

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, September 27, 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 Mr. Vanarsdall -                    Good morning ladies and gentlemen. The Planning Commission will now  
28 come to order. We have several cases today. We have several on the Expedited Agenda and we  
29 also have a couple of deferrals. I'll now turn this over to our Secretary, Mr. Marlles.

30

31 Mr. Marlles -                    Good morning, Mr. Chairman, members of the Commission, ladies and  
32 gentlemen. We do have a quorum this morning and can conduct business. Mrs. O'Bannon will be  
33 joining us later. The first item on the agenda is the requests for deferral and withdrawals, and that  
34 will be handled by Mr. McGarry. Mr. McGarry.

35

36 Mr. McGarry - Good morning, Mr. Chairman, ladies and gentlemen, members of the Commission.  
37 We have two on your deferral and withdrawal agenda. The first one is on page 22.

38 **PLAN OF DEVELOPMENT (Deferred from the August 23, 2000, Meeting)**

39

POD-73-00  
Air Tech Center - Eubank  
Road

**Keith & Associates, Inc. for PPD Property Inc., Brizzolara & Brizzolara and Standard Properties Inc.:** Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code to construct three, one-story office/warehouses totaling 96,710 square feet. The 5.93 acre site is located on the north line of Eubank Road, approximately 650 feet west of Glen Alden Drive on parcels 172-A-15, 172-3-C-3 and part of parcel 172-2-3-39C. The zoning is M-1, Light Industrial District and ASO (Airport Safety Overlay District). County water and sewer. **(Varina)**

40

41 Mr. Marlles - Mr. McGarry, is that one for deferral or withdrawal?

42

43 Mr. McGarry - I'm sorry. That is for a withdrawal.

44

45 Mr. Vanarsdall - We don't take any action on that, do we?

46

47 Mr. McGarry - Yes, sir.

48

49 Mr. Marlles - Mr. McGarry, I don't believe the Commission needs to take action on a  
50 withdrawal case.

51

52 Ms. Dwyer - We do on PODs, I believe, Mr. Secretary.

53

54 Mr. Marlles - I'm sorry, you are correct, it is rezoning that we don't take action on. Yes,  
55 sir, Mr. Chairman, we do need to take action on it because it is a POD.

56

57 Mr. Vanarsdall - All right. We need a motion, Mrs. Quesinberry.

58

59 Mrs. Quesinberry - I'll move to accept the withdrawal of POD-73-00, Air Tech Center, at the  
60 applicant's request.

61

62 Ms. Dwyer - Second.

63

64 Mr. Vanarsdall - The motion was made by Mrs. Quesinberry and seconded by Ms. Dwyer.  
65 All in favor say aye...all opposed say nay. The motion carries. I didn't ask if there was anybody  
66 in the audience in opposition to this case, but I don't think nobody would be in opposition of  
67 withdrawing a case. But anyway, is there anyone in the audience in opposition to withdrawing this  
68 case? No opposition.

69

70 Pursuant to the applicant's request, the Planning Commission withdrew POD-73-00, Air Tech  
71 Center on Eubank Road. Mrs. O'Bannon was absent.

72

73 Mr. McGarry - The next case is for deferral and it is on page 25 of your agenda, POD-58-00, Jiffy

**September 27, 2000**

74 Lube.

75

76 **PLAN OF DEVELOPMENT**

77

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)**

78

79 Mr. Vanarsdall - Is there anyone in the audience in opposition to the deferral of POD-58-00,  
80 Jiffy Lube on Laburnum Avenue. We have opposition. Sir, do you want to come down and tell us  
81 why you are in opposition?

82

83 Mr. McGarry - State your name and your case.

84

85 Mr. Crockett - My name is Herbert Crockett and I live 1060 Dabbs House Road. I attended the  
86 first meeting that they had down there at East Gate Mall. We had a large number of people there.  
87 Most of the people who were there were not in favor. What I did before coming down here, I  
88 walked Dabbs House Road and I talked to everybody in each house and we didn't have anyone in  
89 favor at this time. They asked me to come down and share that with you.

90

91 Mr. Vanarsdall - Well, all we are doing this morning is deferring it until October 25. We are  
92 not going to take action on it.

93

94 Mr. Crockett - Okay. I'll pass that on to them. But I think they will have the same idea then.

95

96 Mr. Vanarsdall - All right. Thank you very much. Mrs. Quesinberry, do you have anything to  
97 add?

98

99 Mrs. Quesinberry - No.

100

101 Mr. Vanarsdall - All right. Entertain a motion.

102

103 Mrs. Quesinberry - I'll make a motion to defer case POD-58-00, Jiffy Lube on Laburnum  
104 Avenue, to the October 25 agenda, at the applicant's request. And Mr. Crockett, make a note that  
105 we will hear the case on October 25 if you want to return at that time.

106 Mr. McGarry - Mrs. Quesinberry, I believe that should be the 26<sup>th</sup>.

107

108 Mrs. Quesinberry - Well the 4<sup>th</sup> Wednesday in October is the 25.

109

110 Ms. Dwyer - The agenda says the 26<sup>th</sup> but it should be the 25<sup>th</sup>.

111

112 Mr. McGarry - Oh, I'm sorry, you are correct it is the 25<sup>th</sup>.

113

114 Mr. Taylor - Second.

115

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

117 All in favor say aye...all opposed say nay, the motion carries.

118

119 Pursuant to the applicant's request, the Planning Commission deferred POD-58-00 Jiffy Lube -  
120 Laburnum Avenue, to its October 25, 2000, meeting. Mrs. O'Bannon was absent.

121

122 Mr. Vanarsdall - Is that all, Mr. McGarry?

123

124 Mr. McGarry - That's all for the withdrawals and deferrals.

125

126 Mr. Archer Mr. Chairman, I have a deferral request I would like to make.

127

128 Mr. Vanarsdall - All right, Mr. Archer, what page is it on.

129

130 Mr. Archer - It's on page 13, Oak Hill Manor.

131

132 **SUBDIVISION (Deferred from the June 28, 2000 Meeting)**

133

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**

134

135 Mr. Archer - After a lengthy meeting with the neighborhood last night, I think there are  
136 some changes that need to be, have to be, and want to be made, so my motion is to defer Oak Hill  
137 Manor to the October 25 meeting, at my request.

138

139 Mrs. Quesinberry - Second.

140

141 Mr. Vanarsdall - Is there anyone in the audience in opposition to the deferring of Oak Hill  
142 Manor? All right. The motion was made by Mr. Archer and seconded by Mrs. Quesinberry. All in  
143 favor say aye...all opposed say nay the motion carries.

144

145 The Planning Commission deferred POD-58-00, Jiffy Lube - Laburnum Avenue, to the October 25,  
146 2000, meeting. Mrs. O'Bannon was absent.

147

148 Mr. Vanarsdall - Next.

149

150 Mr. Marlles - Yes, sir, Mr. Chairman. The next item on the agenda is the Expedited  
151 Agenda. And, again, that will be presented by Mr. McGarry.

152

153 Mr. McGarry - We have 14 total cases eligible for expedition. The first one is on page 3.

154

155 **TRANSFER OF APPROVAL**

156

POD-137-77

Northstar Academy  
(Formerly Victoria Station  
Restaurant)

**Candace David for Northstar Academy Inc.:** Request for transfers of approval as required by Chapter 24, Section 24-106 of the Henrico County Code, from Realty Industries, Inc. and Victoria Station to Northstar Academy Inc. The 1.894 acre site is located at the southwest corner of Shrader Road and Carousel Lane on parcel 60-A-19. The zoning is B-2, Business District. County water and sewer. **(Brookland)**

157

158 Mr. Vanarsdall - Is there anyone in the audience in opposition to transfer of approval for  
159 POD-137-77? No opposition. I move that POD-137-77, Northstar Academy, be approved with  
160 the annotation on the plan.

161

162 Mrs. Quesinberry - Second.

163

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

166

167 The Planning Commission approved the transfer of approval request for POD-137-77, Northstar  
168 Academy (Formerly Victoria Station Restaurant). Mrs. O'Bannon was absent.

169

170 **LIGHTING PLAN**

171

LP/POD-6-00

Seven Eleven @ Innsbrook

**CMSS Architects, P. C.:** Request for approval of a lighting plan as required by Chapter 24, Section 24-106 of the Henrico County Code. The 1.62 acre site is located at the southeast corner of Cox Road and Innslake Drive on parcel 48-5-A-2B. The zoning is B-2C, Business District (Conditional). **(Three Chopt)**

172

173

174 Mr. Vanarsdall - Is there anyone in the audience in opposition to the lighting plan for  
175 LP/POD-6-00, Seven Eleven @ Innsbrook? No opposition. Mr. Taylor.

176 Mr. Taylor - I move lighting plan LP/POD-6-00, Seven Eleven @ Innsbrook, be  
177 approved on the expedited agenda.

178

179 Mrs. Quesinberry - Second.

180

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

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

183

184 The Planning Commission approved LP/POD-6-00, Seven Eleven @ Innsbrook, lighting plan,  
185 subject to the standard conditions attached to these minutes for lighting plans and the annotations  
186 on the plans. Mrs. O'Bannon was absent.

