And, again, I've already
3275 talked to Mr. Taylor. After we go ahead and clear the site we will meet him out there and find out
3276 what tree are left and then come up with a plan that everybody can agree on. So, it will just give
3277 me a little bit more flexibility. This is the rendering (referring to rendering on the screen) when I
3278 came before you to zone this property and in the minutes I actually agreed that a minimum I would
3279 go ahead and do this plan as far as landscaping. As you can see there are red tips, holly trees, in
3280 the back I think there are pear trees. But, again, this is just illustrative but I told you this would be
3281 a minimum but hopefully we can come back with something better and, again, I just want the
3282 flexibility for you to approve what we come up with after I have met with Mr. Taylor on site. And
3283 that would be my only request in regard to an addition to that condition, added condition No. 35.

3284

3285 Mrs. O'Bannon - This is old Richmond brick. I don't know exactly what it is, I'm guessing.
3286 Do you have an idea of what this might be?

3287

3288 Mr. Wilton - I have a brick but it was for the last case. If you would like to see that brick
3289 I can show you that one.

3290

3291 Mrs. O'Bannon - Do you know what Old Richmond brick looks like?

3292

3293 Mr. Wilton - I don't know. I think it has Richmond mortar with it. I don't know at this
3294 rate. It is red brick. Somebody had accused me of putting pink brick on buildings. That's why I
3295 brought the red brick with me.

3296

3297 Mr. Vanarsdall - Yes. I remember that. And you would have gotten by with it if we hadn't
3298 caught it.

3299

3300 Mr. Wilton - I don't think that was pink though.

3301

3302 Mr. Taylor - In looking at Exhibit A we should note that that site will not be that stark.
3303 The building will not rise the prominently because the site is elevated over the road and it is now
3304 reasonably, heavily, forested. We worked carefully with the Wellesley people who insure that the
3305 needed vegetation, which is some fully mature 40 and 50 trees remains in tact. The Wellesley
3306 Association and neighborhood group was approached as to whether or not they would like to take
3307 custody of some of that area for a park or whatever but they determine that they were not interested
3308 in that so we have talked with Mr. Wilton with the hope of developing this building along that

3309 environmental active strip as a natural area and a place for some meditation.

3310

3311 Mr. Kennedy - As I said, staff has no objection to any of the amendments suggested by Mr. Wilton.

3312

3313 Mr. Vanarsdall - Are there any questions by the Commission?

3314

3315 Mr. Taylor - Mr. Chairman, I would move approval for POD-89-00, Lauderdale Office Building at Lauderdale Drive and Church Road, subject to the annotations on the plan, the standard conditions for developments of this type and additional conditions Nos. 9 and 11 amended, and No. 35 as amended to include the words "or as approved by the Planning Commission" as a clause to the last sentence. And conditions Nos. 23 through 35 inclusive.

3320

3321 Mrs. Quesinberry - Second.

3322

3323 Mr. Vanarsdall - The motion was made by Mr. Taylor and seconded by Mrs. Quesinberry.

3324 All in favor say aye...all opposed say nay. The motion carries.

3325

3326 The Planning Commission approved POD-89-00, Lauderdale Office Building - Lauderdale Drive & Church Road, subject to the standard conditions attached to these minutes, the annotations on the plan and the following additional conditions:

3329

3330 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for review and Planning Commission approval prior to the issuance of any occupancy permits.

3331
3332 11. **AMENDED** - Prior to the installation of the site lighting equipment, a plan including depictions of light spread and intensity diagrams and fixture mounting height details shall be submitted for Planning Office review and Planning Commission approval.

3333
3334
3335 23. The easements for drainage and utilities as shown on approved plans shall be granted to the County in a form acceptable to the County Attorney prior to any occupancy permits being issued. The easement plats and any other required information shall be submitted to the County Real Property Agent at least sixty (60) days prior to requesting occupancy permits.

3336
3337
3338
3339
3340 24. The limits and elevations of the 100-year frequency flood shall be conspicuously noted on the plan "Limits of 100 Year Floodplain." In addition, the delineated 100-year floodplain must be labeled "Variable Width Drainage and Utility Easement." The easement shall be granted to the County prior to the issuance of any occupancy permits.

3341
3342
3343
3344 25. The developer shall provide fire hydrants as required by the Department of Public Utilities in its approval of the utility plans and contracts.

3345
3346 26. A standard concrete sidewalk shall be provided along the west line of Lauderdale Drive and the north side of North Gayton Road.

3347
3348 27. The proffers approved as a part of zoning case C-33C-00 shall be incorporated in this approval.

3349
3350 28. All exterior lighting fixtures shall be designed and arranged so the source of light is not visible from the roadways or adjacent residential properties. The lighting shall be low intensity, residential in character, and the height or standards shall not exceed 15 feet.

3351
3352
3353 29. Any necessary off-site drainage easements must be obtained in a form acceptable to the County Attorney prior to final approval of the construction plans by the Department of

3354

3355 Public Works.

3356 30. Deviations from County standards for pavement, curb or curb and gutter design shall be
3357 approved by the County Engineer prior to final approval of the construction plans by the
3358 Department of Public Works.

3359 31. Insurance Services Office (ISO) calculations must be included with the utilities plans and
3360 contracts and must be approved by the Department of Public Utilities prior to the issuance
3361 of a building permit.

3362 32. Approval of the construction plans by the Department of Public Works does not establish
3363 the curb and gutter elevations along the Henrico County maintained right-of-way. The
3364 elevations will be set by Henrico County.

3365 33. The owners shall not begin clearing of the site until the following conditions have been
3366 met:

3367

3368 (a) The site engineer shall conspicuously illustrate on the plan of development or
3369 subdivision construction plan and the Erosion and Sediment Control Plan, the limits of
3370 the areas to be cleared and the methods of protecting the required buffer areas. The
3371 location of utility lines, drainage structures and easements shall be shown.

3372 (b) After the Erosion and Sediment Control Plan has been approved but prior to any
3373 clearing or grading operations of the site, the owner shall have the limits of clearing
3374 delineated with approved methods such as flagging, silt fencing or temporary fencing.

3375 (c) The site engineer shall certify in writing to the owner that the limits of clearing have
3376 been staked in accordance with the approved plans. A copy of this letter shall be sent
3377 to the Planning Office and the Department of Public Works.

3378 (d) The owner shall be responsible for the protection of the buffer areas and for replanting
3379 and/or supplemental planting and other necessary improvements to the buffer as may be
3380 appropriate or required to correct problems. The details shall be included on the
3381 landscape plans for Planning Commission approval.

3382 34. A landscape plan for the existing offsite BMP shall be submitted for the staff review and
3383 Commission approval before final construction plans are approved. The required
3384 landscaping for the BMP shall be installed or bonded before a building permit is
3385 approved.

3386 35. The 20-foot-wide landscape buffer along Lauderdale Drive and North Gayton Road shall
3387 be replanted equivalent to the 35-foot-wide transitional buffer requirements where grading
3388 or improvements require the removal of existing trees or as otherwise may be approved by
3389 the Planning Commission at the time of landscape plan review and approval.

3390

3391 Mr. Marles - Mr. Chairman, we have one last item on the agenda that is a consideration
3392 of a resolution on the Northwest Elementary School No. 7. This is a substantially in accord
3393 request. The staff presentation will be given by Ms. Audrey Anderson.