187

188 **LIGHTING PLAN**

189

LP/POD-81-99  
Town Center @Twin  
Hickory, Phase One

**Edens & Avant:** Request for approval of a phase one lighting plan as required by Chapter 24, Section 24-106 of the Henrico County Code. The 19.3 acre site is located at the northwest corner of Nuckols Road and Twin Hickory Road on parcel 18-A-21 and 22B. The zoning is B-2C, Business District (Conditional).  
**(Three Chopt)**

190

191

192 Mr. Vanarsdall - Is there anyone in the audience in opposition to the lighting plan for  
193 LP/POD-81-99, Town Center @ Twin Hickory, Phase One? No opposition. Mr. Taylor.

194

195 Mr. Taylor - I move lighting plan LP/POD-81-99, Town Center @ Twin Hickory, Phase  
196 One, be approved on the expedited agenda.

197

198 Mr. Archer - Second.

199

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

202

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

206 **LIGHTING PLAN**

207

LP/POD-83-99  
The Creeks @ Virginia  
Center Shopping Center -  
Brook Road (U.S. Route 1)

**Ashland Construction Company:** Request for approval of a lighting plan as required by Chapter 24, Section 24-106 of the Henrico County Code. The 32.5 acre site is located on the southwest corner of Brook Road (U. S. Route 1) and J.E.B. Stuart Parkway with frontage along Virginia Center Parkway on parcel 33-A-1A. The zoning is B-2C, Business District (Conditional), and B-3C, Business District (Conditional). **(Fairfield)**

208

209 Mr. McGarry - Please note that there is an addendum to this case.

210

211 Mr. Vanarsdall - Is there anyone in the audience in opposition to the lighting plan for  
212 LP/POD-83-99, The Creeks @ Virginia Center Shopping Center? No opposition. Mr. Archer.

213

214 Mr. Archer - I move approval of LP/POD-83-99, The Creeks @ Virginia Center.

215

216 Ms. Dwyer - Second.

217

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

220

221 The Planning Commission approved LP/POD-83-99, The Creeks @ Virginia Center Shopping  
222 Center - Brook Road (U. S. Route 1), lighting plan subject to the standard conditions attached to  
223 these minutes for lighting plans, the annotations on the plans and the following additional  
224 condition. Mrs. O'Bannon was absent.

225

226 5. Lighting shall be reduced to the level required for security lighting following the close of  
227 business.

228

229 **SUBDIVISION**

230

Forest Lodge Acres, Section  
G (A Resubdivision of Lot 4,  
Block 2)

**Thomas & Associates for Carol P. Fowler:** The 1.27 acre site is located at 3916 Englewood Road on parcel 31-3-2-4. The zoning is R-2, One-Family Residence District. County water and sewer.  
**(Brookland) 2 Lots**

231

232

233 Mr. Vanarsdall - Is there anyone in the audience in opposition to subdivision Forest Lodge  
234 Acres, Section G? No opposition. I move Forest Lodge Acres, Section G, be approved on the  
235 expedited agenda.

236

237 Mr. Taylor - Second.

238

239 Mr. Vanarsdall - The motion was made by Mr. Vanarsdall and seconded by Mr. Taylor. All

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

241

242 The Planning Commission granted conditional approval to subdivision Forest Lodge Acres,  
243 Section G (A Resubdivision of Lot 4, Block 2) subject to the standard conditions attached to these  
244 minutes for subdivision served by public utilities and the annotations on the plan. Mrs. O'Bannon  
245 was absent.

246

247 **SUBDIVISION**

248

The Townes @ Crossridge  
(September 2000 Plan)

**Jordan Consulting Engineers, P.C. for Staples Mill, L.C.:** The  
34.33 acre site is located on the west line of Staples Mill Road  
(U. S. Route 33), approximately 1,250 feet south of its  
intersection with Courtney Road on part of parcel 40-A-1A. The  
zoning is R-6C, General Residence District (Conditional). County  
water and sewer. **(Brookland) 177 Lots**

249

250

251 Mr. Vanarsdall - Is there anyone in the audience in opposition to subdivision The Townes @  
252 Crossridge (September 2000 Plan)? No opposition. I move the Townes @ Crossridge be  
253 approved with the annotations on the plan, the standard conditions of this type and conditions Nos.  
254 12 through 15.

255

256 Mrs. Quesinberry - Second.

257

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

260

261 The Planning Commission granted conditional approval to subdivision The Townes @ Crossridge  
262 (September 2000 Plan) subject to the standard conditions attached to these minutes for subdivision  
263 served by public utilities, the annotations on the plan and the following additional conditions.  
264 Mrs. O'Bannon was absent.

265

266 12. The developer shall submit one set of the architectural plans to the Planning Office for  
267 review prior to final approval of the plats.

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

272 14. The proffers approved as part of zoning case C-17C-00 shall be incorporated in this  
273 approval.

274

275 15. Prior to requesting recordation, the developer shall furnish a letter from Virginia Power  
276 stating that this proposed development does not conflict with its facilities.

277

278 **PLAN OF DEVELOPMENT**

279

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POD-85-00  
FBI Field Office/Parham  
1970 E. Parham Road  
(POD-75-99 Revised)

**Dewberry & Davis, Inc. and TIMMONS for Richmond Assets L.L.C. and The Penrose Corporation:** Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code to construct an emergency egress to Hungary Road and parking lot revisions. The 11.75 acre site is located at 1970 E. Parham Road (Parham Place Office Park) on parcel 52-A-5B. The zoning is O-2C, Office District (Conditional). County water and sewer. **(Brookland)**

280

281 Mr. McGarry - Please note that there is an addendum item on this case.

282

283 Mr. Vanarsdall - Is there anyone in the audience in opposition to this case, POD-85-00, FBI  
284 Field Office? No opposition. I move that this case be approved on the expedited agenda in  
285 addition to the annotations on the plans, conditions Nos. 23 through 31 and from the addendum this  
286 morning, No. 31 has been revised.

287

288 Mrs. Quesinberry - Second.

289

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

292

293 The Planning Commission approved POD-85-00, FBI Field Office/Parham subject to the standard  
294 conditions attached to these minutes for developments of this type, the annotations on the plan and  
295 the following additional conditions. Mrs. O'Bannon was absent.

296

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

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

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

305 26. If an incinerator is proposed, it shall be operated in accordance with Rule 9 of the  
306 Regulations of the State Air Pollution Control Board.

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

310 28. The existing 16-foot utilities easement as noted on the approved plan (POD-75-99) shall  
311 be quit claimed prior to the issuance of a building permit.

312 29. The access control gates proposed at the entrance and on Hungary Road shall be tested by  
313 the Fire Marshall prior to approval of an occupancy permit.

314 30. The access control gates and their operation for emergencies shall meet the approval of the  
315 Fire Marshall or his designee.

316 31. A sign will be provided at the entrance of the emergency access drive adjacent to Hungary  
317 Road indicating "Authorized Vehicles Only" (or similar wording) to be approved by the

318 traffic engineer prior to certificate of occupancy.

319

320 **PLAN OF DEVELOPMENT & LIGHTING PLAN**

321

POD-68-00

O'Charley's Restaurant -  
Mayland Drive

**Design & Engineering, P.C., Edwards & Hotchkiss Architect and Foster & Miller for Circuit City Stores, Inc.:** 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 2.06 acre site is located on the southwest corner of Gaskins Road and Mayland Drive on parcel 48-A-68C. The zoning is M-1C, Light Industrial District (Conditional). County water and sewer.  
**(Three Chopt)**

322

323

324 Mr. Vanarsdall - Is there anyone in the audience in opposition to this case, POD-68-00,  
325 O'Charley's Restaurant? No opposition. Mr. Taylor.

326

327 Mr. Taylor - Mr. Chairman, I move that POD-68-00, O'Charley's Restaurant, be  
328 approved on the expedited agenda subject to the annotations on the plan, the standard conditions  
329 for developments of this type, and condition No. 9 amended and additional conditions 23 through  
330 31 and the revised lighting plan.

331

332 Mr. Archer - Second.

333

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

336

337 The Planning Commission approved POD-68-00, O'Charley's Restaurant - Mayland Drive, subject  
338 to the standard conditions attached to these minutes for developments of this type, the annotations  
339 on the plan, the revised lighting plan and the following additional conditions. Mrs. O'Bannon was  
340 absent.

341

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

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

346 24. The proffers approved as a part of zoning case C-7C-81 shall be incorporated in this  
347 approval.

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

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

354 27. Insurance Services Office (ISO) calculations must be included with the utilities plans and

355 contracts and must be approved by the Department of Public Utilities prior to the issuance  
356 of a building permit.  
357 28. Approval of the construction plans by the Department of Public Works does not establish  
358 the curb and gutter elevations along the Henrico County maintained right-of-way. The  
359 elevations will be set by Henrico County.  
360 29. The developer shall install an adequate restaurant ventilating and exhaust system to  
361 minimize smoke, odors, and grease vapors. The plans and specifications shall be included  
362 with the building permit application for review and approval. If, in the opinion of the  
363 County, the type system provided is not effective, the Commission retains the rights to  
364 review and direct the type of system to be used.  
365 30. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the  
366 Planning Office and approved prior to issuance of a certificate of occupancy for this  
367 development.  
368 31. The easements for drainage and utilities as shown on approved plans shall be granted to  
369 the County in a form acceptable to the County Attorney prior to any occupancy permits  
370 being issued. The easement plats and any other required information shall be submitted to  
371 the County Real Property Agent at least sixty (60) days prior to requesting occupancy  
372 permits.

373

#### 374 **PLAN OF DEVELOPMENT**

375

POD-77-00

Gaskins Road Office Building  
- Gaskins Road and Three  
Chopt Road

**Balzer & Associates for Balance and Ear Center, Inc. and  
ATS Consultants, 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, 8,900 square foot  
office building. The 1.112 acre site is located at the northwest  
corner of Gaskins Road and Three Chopt Road on parcel 58-A-  
45. The zoning is R-6C, General Residence District  
(Conditional). County water and sewer. **(Three Chopt)**

376

377 Mr. McGarry - Kevin, is handing out a revised plan for this case.

378

379 Mr. Vanarsdall - Is there anyone in the audience in opposition to this case, POD-77-00,  
380 Gaskins Road Office Building? No opposition. Mr. Taylor.

381

382 Mr. Taylor - Mr. Chairman, I move that POD-77-00, Gaskins Road Office Building at  
383 Gaskins Road and Three Chopt Road, be approved subject to the standard conditions for  
384 developments of this type, additional conditions Nos. 23 through 31, and the revised plan.

385

386 Mrs. Quesinberry - Second.

387

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

390

391 The Planning Commission approved POD-77-00, Gaskins Road Office Building - Gaskins Road  
392 and Three Chopt Road, subject to the standard conditions attached to these minutes for

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393 developments of this type, the annotations on the plan, the revised plan and the following  
394 additional conditions. Mrs. O'Bannon was absent.

395

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

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

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

407 26. Outside storage shall not be permitted.

408 27. The proffers approved as a part of zoning case C-61C-78 shall be incorporated in this  
409 approval.

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

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

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

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

422

423 **PLAN OF DEVELOPMENT**

424

POD-79-00

Chili's - The Creeks At  
Virginia Center Shopping  
Center (POD-83-99 Revised)

**Balzer & Associates for Richmond Developers, L.L.C. and Chesapeake Restaurant Group:** 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, 5,532 square feet restaurant and 325 square feet of outdoor dining. The 0.31 acre site is located on an outparcel of the Creeks at Virginia Center Shopping Center at the intersection of Brook Road (U.S. Route 1) and J.E.B. Stuart Parkway on part of parcel 33-A-1A. The zoning is B-3C, Business District (Conditional). County water and sewer. **(Fairfield)**

425

426 Mr. McGarry - Please note that there is an addendum item on this case.

427

428 Mr. Vanarsdall - Is there anyone in the audience in opposition to this case, POD-79-00,  
429 Chili's - The Creeks at Virginia Center? No opposition. Mr. Archer.

430

431 Mr. Archer - Mr. Chairman, I move approval of POD-79-00, Chilis's - The Creeks at  
432 Virginia Center Shopping Center, subject to the standard conditions for developments of this type,  
433 the annotations on the plan, the addendum plan and Nos. 9 and 11 amended and additional  
434 conditions Nos. 23 through 36, and No. 36 being revised on the addendum.

435

436 Mrs. Quesinberry - Second.

437

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

440

441 The Planning Commission approved POD-79-00, Chili's - The Creeks at Virginia Center Shopping  
442 Center Shopping Center (POD-83-99 Revised), subject to the standard conditions attached to these  
443 minutes for developments of this type, the annotations on the plan and the following additional  
444 conditions. Mrs. O'Bannon was absent.

445

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

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

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

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

458 25. The developer shall install an adequate restaurant ventilating and exhaust system to

- 459 minimize smoke, odors, and grease vapors. The plans and specifications shall be included  
460 with the building permit application for review and approval. If, in the opinion of the  
461 County, the type system provided is not effective, the Commission retains the rights to  
462 review and direct the type of system to be used.
- 463 26. Any necessary off-site drainage easements must be obtained in a form acceptable to the  
464 County Attorney prior to final approval of the construction plans by the Department of  
465 Public Works.
- 466 27. Deviations from County standards for pavement, curb or curb and gutter design shall be  
467 approved by the County Engineer prior to final approval of the construction plans by the  
468 Department of Public Works.
- 469 28. Insurance Services Office (ISO) calculations must be included with the utilities plans and  
470 contracts and must be approved by the Department of Public Utilities prior to the issuance  
471 of a building permit.
- 472 29. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the  
473 Planning Office and approved prior to issuance of a certificate of occupancy for this  
474 development.
- 475 30. The conceptual master plan, as submitted with this application, is for planning and  
476 information purposes only. All Subsequent detailed plans of development and construction  
477 plans needed to implement this conceptual plan may be administratively reviewed and  
478 approved and shall be subject to all regulations in effect at the time such subsequent plans  
479 are submitted for review/approval.
- 480 31. The ground area covered by all buildings and canopies shall not exceed in the aggregate  
481 25% of the total site area.
- 482 32. No merchandise shall be displayed or stored outside of the building or on the sidewalk.
- 483 33. Deliveries to all units shall be only between the hours of 7:00 a.m. and 11:00 p.m.
- 484 34. All dumpsters shall be serviced and grounds maintenance shall occur between the hours of  
485 7:00 a.m. and 7:00 p.m.
- 486 35. All rooftop equipment for the units shall be screened from view.
- 487 36. Any outdoor activities permitted in the shopping center (except outdoor dining) shall end at  
488 12 midnight, and any sound producing equipment used shall be located, arranged, and  
489 controlled so that no sound is produced that will exceed 65 decibels at the residential  
490 boundaries of The Villas at Virginia Center.

491 **PLAN OF DEVELOPMENT**

492

POD-80-00  
Park Central, Robinson  
Development Phase 3 -  
Buildings 6 and 7  
(POD-2-00 Revised)

**TIMMONS for Park Central Associates, L.C. and Robinson Development Group, Inc.:** Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code to construct two, two-story, 58,000 square foot office buildings. The 14.00 acre site is located on the northeast corner of East Parham Road and Park Central Drive on part of parcel 53-A-80B. The zoning is O-2C, Office District (Conditional). County water and sewer. **(Fairfield)**

493

494 Mr. Vanarsdall - Is there anyone in the audience in opposition to POD-80-00, Park Central,  
495 Robinson Development, Phase 3 - Building 6 and 7?

496

497 Mr. McGarry - You have opposition.

498

499 Mr. Carbaugh - My name is Nathan Carbaugh and I'm president of the North Chamberlayne  
500 Civic Association.

501

502 Mr. Vanarsdall - Excuse me. What we do, this is an Expedited Agenda and goes through  
503 with no opposition. So, since you are opposing it, we will take it off of the Expedited Agenda and  
504 place it in the order as shown on the agenda.

505

506 Mr. Carbaugh - Oh, I just want to make a brief comment.

507

508 Mr. Archer - Can we hear what he has to say briefly and then maybe we won't have to  
509 remove it.

510

511 Mr. Vanarsdall - Okay. Go ahead but it must be brief.

512

513 Mr. Carbaugh - We had in interest in this development when it was rezoned. I've talked to  
514 Mr. McGarry. As I understand it, that really anything hadn't changed to it. I understand the 125-  
515 foot buffer zone still stays in place, and of course the traffic, that's another issue that was resolved  
516 with the rezoning. I just wanted to let you know that we got the notice letter but it wasn't  
517 postmarked until the 21<sup>st</sup> of September and that's a little bit late. And I didn't get a chance to get  
518 our membership's response. We will meet next Tuesday night. I just wanted to let you know that.  
519 We have no position on it.

520

521 Mr. Vanarsdall - Thank you very much. Mr. Archer.

522

523 Mr. Archer - With that, Mr. Chairman, I move approval of POD-80-00, Park Central,  
524 Robinson Development Phase 3 - Buildings 6 and 7, subject to the annotations on the plans, the  
525 standard conditions for developments of this type and the additional conditions Nos. 23 though 28.

526 Mr. Taylor - Second.

527

528 Mr. Vanarsdall - The motion was made by Mr. Archer and seconded by Mr. Taylor. All in

**September 27, 2000**

529 favor say aye...all opposed say nay. The motion carries.

530

531 The Planning Commission approved POD-80-00, Park Central Robinson Development, Phase 3 -  
532 Buildings 6 and 7 (POD-2-00 Revised), subject to the standard conditions attached to these  
533 minutes for developments of this type, the annotations on the plans and the following additional  
534 conditions. Mrs. O'Bannon was absent.

535

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

538 24. The proffers approved as a part of zoning case C-8C-95 shall be incorporated in this  
539 approval.

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

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

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

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

552

553

#### 554 **PLAN OF DEVELOPMENT**

555

POD-83-00

Ennis Paint - 4400 Vawter  
Avenue (POD-172-85 Rev.)

**Engineering Design Associates for Ennis Paint, 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 parking lot and storage area. The 9.7 acre site is located on the west line of Vawter Avenue approximately 2,100 feet north of Laburnum Avenue on parcel 107-A-12. The zoning is M-2, General Industrial District. County water and sewer.  
**(Fairfield)**

556

557 Mr. Vanarsdall - Is there anyone in the audience in opposition to POD-83-00, Ennis Paint?

558 No opposition. Mr. Archer.

559

560 Mr. Archer - Mr. Chairman, I move approval of POD-83-00, Ennis Paint, subject to the  
561 annotated plan, the standard conditions for developments of this type and additional conditions  
562 Nos. 23 through 26.

563 Mr. Taylor - Second.

564

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

**September 27, 2000**

567

568 The Planning Commission approved POD-83-00, Ennis Paint - 4400 Vawter Avenue (POD-172-  
569 85 Revised), subject to the standard conditions attached to these minutes for developments of this  
570 type, the annotations on the plans and the following additional conditions. Mrs. O'Bannon was  
571 absent.