3394

3395 **RESOLUTION: Northwest Elementary School No. 7 Substantially In Accord with the**
3396 **County of Henrico Comprehensive Plan**

3397

3398

3399 Ms. Anderson - Good afternoon to everyone. The site under question is for the Northwest
3400 Elementary School No. 7. It is located in the Three Chopt District, approximately 1000 feet north
3401 of the northern terminus of Twin Hickory Road. The site is approximately 21 acres and it consists
3402 of part of parcels 11A, 1A, 3 and 4. The site characteristics are suitable for the proposed use.
3403 The zoning on this site is R-3C and the proposed facility is permitted in that zoning district. The
3404 topography on this site includes moderate to steep slopes and grading may be required to develop
3405 this site as proposed. Public water and sewer are available to this site. The Land Use Plan
3406 recommends Suburban Residential 2 development, 2.4 to 3.4 units net density per acre. That
3407 category is on a majority of the site. The rest of the site on the west side and the northern boundary
3408 along the Chickahominy River, is designated for Environmental Protection Area. The proposed
3409 use supports a number of the Plan's goals, objectives, and policies that address the provision of
3410 public facilities to meet the community needs. And based upon these considerations and other
3411 considerations that we looked at, transportation use and open space areas, the staff has concluded
3412 that this site is not in conflict or a significant... I'm sorry. It is not a significant departure from the
3413 goals, objectives and policies of the plan and therefore the staff does recommend that the Planning
3414 Commission approve the resolution, finding this site for the Northwest Elementary School #7
3415 substantially in accord with the Comprehensive Plan for the County. I'll answer any questions you
3416 might have. Thank you. Also Mr. Grissom is here for questions as well.

3417

3418 Ms. Dwyer - Is Mr. Eure still here?

3419

3420 Ms. Anderson - No. He just left.

3421

3422 Ms. Dwyer - Oh, I didn't see him leave. I have some questions about this Concept Road
3423 10-1.

3424

3425 Mr. Vanarsdall - Thank you.

3426

3427 Ms. Dwyer - Maybe I can just ask you a couple of questions. It says in the report that we
3428 have that the proffers for the Wyndham Forest rezoning, that the owner shall build Concept Road
3429 10-1. Does that mean that the County would become the owner and the County would become
3430 responsible for building that concept road, or does it mean that the existing developer who
3431 excepted this proffer will be responsible for building that road?

3432

3433 Ms. Anderson - The proffer does say that the owner, whoever it is at the time that the
3434 development starts, would be responsible for developing the road. However, the staff did
3435 recommend in the report, as you can see in the next paragraph, that some arrangement be made
3436 during the contractual stage of switching hands and ownership.

3437

3438

3439 Ms. Dwyer - I was confused by what that meant. Does that mean that the County is going
3440 to pay for it but the current owner will build it, and that that will be determined in the contract? It

3441 wasn't clear to me in this paragraph whether the County was going to get stuck with the road costs
3442 or not. That's my question.

3443

3444 Mr. Grissom - Good afternoon, Dwight Grissom. The School Board adopted a resolution,
3445 I believe it was at last's month meeting, to acquire this property. I believe the value is like
3446 \$67,000 an acre plus \$350,000 for shared infrastructure cost. So, with HHHunt we are sort of
3447 partnering with them. They will be basically building the roads, we are participating in that cost.
3448 Does that help answer your question?

3449

3450 Ms. Dwyer - So the County will be sharing the cost to build that road?

3451

3452 Mr. Grissom - Yes, ma'am. Just like if we had bought this and it was virgin property out
3453 there and the School system would still have to build the road.

3454

3455 Ms. Dwyer - I'm just wondering that when these proffers were accepted, if this was....
3456 You know sometimes when we accept proffers like this, that's part and parcel of the whole
3457 package of the rezoning and so I guess, in my mind at least, when this rezoned, I was assuming that
3458 HHHunt would be, or whoever the purchaser was, I believe you said HHHunt.

3459

3460 Mr. Grissom - Yes, ma'am.

3461

3462 Ms. Dwyer - Would be bearing the cost of that road. But now it looks like the County is
3463 going to be chipping in for that, which is, you know, that's the County decision not ours. I just
3464 wanted to make that comment. I'm also, in light of other decisions that have been made regarding
3465 roads in this area, I'm very concerned that we fulfill our obligation as public officials to make sure
3466 that needed roads are in fact built. So, I'm wondering what the status of Concept Road 10-1 is. It
3467 looks like it crosses environmentally sensitive areas. That's been a basis for eliminating roads in
3468 the past. It seems to me that this is a critical road for this school otherwise the school would be at
3469 the end of the dead-end road. I know that it may not be built soon but I just want some reassurance
3470 before we agree to put a school here that there will be a road to serve that school. That's my road
3471 question. And I notice that Todd was here all through the meeting and if I had seen him sneak out I
3472 would have said something.