572

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

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

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

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

583

#### 584 **PLAN OF DEVELOPMENT**

585

POD-84-00  
Middleton Properties -  
Portugee Road

**Engineering Design Associates for Kenneth W. & Cynthia  
Evans and Middleton Properties, LLC:** 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, 7,200 square  
foot office, warehouse and storage yard. The 30.00 acre site is  
located on the north line of Portugee Road, approximately 1000  
feet west of LaFrance Road on part of parcel 196-A-18. The  
zoning is M-2, General Industrial District and ASO (Airport  
Safety Overlay District). Public Water and Septic  
Tank/Drainfield. (**Varina**)

586

587 Mr. Vanarsdall - Is there anyone in the audience in opposition to POD-84-00, Middleton  
588 Properties? No opposition. Mrs. Quesinberry.

589

590 Mrs. Quesinberry - I move recommending approval for POD-84-00, Middleton Properties,  
591 subject to the annotations on the plan, the standard conditions for developments of this type and  
592 additional conditions Nos. 23 though 33.

593

594 Ms. Dwyer - Second.

595

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

598

599 The Planning Commission approved POD-84-00 Middleton Properties - Portugee Road, subject to  
600 the standard conditions attached to these minutes for developments of this type, the annotations on  
601 the plans and the following additional conditions. Mrs. O'Bannon was absent.

602

- 603 23. The right-of-way for widening of Portugee Road and LaFrance Road as shown on  
604 approved plans shall be dedicated to the County prior to any occupancy permits being  
605 issued. The right-of-way dedication plat and any other required information shall be  
606 submitted to the County Real Property Agent at least sixty (60) days prior to requesting  
607 occupancy permits.
- 608 24. The easements for drainage and utilities as shown on approved plans shall be granted to  
609 the County in a form acceptable to the County Attorney prior to any occupancy permits  
610 being issued. The easement plats and any other required information shall be submitted to  
611 the County Real Property Agent at least sixty (60) days prior to requesting occupancy  
612 permits.
- 613 25. The developer shall provide fire hydrants as required by the Department of Public Utilities  
614 in its approval of the utility plans and contracts.
- 615 26. Any necessary off-site drainage easements must be obtained in a form acceptable to the  
616 County Attorney prior to final approval of the construction plans by the Department of  
617 Public Works.
- 618 27. Deviations from County standards for pavement, curb or curb and gutter design shall be  
619 approved by the County Engineer prior to final approval of the construction plans by the  
620 Department of Public Works.
- 621 28. The loading areas shall be subject to the requirements of Chapter 24, Section 24-97(b) of  
622 the Henrico County Code.
- 623 29. Insurance Services Office (ISO) calculations must be included with the utilities plans and  
624 contracts and must be approved by the Department of Public Utilities prior to the issuance  
625 of a building permit.
- 626 30. Approval of the construction plans by the Department of Public Works does not establish  
627 the curb and gutter elevations along the Henrico County maintained right-of-way. The  
628 elevations will be set by Henrico County.
- 629 31. The owners shall not begin clearing of the site until the following conditions have been  
630 met:
- 631 (a) The site engineer shall conspicuously illustrate on the plan of development or  
632 subdivision construction plan and the Erosion and Sediment Control Plan, the limits of  
633 the areas to be cleared and the methods of protecting the required buffer areas. The  
634 location of utility lines, drainage structures and easements shall be shown.
- 635 (b) After the Erosion and Sediment Control Plan has been approved but prior to any  
636 clearing or grading operations of the site, the owner shall have the limits of clearing  
637 delineated with approved methods such as flagging, silt fencing or temporary fencing.
- 638 (c) The site engineer shall certify in writing to the owner that the limits of clearing have  
639 been staked in accordance with the approved plans. A copy of this letter shall be sent  
640 to the Planning Office and the Department of Public Works.
- 641 (d) The owner shall be responsible for the protection of the buffer areas and for replanting  
642 and/or supplemental planting and other necessary improvements to the buffer as may be  
643 appropriate or required to correct problems. The details shall be included on the  
644 landscape plans for Planning Commission approval.
- 645 32. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the  
646 Planning Office and approved prior to issuance of a certificate of occupancy for this  
647 development.
- 648 33. The conceptual master plan, as submitted with this application, is for planning and

649 information purposes only. All Subsequent detailed plans of development and construction  
650 plans needed to implement this conceptual plan require Planning Commission review and  
651 approval and shall be subject to all regulations in effect at the time such subsequent plans  
652 are submitted for review/approval.

653

654 Mr. McGarry - This is the last case on the Expedited Agenda.

655

656

657 **PLAN OF DEVELOPMENT REVISED**

658

POD-39-00

Rising Mt. Zion Baptist  
Church Addition

**Hulcher & Associates for Rising Mount Zion 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, 240 seat sanctuary, church offices and  
bathrooms. The 2.65 acre site is located at the eastern terminus of  
Rising Mt. Zion Road on parcel 177-A-26 and 27. The zoning is  
A-1, Agricultural District. Individual well and septic  
tank/drainfield. **(Varina)**

659

660 Mr. Vanarsdall - Is there anyone in the audience in opposition to POD-39-00, Rising Mt.  
661 Zion Baptist Church Addition? No opposition. Mrs. Quesinberry.

662

663 Mrs. Quesinberry - I move recommending approval of POD-39-00, Rising Mt. Zion Baptist  
664 Church Addition, subject to the annotations on the plan, the standard conditions for developments  
665 of this type and additional conditions Nos. 23 through 29 with No. 29 having four parts a, b, c, and  
666 d.

667

668 Mr. Taylor - Second.

669

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

672

673 The Planning Commission approved POD-39-00, Rising Mt. Zion Baptist Church Addition,  
674 subject to the standard conditions attached to these minutes for developments of this type not  
675 served by public utilities, the annotations on the plans and the following additional conditions.  
676 Mrs. O'Bannon was absent.

677

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

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

686 25. Any necessary off-site drainage easements must be obtained in a form acceptable to the

687 County Attorney prior to final approval of the construction plans by the Department of  
688 Public Works.  
689 26. Deviations from County standards for pavement, curb or curb and gutter design shall be  
690 approved by the County Engineer prior to final approval of the construction plans by the  
691 Department of Public Works.  
692 27. The applicant shall furnish proof to the Planning Office that conditions satisfactory to the  
693 Health Department have been met that insure the proposed septic tank drainfield system is  
694 suitable for this project prior to the issuance of a building permit.  
695 28. Approval of the construction plans by the Department of Public Works does not establish  
696 the curb and gutter elevations along the Henrico County maintained right-of-way. The  
697 elevations will be set by Henrico County.  
698 29. The owners shall not begin clearing of the site until the following conditions have been met:  
699  
700 (a) The site engineer shall conspicuously illustrate on the plan of development or  
701 subdivision construction plan and the Erosion and Sediment Control Plan, the limits of  
702 the areas to be cleared and the methods of protecting the required buffer areas. The  
703 location of utility lines, drainage structures and easements shall be shown.  
704 (b) After the Erosion and Sediment Control Plan has been approved but prior to any  
705 clearing or grading operations of the site, the owner shall have the limits of clearing  
706 delineated with approved methods such as flagging, silt fencing or temporary fencing.  
707 (c) The site engineer shall certify in writing to the owner that the limits of clearing have  
708 been staked in accordance with the approved plans. A copy of this letter shall be sent  
709 to the Planning Office and the Department of Public Works.  
710 (d) The owner shall be responsible for the protection of the buffer areas and for replanting  
711 and/or supplemental planting and other necessary improvements to the buffer as may be  
712 appropriate or required to correct problems. The details shall be included on the  
713 landscape plans for Planning Commission approval.  
714

715 Mr. Vanarsdall - All right that brings us to the end of the Expedited Agenda. Thank you, Mr.  
716 McGarry. Mr. Marlles.

717  
718 Mr. Marlles - Mr. Chairman, the next item on the agenda is subdivision extensions of  
719 conditional approval. This is provided for informational purposes only. There are two sections of  
720 Clarendon Farms and the extension is granted for two months rather than the 10 months shown on  
721 your agenda. That is on the addendum that you were handed today. Again, that information is  
722 presented for informational purposes.  
723

724 **(FOR INFORMATIONAL PURPOSE ONLY)**

725  
726 **SUBDIVISION EXTENSIONS OF CONDITIONAL APPROVAL**

727

<b>Subdivision</b>	<b>Magisterial District</b>	<b>Original No. of Lots</b>	<b>Remaining Lots</b>	<b>Previous Extensions</b>	<b>Year(s) Extended</b>
<b>Clarendon Farms,</b>	<b>Fairfield</b>	<b>195</b>	<b>195</b>	<b>7</b>	<b>2 Months</b>

September 27, 2000

**Parcel C -1  
(March 1995 Plan)**

**11/15/00**

**Clarendon Farms,  
Parcel C - 2  
(July 1995 Plan)**

**Fairfield**

**24**

**24**

**5**

**2 Months  
11/15/00**

728

729

730 Mr. Vanarsdall - Thank you, Mr. Marlles, what's next? Oh, do any Commissioners have any  
731 questions on that? All right.

732

733 Mr. Marlles - Mr. Chairman, our first case is a transfer of approval that was deferred  
734 from the August 23, 2000, meeting. It's POD-109-86, Colonial Printing. The staff report will be  
735 given by Mr. Michael Kennedy.

736

737 **TRANSFER OF APPROVAL (Deferred from the August 23, 2000, Meeting)**

738

POD-109-86

Colonial Printing (formerly  
Federal Express Van Station)

**Christopher N. Crowe for Elbert & Sons, L.L.C.:** Request for a  
transfer of approval, as required by Chapter 24, Section 24-106  
of the Henrico County Code, from Vantage Properties, Inc. to  
Elbert & Sons, L.L.C. The 2.6 acre site is located on the  
northwest corner of Waller Road and Edward Holland Drive on  
parcel 103-A-91B. The zoning is M-1, Light Industrial District.  
County water and sewer. **(Brookland)**

739

740 Mr. Vanarsdall - Good morning, Mr. Kennedy.

741

742 Mr. Kennedy - Ladies and gentlemen, they just posted the bond for the landscape improvements to  
743 bring the POD back into conformance, and they have agreed to all of the conditions of the previous  
744 POD. So we can now recommend approval.

745

746 Mr. Vanarsdall - Are they going to have an addition on that building?

747

748 Mr. Kennedy - They haven't submitted it for an addition yet. What they are doing is there are some  
749 loading docks that they are putting ramps to. So there are some minor exterior changes so that they  
750 can move their printing material more easily. It was a Federal Express building and they are  
751 putting a printing shop in there. So, it will become a major printing shop, production facility.

752

753 Mr. Vanarsdall - And what did you say about the loading dock?

754

755 Mr. Kennedy - Basically, what they are doing, they are taking the loading dock, which were for  
756 trucks to service them and now they are putting ramps in there to serve the smaller vehicles that  
757 way by hand truck.

758

759 Mr. Vanarsdall - Are there any questions by Commission members for Mr. Kennedy? I move  
760 that POD-109-86, Colonial Printing (Formerly Federal Express Van Station) be approved with the

**September 27, 2000**

**-21-**

761 annotations on the plans and with the agreement that the new owner will accept all of the  
762 responsibilities of the old owner and hopefully get the grass cut and put it back to look like a  
763 decent place. One of the lights is burned out over top of it, that will be fixed I'm sure. And  
764 anything else they can do to make it pretty.

765

766 Ms. Dwyer - Second.

767

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

770

771 The Planning Commission approved the transfer of approval for POD-109-86, Colonial Printing  
772 (Formerly Federal Express Van Station) subject to the new owner accepting and agreeing to be  
773 responsible for continued compliance with the conditions of the original approval. Mrs. O'Bannon  
774 was absent.

775

776 **TRANSFER OF APPROVAL**

777

POD-1-95 Virginia Mutual Insurance Company	<b>Hirschler, Fleischer, Weinberg, Cox &amp; Allen for Highwoods Realty Limited Partnership:</b> Request for transfers of approval as required by Chapter 24, Section 24-106 of the Henrico County Code, from Virginia Mutual Insurance Co. to Highwoods Realty Limited Partnership. The 6.958 acre site is located along the west line of Cox Road, approximately 490 feet north of Waterfront Place on parcel 38-3-C-4. The zoning is B-2C, Business District (Conditional). County water and sewer. <b>(Three Chopt)</b>
--	---

778

779

780 Mr. Vanarsdall - Is there anyone in the audience in opposition to transfer of approval for  
781 POD-1-95, Virginia Mutual Insurance Company? No opposition. Mr. Wilhite.

782

783 Mr. Wilhite - Good morning. Staff has made an inspection of the site and the site is in  
784 good shape and we recommend approval of this transfer and there are no conditions proposed.

785 Mr. Vanarsdall - Are there any questions by Commission members? Mr. Taylor.

786

787 Mr. Taylor - Mr. Chairman, I move POD-1-95, Virginia Mutual Insurance Company,  
788 transfer of approval be approved.

789

790 Ms. Dwyer - Second.

791

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

794

795 The Planning Commission approved the transfer of approval for POD-1-95, Virginia Mutual  
796 Insurance Company, subject to the new owner accepting and agreeing to be responsible for  
797 continued compliance with the conditions of the original approval. Mrs. O'Bannon was absent.

798

799 **TRANSFER OF APPROVAL & TRANSITIONAL BUFFER DEVIATION**

800

POD-154-88  
Paxton Van Lines

**Mike Doczi for Paxton Van Lines:** Request for transfers of approval of a plan of development and transitional buffer deviation as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code, from J. J. Haines & Company, Inc. to Paxton Van Lines, Inc. The 5.5 acre site is located between the terminus of Old Williamsburg Road and I-64 south ramp to I-295 on parcel 165-A-75A. The zoning is M-1C, Light Industrial District (Conditional). County water and sewer. (**Varina**)

801

802

803 Mr. Vanarsdall - Is there anyone in the audience in opposition to transfer of approval for  
804 POD-154-88, Paxton Van Lines? No opposition. Mr. McGarry.

805

806 Mr. McGarry - The site is surrounded by transitional buffers and one proffered buffer. All of them  
807 can be provided except for one. Due to the BMP location the plantings will end up being located  
808 behind the BMP rather than in front of it. So, the trees can be provided. It will provide also a  
809 good screen, in staff's opinion. That created the need for the transitional buffer deviation. Staff  
810 can recommend the plan to you plus the item No. 1 on your addendum where it basically states:  
811 The deficiencies as identified in the inspector's report dated September 7, 2000 shall be corrected  
812 by November 30, 2000. I'll be happy to answer any questions.

813

814 Mrs. Quesinberry - So what you are saying is that we can get the trees in front of the BMP?

815

816 Mr. McGarry - The trees are being provided in an alternative location. That's the purpose of their  
817 transitional buffer deviation because physically they can't be located in the first 25 feet where they  
818 are required because of the location of the BMP.

819 Mrs. Quesinberry - Okay. Do we need to state that as a condition for the location of where the  
820 alternative site will be?

821

822 Mr. McGarry - It's annotated on the plan.

823

824 Mrs. Quesinberry - Okay. That's what I wanted to know. Thanks.

825

826 Mr. Vanarsdall - Are there any other questions?

827

828 Mr. Marlles - Mr. Chairman, I would recommend two separate motions.

829

830 Mr. Vanarsdall - Right. I appreciate you mentioning that. Mrs. Quesinberry.

831

832 Mrs. Quesinberry - I'll make a motion to recommend approval for the request of transfer plan of  
833 development for POD-154-88, Paxton Van Lines, and that's subject to the annotations on the plan  
834 and also condition No. 1 on the addendum.

835

836 Mr. Taylor - Second.

837

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

840

841 The Planning Commission approved the transfer of approval for POD-154-88, Paxton Van Lines,  
842 subject to the new owner accepting and agreeing to be responsible for continued compliance with  
843 the conditions of the original approval and the following additional condition. Mrs. O'Bannon was  
844 absent.

845

846 1. The deficiencies as identified in the inspector's report dated September 7, 2000 shall be  
847 corrected by November 30, 2000.

848

849 Mr. Vanarsdall - Now we need a motion for the transitional buffer deviation.

850

851 Mrs. Quesinberry - I make another motion for approval of the transitional buffer deviation for  
852 POD-154-88 Paxton Van Lines.

853

854 Mr. Taylor - Second.

855

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

858

859 The Planning Commission approved the transitional buffer deviation for POD-154-88, Paxton Van  
860 Lines. Mrs. O'Bannon was absent.

861 **TRANSFER OF APPROVAL**

862

POD-51-93  
RIC - Aeroserve and  
POD-60-97  
RIC - Aeroserve

**Dave Redmond for Capital Region Airport Commission (CRAC):** Request for transfers of approval of each plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code, from RIC Aeroserve, L.C to Capital Region Airport Commission (CRAC). The 5.7 acre site is located at the northwest corner of S. Airport Drive (State Route 156) and Audubon Drive on parcel 163-A-18. The zoning is B-3, Business District. County water and sewer. (**Varina**)

863

864

865 Mr. Vanarsdall - Is there anyone in the audience in opposition to the transfer of approval  
866 request for POD-51-93 RIC - Aeroserve and POD-60-97 RIC Aeroserve? No opposition. Mr.  
867 McGarry.

868

869 Mr. McGarry - Please note that there is also an addendum item on this case also. Staff can  
870 recommend the transfer of approval for the Airport as it takes over the Aeroserve parcel. The  
871 addendum item essentially says " The deficiencies as identified in the inspector's report dated  
872 September 6, 2000 shall be corrected by November 30, 2000" and the Airport is in agreement with  
873 this timeframe.

874

875 Mr. Vanarsdall - Are there any questions of Mr. McGarry by Commission members? Mrs.  
876 Quesinberry.

877

878 Mrs. Quesinberry - Do I need to make two separate motions for each of these PODs?

879

880 Mr. McGarry - This is a transfer of approval only, so one motion is sufficient.

881

882 Mrs. Quesinberry - For both of the POD cases?

883

884 Mr. McGarry - Yes, one motion is fine.

885

886 Mrs. Quesinberry - Okay. That's what I need to know. I recommend approval for the transfer  
887 of approval for POD-51-93 Aeroserve and POD-60-97 Aeroserve, with the additional condition  
888 No. 1 on the addendum.

889

890 Mr. Archer - Second.

891

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

894

895 The Planning Commission approved the transfer of approval for POD-51-93, RIC - Aeroserve and  
896 POD-60-97, Aeroserve, subject to the new owner accepting and agreeing to be responsible for  
897 continued compliance with the conditions of the original approval and the following additional  
898 condition. Mrs. O'Bannon was absent.

899

900 1. The deficiencies as identified in the inspector's report dated September 6, 2000 shall be  
901 corrected by November 30, 2000.