3473

3474 Mr. McGarry - He's been contacted and he is on his way.

3475

3476 Ms. Dwyer - Okay. I can't vote for this until I know that this road is going to be there, at
3477 least as far as that assurance can be made at this time.

3478

3479 Mr. Silber - Ms. Dwyer, I might be able to shed a little bit of light on that. The concept
3480 road is anticipated to go to the west, hopefully crossing that environmental area and tie into the
3481 subdivision that Hunt has done to the west. They have stub that road and it is anticipated that that
3482 road will go across, which one major property owner in there where the horse farm is and at this
3483 point it's still being held by that property owner. But, it is anticipated that that road will go in that
3484 direction. It is also anticipated that it will go to the east heading back over into the direction of the
3485 landfill. It is no longer on the Thoroughfare Plan to go across I-295.

3486

3487 Ms. Dwyer - I remember that. They took it off of the Thoroughfare Plan for that section.
3488
3489 Mr. Silber - It would tie over to, I think it is Opaca, and come back out to Nuckols Road.
3490 So, hopefully, the Concept Road 10-1 is in tact and will be completed with future development
3491 area.
3492
3493 Ms. Dwyer - Where is Opaca on this, is that that road on this map?
3494
3495 Mr. Silber - Where the RR is?
3496
3497 Ms. Dwyer - Yes.
3498
3499 Mr. Silber Yes. That can be extended all the way up and tie into 10-1.
3500
3501 Ms. Dwyer - Okay. So, Concept Road 10-1 would go from the road that is adjacent to
3502 the capital RR?
3503
3504 Mr. Silber - Right.
3505
3506 Ms. Dwyer - That's going down and it's obviously a private road now that serve those
3507 houses, so it would go from there over to the left. What's the name of that road that comes out of
3508 Twin Hickory Lane and goes by the blue house, what's that road call? Or, is that a private road
3509 too?
3510
3511 Mr. Silber - The one that comes out Twin Hickory Lane, out to Nuckols Road?
3512
3513 Ms. Dwyer - Yes. Between Hickory and the Lane on the map that we are looking at. Is
3514 that a private drive too?
3515
3516 Mr. Silber - That's just a private drive. That would be a part of it and incorporated into
3517 the subdivision that's already been approved out there.
3518
3519 Ms. Dwyer - I see. Okay. So, as shown, it will go from the west all the way up to
3520 Opaca, which is also shown and the dash line that is shown here, beyond Opaca, that's the part that
3521 has been eliminated from the Thoroughfare Plan because that went across the landfill and I-295. Is
3522 that right, Randy?
3523
3524 Mr. Silber - Yes. It will not go across I-295. Where it ends I am not sure, but Opaca
3525 can be extended into 10-1. And to the west, what would extend over through those existing
3526 subdivisions and tie all the way over to Shady Grove Road. So, it would be a parallel road
3527 system to Nuckols Road.
3528
3529 Ms. Dwyer - And what are the chances that that will stay on the Thoroughfare Plan and
3530 be built?
3531
3532 Mr. Silber - It would be staff's strong recommendation that it stay on it.

3533

3534 Ms. Dwyer - Do you want to put that in a lock box? Well, should we wait for Todd? I
3535 don't want to hold you all up, I'm just very concerned about access in these undeveloped areas,
3536 particularly when a school is here. Do you think Mr. Eure has anything to add to that, Randy?

3537

3538 Mr. Silber - I mean you can wait for him, but I don't think he's going to be able to
3539 elaborate much more than that.

3540

3541 Ms. Dwyer - I guess my other question was the other terminus, the terminus points for 10-
3542 1. And you have explained those, at least it will go from where it's shown on the west on this map,
3543 to Opaca.