902

903 **LANDSCAPE PLAN**

904

LP/POD-55-99  
Belmont Park @ Twin  
Hickory

**James River Nurseries for HHHunt Corporation:** 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 14.76 acre site is located at the southeast corner of Twin Hickory Road and Twin Hickory Lake Drive on part of parcel 27-A-4 and part of 18-A-39A. The zoning is RTHC, Residential Townhouse District (Conditional). **(Three Chopt)**

905

906 Mr. Vanarsdall - Is there anyone in the audience in opposition to the landscape plan for  
907 LP/POD-55-99, Belmont Park @ Twin Hickory? No opposition. Ms. News.

908

909 Ms. News - The revised plan which has just been distributed includes the streetscape  
910 planting for the proffered greenbelt. The streetscape plantings are part of an overall streetscape  
911 plan which is in various stages of installation along Twin Hickory Road and Twin Hickory Lake  
912 Drive. It consists of street trees and a row of Bayberry as well as accent planting at the main  
913 intersection, which is coordinated on all four corners. The grade in the greenbelt slopes down into  
914 the site, so the Bayberry will be shifted up the hill and closer to the sidewalk which will provide  
915 better buffering. A condition has been added, which is in your addendum, requiring additional  
916 administrative submittals of landscape plans for units which back directly up to the roads. Staff  
917 feels additional buffering may be needed for these homes but at this time it is not known which unit  
918 will be built in each location. The applicant has agreed to work with staff to increase the buffering  
919 for these units prior to granting a certificate of occupancy. Included in the revised plans also is a  
920 plan for landscaping in the cul-de-sac island for Belmont Park Lane. Staff can recommend  
921 approval of the revised landscape plan subject to the standard conditions for landscape plan and  
922 additional condition No. 5 listed in your addendum. I'll be happy to answer any questions.

923

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

925

926 Mr. Taylor - I would like to ask a question. The circle that we discussed do you think  
927 that is adequately cared for in the addendum or in the revised plans?

928

929 Ms. News - The revised plan indicates planting three, 10 to 12 foot River Birch and  
930 Liriope, and that will be irrigated so it should look nice.

931

932 Mr. Taylor - Should look nice?

933 Ms. News - Yes, I believe so.

934

935 Mr. Taylor - Okay. Thank you.

936

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

September 27, 2000

938

939 Mr. Taylor - Mr. Chairman, I move approval of landscape plan LP/POD-55-99, Belmont  
940 Park @ Twin Hickory, subject to the standard conditions for landscape plans, the annotations on  
941 the plans and additional condition No. 5 on the addendum.

942

943 Mrs. Quesinberry - Second.

944

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

947

948 The Planning Commission approved the landscape plan for LP/POD-55-99, Belmont Park @ Twin  
949 Hickory, subject to the standard conditions attached to these minutes for landscape plans, the  
950 annotations on the plans and the following additional condition. Mrs. O'Bannon was absent.

951

952 5. A landscape plan for the purpose of providing additional buffering behind units #21, #28,  
953 #29, #30, #31, #32, #39 and #40 shall be submitted to the Planning Office for  
954 administrative review and approval prior to issuance of occupancy permits for each of  
955 these units. This requirement may be waived if deemed appropriate by the Planning  
956 Office.

957

#### 958 **ALTERNATIVE FENCE HEIGHT PLAN**

959

Carriage Hill Apartments,  
Phase One

**TIMMONS:** Request for approval of an alternative fence height to permit a six-foot security fence in the front yard along Glenside Drive, as required by Chapter 24, Sections 24-106, 24-106.2 and 24-95(1)(6)d. of the Henrico County Code. The 47.0 acre site is located on the north line of Glenside Drive, 850 feet east of Bethlehem Road on part of parcels 82-A-1, 2 and part of parcel 3. The zoning is R-5, General Residence District. (**Brookland**)

960

961

962 Mr. Vanarsdall - Is there anyone in the audience in opposition to this fence going up in  
963 Carriage Hill Apartments? No opposition. Good morning, Mr. Strauss.

964

965 Mr. Strauss - Good morning, Mr. Chairman. At the time of the preparation of the agenda,  
966 staff had not completed its review as we had questions of the applicant with regards to the gates  
967 and what provisions had been made with the respect to addressing comments by the Division of  
968 Public Works, the Fire Marshall and Public Utilities. Staff has now completed its review and can  
969 recommend approval of the plan as annotated. That's the plan that we just handed out this morning.  
970 We are recommending approval with the standard conditions for landscaping and fence plans and  
971 the annotations on the plan. The important annotation is at the upper right-hand corner of your  
972 plan. The Fire Marshall's office would like the applicant/owner to contact the County Fire  
973 Marshall's Office prior to completion of the project to test and inspect the emergency gate  
974 operation for acceptance and approval. In addition, signs indicating location of the fire access  
975 gates are required. The applicant is in agreement to this and staff now has no problems with this  
976 application, so we are recommending approval at this time. I'll be happy to answer any questions

977 you have and the applicant is also represented here this morning.

978

979 Mr. Vanarsdall - From the way I understand it, they always make sure that the cards and the  
980 gate, Fire does this?

981

982 Mr. Strauss - The gates, from my understanding, the gates will be operated by either key  
983 pad or card. And the Fire Marshall, and the emergency vehicle access, can be done either through  
984 a radio control or with a horn. Either one of those methods could work with this type of fence and  
985 this gate.

986

987 Ms. Dwyer - This is gated and not just fencing.

988

989 Mr. Strauss - It will be a gated community. They have had some crime problems in this  
990 area so the gate will tie into the existing chain-link fence around the back of the property. And this  
991 will be an ornamental, wrought iron style, prefabricated, fence across the front with gates at the  
992 access points. And additional gates for fire access to the buildings. There are two points on the  
993 plan which illustrate fire access gates. They are basically gates where the fire engine would drive  
994 over the curb to get to buildings.

995

996 Ms. Dwyer - Has this been done? I've never seen this done before.

997

998 Mr. Strauss - I've heard of it being done, but I can't cite you a case in Henrico County but  
999 perhaps the applicant can.

1000

1001 Ms. Dwyer - Where are the fire access gates?

1002

1003 Mr. Strauss - Take a look at page 3, you will see there in the middle "See Fire Marshall  
1004 comment" there is an access gate over there and generally in the center of the page and then on the  
1005 next sheet there is an additional fire access gate.

1006

1007 Ms. Dwyer - It will look like a fence.

1008

1009 Mr. Strauss - It will basically look like the fence.

1010

1011 Mr. Vanarsdall - You know they have a fence on the rest of that property.

1012

1013 Mr. Strauss - There is a fence going around the outside rear of the property.

1014

1015 Mr. Vanarsdall - And if you go down that back road, you can hardly notice it because it is  
1016 black.

1017

1018 Mr. Strauss - It's a black, vinyl coated chin-link.

1019

1020 Mr. Vanarsdall - It sets back in the woods. So this will be similar to that I hope, won't it?

1021

1022 Mr. Strauss - Actually, this is more ornamental wrought iron so it's a more decorative

1023 style "theme" fence.

1024

1025 Ms. Dwyer - What is the County policy on gated communities because I know that it has  
1026 come up for single-family homes before? And I was told that there was a County policy against  
1027 that. I'm just curious what the County policy is about gated fences.

1028

1029 Mr. Strauss - I think, historically, there was interest in not having too many gated  
1030 communities by virtue of the alternative fence height. I think that was the reason for that. There is  
1031 no particular Code item. We do have provisions to make sure that the Fire Marshall or the Police  
1032 are satisfied that they can gain access to the project when they need to.

1033

1034 Ms. Dwyer - Is it related to whether there is a public road involved or not?

1035

1036 Mr. Strauss - I'm not aware of that.

1037

1038 Ms. Dwyer - I'm getting a head nod from Todd Eure, so it must be that the gated  
1039 communities are not permitted if they gate a public road but it's okay if it gates a private road, is  
1040 that correct? Okay.

1041

1042 Mr. Vanarsdall - All of that would have been checked out, hadn't it Jim? I see Todd is  
1043 shaking his head.

1044

1045 Ms. Dwyer - So, these are private roads in this...

1046

1047 Mr. Vanarsdall - Which way are you shaking your head, up and down?

1048

1049 Ms. Dwyer - He's shaking "yes" to all my questions. We are not going to make him stand  
1050 up. Thank you.

1051

1052 Mr. Vanarsdall - Thank you. I move that the alternative fence height plan at Carriage Hill  
1053 Apartments, Phase One, be approved with the annotations on the plans, the standard conditions for  
1054 this type.

1055

1056 Mr. Taylor - Second.

1057 Mr. Vanarsdall - The motion was made by Mr. Vanarsdall and seconded by Mr. Taylor. All  
1058 in favor say aye...all opposed say nay. The motion carries.

1059

1060 The Planning Commission approved the alternative fence height for the Carriage Hill Apartments,  
1061 Phase One, subject to the annotations on the plans and the standard conditions attached to these  
1062 minutes for landscape plans. Mrs. O'Bannon was absent.

1063

1064 **SUBDIVISION**

1065

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

September 27, 2000

192-A-19 and part of 192-A-7. The zoning is RTH, Residential  
Townhouse District, R-5, General Residence District and ASO  
(Airport Safety Overlay District). County water and sewer.  
**(Varina) 80 Lots**

1066

1067

1068 Mr. Vanarsdall - Is there anyone in the audience in opposition to this subdivision, Dakota  
1069 Estates (May 2000 Plan)? We have opposition, and quite a few. All right. Ms. News.