3544

3545 Mr. Silber - Right.

3546

3547 Ms. Dwyer - Which would cover almost the entire frontage of the school property.

3548

3549 Mr. Silber - It should cover all of it, yes.

3550

3551 Mr. Taylor - And just looking at the location of that road, I think that HHHunt plans to
3552 develop in that area so it would just be a part of their natural expansion and development. That
3553 site now is just heavily wooded so I think we can be pretty much assured that they would put that
3554 road in because they would want to develop that extensive area and a road would be a natural part
3555 of that development.

3556

3557 Mr. Vanarsdall - Mrs. Dwyer, Mr. Eure just arrived do you want to talk to him?

3558

3559 Ms. Dwyer - Mr. Eure, Randy Silber, I think, has answered my questions. But I'll just
3560 ask you. I'm concerned about Concept Road 10-1 and the likelihood that it will continue to stay on
3561 the Major Thoroughfare Plan and in fact be built because it looks to me to be a necessary facility
3562 to serve the school. Randy has indicated that where it is shown that it... I was interested in what
3563 its terminus points are because I know we have eliminated a part of it from the Major
3564 Thoroughfare Plan. But looking at the map that's on our screen now, Randy suggest that it will go
3565 from its western point as marked on this map all the way across in front of the school property and
3566 end no shorter than at the end of the school property, which is Opaca. So, it could conceivably tie
3567 into Opaca.

3568

3569 Mr. Eure - That's correct. That's my understanding as what still conceive for it. The
3570 portion that was eliminated from the Thoroughfare Plan continued on from that point to the east,
3571 across, basically, the landfill site over I-295 and back into Springfield Road. And simply due to
3572 the physical impossibility of building that it would have to actually go over some of the physical
3573 landfill area. That was not conceived feasible to build. But the other portion, as of the latest I've
3574 heard, and from everything we've heard back from HHHunt is that the remaining portion will be
3575 built as a minor collector to feed traffic into and out of the neighborhoods in that area.

3576

3577 Ms. Dwyer - So, it will stop at Opaca or will it go on to something else on this side of
3578 the landfill?

3579

3580 Mr. Silber - Ms. Dwyer, I guess I need to correct myself. Opaca is not planned
3581 necessarily to extend all the way up to 10-1 but there is another concept road 19-1 that is actually
3582 east of the map that's on the screen. And 19-1 would run from Nuckols Road up to 10-1.

3583

3584 Mr. Eure - It would still be west of the landfill, somewhere between west of the
3585 landfill and Opaca, which I don't even know if the proposed alignment for 19-1 has been
3586 established yet. But it would be somewhere in that general area and would provide access back
3587 down to Nuckols Road in that area.

3588

3589 Ms. Dwyer - Do you and the traffic engineering powers view this road as necessary in
3590 order to serve the school adequately? In other words, if we eliminate all of 10-1 will the school
3591 have adequate road service by Twin Hickory Lane dead-ending at that school?

3592

3593 Mr. Eure - Certainly it is preferable to feed an elementary school off of a collector
3594 road. We don't want it necessarily on major arterials but collector roads do serve to keep the
3595 traffic out of essentially residential streets. So from that standpoint certainly we would like to see
3596 10-1 to continue to provide access to it.

3597

3598 Ms. Dwyer - And I guess 19-1 as well.

3599

3600 Mr. Eure - Correct.

3601

3602 Ms. Dwyer - Can you foresee any reason not to extend, not to build 10-1 environmental
3603 reasons or any other reasons that you can foresee at this point?

3604

3605 Mr. Eure - I'm not aware of any reasons it can't be built. I think that was one of the
3606 reasons that that portion was left on the Thoroughfare Plan when the portion to the east was
3607 eliminated. I don't know how far it's going to look into by either County staff or HHHunt as far as
3608 the feasibility of building it, but based on what we know now, we believe it still can be built.

3609

3610 Ms. Dwyer - Thank, you.

3611

3612 Mrs. O'Bannon - I have a question, Mr. Grissom. The Chesapeake Bay Act 2000, which was
3613 signed into law requires that all school children by the time they graduate from high school have an
3614 experience concerning Chesapeake Bay issues. You have here an EPA area and the Chickahominy
3615 River, obviously, flows into the James River and is in the Chesapeake Bay watershed. It is one of
3616 the targeted areas. Do you have any plans for the use of that area for a Chesapeake Bay 2000
3617 Project? Would it be able to receive government funds?

3618

3619 Mr. Grissom - That's a good question, but you are getting into kind of an instructional issue
3620 question.

3621

3622 Mrs. O'Bannon - I know that, but at the same time, it's been planning, this property and what
3623 we are seeing here is the plan of the school property. Is there anything built into this plan to
3624 accommodate some use of the act or the law that this requires?

3625

3626 Mr. Grissom - Not at this point because we haven't even gone out and hired an architect at
3627 this point. We are just trying to make sure that the property is in accordance with the zoning. But,
3628 that's certainly an interesting thought and one we could certainly pursue.

3629

3630 Mrs. O'Bannon - I hope you will consider that because there is federal funding available for
3631 projects in the amount of something like \$40,000 you might be able to collect and there are several
3632 programs you could apply for funding. But, I hope you will consider that in the planning for this
3633 particular project.

3634

3635 Mr. Grissom - Thank you.

3636

3637 Mr. Vanarsdall - All right. Are there anymore questions?

3638

3639 Ms. Dwyer - I have just one more thing to add into the resolution. I would like to add a
3640 "whereas." Where it states, "A report dated October 18 as presented to the Planning Commission
3641 by the Planning staff." Either in that paragraph or an additional paragraph that states that "we
3642 believe that the building of Concept Road 10-1 as it exists on the Thoroughfare Plan is significant
3643 and necessary in order to serve this school site."

3644

3645 Mr. Vanarsdall - Where do you want to put that?

3646

3647 Ms. Dwyer - Well, it could be another "whereas."

3648

3649 Mr. Taylor - What about adding it to the fifth whereas where it says "The Planning
3650 Commission finds the proposed can be designed to be compatible with the surrounding area, with
3651 the extension of Concept Road 10-1.

3652

3653 Ms. Dwyer - Or we could say "Whereas the Planning Commission finds the proposed site
3654 can be designed to be compatible and that Concept Road 10-1 is a necessary facility to serve this
3655 school.

3656

3657 Mr. Archer - Where are you, Ms. Dwyer, what paragraph?

3658

3659 Ms. Dwyer - The last "whereas" I'm just adding to that. And that Concept Road 10-1 is
3660 a necessary facility to serve this school.

3661

3662 Mr. Taylor - How about broadening "this school" to "this area?"

3663

3664 Ms. Dwyer - Well, because this resolution only deals with the school.

3665

3666 Mr. Vanarsdall - All right. Do you want to make a motion?

3667

3668 Mr. Taylor - Mr. Chairman, I move that we amend the "fifth whereas" to state: ...and that
3669 Concept Road 10-1 is necessary to serve the school." And that we approve the resolution as
3670 amended.

3671

3672 Ms. Dwyer - Second.

3673

3674 Mr. Vanarsdall - The motion was made by Mr. Taylor and seconded by Ms. Dwyer. All in
3675 favor say aye...all opposed say nay.

3676

3677 The Planning Commission approved to recommend the resolution on Northwest Elementary School
3678 #7 to the Board of Supervisor with the amendment made by Ms. Dwyer.

3679

3680 Mrs. Quesinberry - Mr. Chairman, I'll make a motion that we adjourn, having no further
3681 business.

3682

3683 Mr. Archer - Second.

3684

3685 On a motion by Mrs. Quesinberry and seconded by Mr. Archer, the Planning Commission
3686 adjourned its meeting at 1:15 p.m.

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Mr. Ernest B. Vanarsdall, C.P.C., Chairman

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Mr. John R. Marlles, AICP, Secretary

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