1070

1071 Ms. News - Previous submissions for Dakota Estates have included the RTH, R-5 and  
1072 A-1 parcels. This current submission however is for development of 80 townhouse units on the  
1073 RTH parcel. The plan has been through several reviews and improvements to the layout have  
1074 made. A factor of key concern on this project has been how access to the R-5 parcel behind this  
1075 site will be accomplished. The R-5 parcel is 34.5 acres and currently has potential for  
1076 development of 500 multi-family units. Access to this parcel is not recommended through the  
1077 adjacent single-family subdivision of Varina Point. The proposed townhouse development has 80  
1078 proposed townhouse units on a single point of access, which is the maximum that can be developed  
1079 on this access.

1080

1081 In response to the staff's request that the applicant address this issue he has submitted a master plan  
1082 which indicates a second point of access could be developed or would be developed to Old  
1083 Oakland Road. The applicant has indicated that this master plan has been developed by another  
1084 party and is not under his control. The traffic engineer has evaluated this proposal and indicates  
1085 that although access would not be permitted in the location shown, access potentially could be  
1086 developed in this direction if certain criteria are met. Minimum road separations requirements  
1087 would indicate that the developer of the property would need to purchase additional property to  
1088 accomplish this. Because the minimum code requirements have been addressed, staff is  
1089 recommending approval of this plan. Staff is aware however that there is considerable objection  
1090 from the adjacent neighborhood and that a representative is here to address the Commission. I'll  
1091 be happy to answer any questions.

1092

1093 Mr. Vanarsdall - Are there any questions of Ms. News by Commission members?

1094

1095 Mrs. Quesinberry - So, at this point we really don't have a second point of access on Oakland  
1096 Road for the R-5 parcel in the back of this parcel?

1097

1098 Ms. News - My understanding is that the developer of that property has purchased a  
1099 single-family lot and their intention is to build a public road through that lot, which would provide  
1100 access. However, the traffic engineer has indicated that there would be separation problems with  
1101 the location in that exact spot to other cross streets on Old Oakland Road.

1102

1103 Mrs. Quesinberry - What is the density for this development?

1104

1105 Ms. News - The density is 6.9.

1106

1107 Mr. Vanarsdall - If there are no more questions from the Commission, we will hear from the

1108 applicant first. Mr. Marlles will explain the rules of the time limit.

1109

1110 Mr. Marlles - Thank you, Mr. Chairman. It is the policy of the Commission, ladies and  
1111 gentlemen, when there is opposition in a case to allow the applicant 10 minutes to present his  
1112 testimony. Some of that 10 minutes may be save for rebuttal of opposition statements. Time to  
1113 answer questions directed from the Commission will not be included in the applicant's allotted  
1114 time. Following the applicant's presentation, the opposition will also be allowed 10 minutes to  
1115 present testimony. The time may be used as desired but generally the Commission has found that  
1116 using a spokesperson makes the most effective use of that time. Again, any time spent answer  
1117 questions from the Commission is not counted toward that 10 minutes. Mr. Chairman, I think that  
1118 explains the policy.

1119

1120 Mr. Vanarsdall - Thank you. We would like to hear from the applicant first.

1121

1122 Mr. Holt - My name is Gill Holt and I represent the Dakota Group who is developing  
1123 Dakota Estates.

1124

1125 Mr. Marlles - Sir, would you like to reserve some time for rebuttal, out of your 10  
1126 minutes?

1127

1128 Mr. Holt - Yes.

1129

1130 Mr. Marlles - Two minutes, or....

1131

1132 Mr. Holt - Really, I think my position would be this morning is we worked real hard  
1133 with the staff and I think we have addressed the majority of their concerns. I can share a little bit  
1134 of that information about what I understand is going on with the R-5 property with what is  
1135 transpiring with the purchase of Lot 3 located in the R-2A portion or the property to the north. As I  
1136 understand it, when they addressed Traffic Engineering, the main objection was 150 feet of  
1137 separation, which they believe they could achieve that. But, as far as the RTH site, which I'm  
1138 involved in, I think we have met most of the staff's requirements at this time, and I'm just here to  
1139 answer any further questions that the Commissioners may have.

1140 Mrs. Quesinberry - Is that lot that was purchased for access to Oakland Road, is that the Russell  
1141 property?

1142

1143 Mr. Holt - I just know it's know as lot 3, 1665 Old Oakland Road. And we submitted  
1144 to staff a conceptual plan that showed how the ingress/egress would enter the R-5 property  
1145 between the common lot line, between the RTH and R-5 and exit back out through Lot 3 with the  
1146 proposed dedicated right-of-way that would terminate in a cul-de-sac on the R-5 property.

1147

1148 Mr. Vanarsdall - All right. Are there any other questions, Mrs. Quesinberry?

1149

1150 Mrs. Quesinberry - No. I would like to hear from the opposition.

1151

1152 Mr. Vanarsdall - All right. Thank you. Now we will hear from the opposition. Whoever  
1153 wants to be first come on down an state your name and whatever you want to say. Good morning.

1154

1155 Ms. Roberts - My name is Judith Mays Roberts and I am president of the Varina Station  
1156 Homeowners Association. I live at 6305 Varina Station Drive and today I am making a statement  
1157 on behalf of the homeowners in Varina Station, Midview Woods, Old Oakland Road and Foxboro  
1158 Downs, and our position to the Dakota Group proposal to build 80 townhomes in an area adjacent  
1159 to our homes. Our relationship with Dakota dates to March 1999 when Dakota Associates  
1160 convened a meeting with residents to discuss the proposed project to rezone parcel A-192-20 from  
1161 A-1 to RTHC. Although additional meetings with residents did not occur for almost two months a  
1162 process was developed which invited and embraced community participation through the  
1163 remaining five months of the planning process. Community participation however has not been a  
1164 component of the current proposed project. Our only communication with Dakota occurred last  
1165 week on September 20, 2000, when Fed Ex delivered to my doorsteps the specifics of the case to  
1166 be presented today. We thank Mr. Holt for the information. We are disappointed that the short time  
1167 line did not permit an opportunity to accept an invitation to meet with Mr. Holt before today's  
1168 meeting. The mailed information proved invaluable in preparing for today's meeting.

1169

1170 Although, this proposal addresses many of the issues which were not addressed in Dakota's 1999  
1171 proposal. for example; designating 6.6 acres of common area in 11.7 project area, the  
1172 undeveloped acres of R-5 zoned land west and north of the proposed project continue to function  
1173 as an 8000, pound gorilla in our living room. It should be noted that Dakota included a conceptual  
1174 plan for this section for informational purposes only on a copy of the project submitted to the  
1175 planning office but fail to show such a plan on the copy mailed to me eight days ago. Moreover,  
1176 closer examination of the conceptual plan raised additional questions. For example: Are the  
1177 structures in the plan townhomes apartments are not yet determined? Did human error contribute to  
1178 the deletion of the conceptual plan on the copy of the proposed project mailed to me on the 20<sup>th</sup> of  
1179 September? The many months of interaction with Dakota has taught us to look beyond the appeal  
1180 of the proposed project in order to discover the hidden surprises. In this case, the surprise is the  
1181 missing information related to the master plan for the 34 acres of R-5 zoned property.

1182

1183 Dakota's failure to share information with community members in an equitable manner does not  
1184 build a bridge of trust with the community. Frederick Jarvis, president and director of land  
1185 planning at LDR International Inc. in Columbia, Maryland, says that building of trust in community  
1186 and participation in the planning process are important factors in reducing opposition to growth.  
1187 This was from the Land Development of spring/summer issue of a publication that they put out.  
1188 We are very disappointed that Dakota failed to adhere to Mr. Jarvis' words of wisdom.

1189

1190 Our final area of concern involves the second point of access. A second access will be required  
1191 when future development is initiated. The proposed project identifies a second point of access out  
1192 to Old Oakland Road. Does this point of access meets the County's standards outlined in the  
1193 September 15 memo from the Department of Public Works to Dakota? We will remain opposed to  
1194 this project moving forward until it is clear that all standards have been met for the Old Oakland  
1195 Road access. This action will level the playing field for all concerned parties. Although the  
1196 nightmare involving the 54 acres began almost 30 years ago, the land was rezoned from  
1197 agricultural... when the land was zoned from agricultural to multi-family, we have not given up the  
1198 hope that a win, win, solution can be crafted. For Dakota, a win, win, will mean building a quality  
1199 community that will yield a profit and provide homes for residents where families will be

1200 community, and property value. For those of us who are members of existing communities it will  
1201 mean maintaining the value of our homes and the quality of life we currently enjoy.

1202

1203 In conclusion, we are asking you to withhold approval on this project until issues related to the  
1204 master plan for the R-5 section and the second point of access are clearly addressed. We  
1205 sincerely hope you will look favorably on our request. Thank you.

1206

1207 Mr. Vanarsdall - Are there any questions of Ms. Roberts by Commission members?

1208

1209 Mr. Taylor - Mrs. Roberts, there has been no master plan proffered by Dakota Company  
1210 at all that you have been able to review?

1211

1212 Ms. Roberts - No. It was not on the plan that Mr. Holt sent to me. It was tacked on the top  
1213 of the County's plan, that the County had sent to me that they had gotten from him.

1214

1215 Mr. Taylor - That is the one that I think that we have here.

1216

1217 Ms. Roberts - My plan was different.

1218

1219 Mr. Taylor - Is the total acreage, envisioned by the Dakota project is 34 acres, is that  
1220 right, Mr. Holt?

1221

1222 Mr. Holt - (Unintelligible, Mr. Holt was not standing at the podium)

1223

1224 Mrs. Quesinberry - Right. 11.77.

1225

1226 Mr. Taylor - But, eventually, your plan is to encompass 34 acres?

1227

1228 Mr. Holt - (Unintelligible)

1229

1230 Mr. Taylor - Thank you.

1231

1232 Mr. Vanarsdall - Are there any other questions for Ms. Roberts? Thank you.

1233

1234 Ms. Roberts - Thank you.

1235

1236 Mr. Vanarsdall - Is there anyone else? Good morning.

1237

1238 Mr. Parish - Good morning, Mr. Chairman and members of the Board (sic), my name is  
1239 Ernest B. Parish and I live at 6261 North Midview Road. The only thing I have heard this morning  
1240 is about planning. I thought I was coming here to discuss this one RTH plan, but I haven't heard  
1241 anything about a man buying or he has approval to run a new road down to Old Oakland Road.  
1242 The information I got that he was putting that road in there and have to run a 20-inch water main up  
1243 to his project, which he doesn't need. It's already a 10-inch water line and a 6-inch water line  
1244 running on Midview Road. The long range plan for this plan is not this one project and he just  
1245 admitted that that is not his plan. But, overall his plan is to get back access to R-5. I don't see any

1246 proffers being written up on it. I don't see any setbacks, I don't see any berms, I don't see a fence  
1247 surrounding this private property. The road going in there right now, I don't see a turnaround area  
1248 for the cars to go in there and get out. I question the width of the streets and the cul-de-sacs. If a  
1249 hook and ladder have to get in there do they have room to turn around? This private road he is  
1250 talking about, is that a 40-foot road? Does that meet the County standards? And he's got a gate at  
1251 each end of it, why is this and how is that gate going to work? There are a lot of questions to be  
1252 asked here. Nothing has been brought to the community. He hasn't requested to meet with the  
1253 community to discuss his plans or any of the proffers on this plan.

1254

1255 Mr. Vanarsdall - So, you have not met on this project?

1256

1257 Mr. Parish - No, sir. I think we got this about two weeks ago, is that right, Ms. Roberts?

1258

1259 Ms. Roberts - We got the information from him last Wednesday, the 20<sup>th</sup>.

1260

1261 Mr. Parish - That's all I have.

1262

1263 Mr. Vanarsdall - Thank you very much. Are there any more questions? How much more time  
1264 do we have, Mr. Marlles?

1265

1266 Mr. Marlles - We have four minutes, Mr. Chairman.

1267 Mr. Vanarsdall - All right. Yes, sir. Good morning to you.

1268

1269 Mr. Stillman - Good morning. My name is Jason Stillman and I own the property 1675  
1270 Old Oakland Road. This is my mother Bernice Russell. We are opposite ends of where this  
1271 access road will be it would be separating our two homes. We were actually made offers to sell  
1272 our homes in which I declined and I was not notified that there would be an access road put right  
1273 next to my home which would disrupt my family life. I just do not approve of it at all. I don't  
1274 know about anyone else but I do not want to be right next to a road.

1275

1276 Mrs. Quesinberry - Mr. Stillman, are you and your mother lots one and three?

1277

1278 Mr. Stillman - Yes, I believe so.

1279

1280 Mrs. Russell - I'm 1655 and the property was purchased. Actually, I was looking to  
1281 possibly buy that piece of property because my oldest daughter has relocated here from New York.  
1282 But, then I was advised that the property had a contract pending. Then I got this in the mail on  
1283 August 10, I think it was, with an offer to buy an acre of my back property, which my son had  
1284 already alerted me that someone had made him an offer on an acre of his property. But at no time  
1285 did anyone contact me to let me know that the piece of property in the middle was going to have a  
1286 road. I was looking to put another family, my family, and we would have the three houses in a  
1287 row. So, I'm definitely in opposition to what's going on here. And, I thank Ms. Roberts for  
1288 keeping me advised and I've given her copies of everything that I have.

1289

1290 Mr. Vanarsdall - So, you haven't been to any kind of meeting either then?

1291

1292 Mr. Stillman - No.  
1293  
1294 Mrs. Russell - No.  
1295  
1296 Ms. Dwyer - Mr. Secretary, are we approving this road today? It is my understanding  
1297 that we are not. This access road that is under discussion at the moment.  
1298  
1299 Mr. Marlles - That is correct, Ms. Dwyer, it's not on the site of the proposed POD.  
1300  
1301 Ms. Dwyer - So, what is the process that will need to occur in order for this road to be  
1302 used to access the R-5 property which is of concern to you?  
1303  
1304 Mr. Marlles - A plan of development that conforms with the R-5 zoning requirements  
1305 would be submitted either probably a subdivision and at that time that access road would be  
1306 evaluated and considered.  
1307  
1308 Ms. Dwyer - So, not until the R-5 property is developed or a plan is submitted to  
1309 develop the R-5 property, that's when this road will come under consideration.  
1310  
1311 Mr. Marlles - That is correct.  
1312 Ms. Dwyer - So, we are not looking at that today but I think Ms. Roberts and a number of  
1313 the neighbors are looking ahead to what is bound to happen to the R-5 property since it is pretty  
1314 much landlocked.  
1315  
1316 Mrs. Russell - I still don't know why they offered my son and I \$20,000 each an acre for  
1317 our property. I have no idea why they even offered that. I mean, I'm still questioning what that  
1318 was about.  
1319  
1320 Ms. Dwyer - It could be that they want more property to add to the access road to make it  
1321 wider or, I mean I don't know, but something to that extent.  
1322  
1323 Mr. Stillman - Thank you.  
1324  
1325 Mr. Vanarsdall - Thank you. Is there anyone else?  
1326  
1327 Ms. Paschke - My name is Marilyn Paschke and I'm president of the Varina Environmental  
1328 Protection Group. I live at 6133 Hines Road. We have a problem with old zoning again, and this  
1329 occurs when development doesn't take place fairly soon after rezoning and it's an ongoing problem  
1330 in the County and it would be nice to find a solution for. Mixed neighborhoods can be wonderful.  
1331 Usually they have a transition zone between different kinds of development, and it results in a  
1332 pleasing blend of development in a pleasing neighborhood. Then there is the hodgepodge kind that  
1333 is designed by self interest, no buffers or transition zones, definitely no consideration for the big  
1334 picture or the neighborhood. This is the worst kind of planning and development. It's the worst  
1335 kind that the Commission, the staff and the community has to deal with it in Henrico. Let's talk  
1336 about community. Good development cooperates with the community and tries to build something  
1337 that is of compatible quality. I don't think that we are faced with that level of development in this

1338 project. It's like the profiteers have come to town, pick up a quick buck and leave. Shame. This is  
1339 not the type of business that we want to take place in Eastern Henrico County. Bluntly, disregard  
1340 for the County's efforts to build good communities, plus the (unintelligible) for the surroundings  
1341 communities and its citizens, should be rewarded with a negative decision by the Commission.  
1342 And it also sounds like, as I'm listening to the case presented this morning, that it's not a complete  
1343 case and that it should be deferred or turned down. Thank you.

1344

1345 Mrs. Quesinberry - Thank you, Ms. Paschke.

1346

1347 Mr. Vanarsdall - Are there any questions for Ms. Paschke? Thank you.

1348

1349 Mr. Marlles - We are out of the 10 minutes, Mr. Chairman, unless the Commission would  
1350 like to extend the time.

1351

1352 Mrs. Quesinberry - I think there were a few other people that wanted to speak.

1353

1354 Mr. Talley - Could I just have a minute?

1355

1356 Mrs. Quesinberry - Sure, come on down.

1357

1358 Mr. Vanarsdall - All right.

1359

1360 Mr. Talley - Good morning. My name is Maurice Talley and I live at 6500 Tide Tier in  
1361 the Varina Station Subdivision. I guess first of all, I want to thank you for extending the time and  
1362 the opportunity to talk here. We appreciate Ms. Roberts who spoke on our behalf. If everyone in  
1363 this room were to look at this situation, we are trying to find a balance that will satisfy everybody  
1364 because we understand that business keeps the County going and development is of essence. It  
1365 occurs throughout the world and we need that and we understand that because the County needs the  
1366 revenue to operate and we are definitely are not trying to stop any business from pursuing their  
1367 interest. However, as a homeowner and the struggle that we go through to get to that point, it is  
1368 important that we be allowed to maintain our values that that be protected and that no one  
1369 compromises their integrity whether it be the County the businesses involved or us as neighbors.  
1370 The one thing that came out of that that I picked up on just a few minutes ago, when we talked about  
1371 that access road, it almost becomes an automatic vote, say, if this project goes through. Because if  
1372 he gives one thing and then there are certain things that have to go along with, like you said, in  
1373 looking ahead and I'm glad that Ms. Roberts and the others had that foresight because if we don't  
1374 address that issue now, then like I said, we will get ourselves in a situation where it's an automatic  
1375 vote. And when you talk about families that have property and they are trying to keep family  
1376 together, which I think is a beautiful situation. We would just like to some how preserve those  
1377 types of things because there are a lot of problems in the world, and not to get off the subject, but  
1378 it's because of what happens in the family or what's not happening in the family and we don't want  
1379 to lose that base. And it starts in neighborhood and as we build communities whether it be future,  
1380 present or whatever, we have to preserve some things to really protect what we have developed  
1381 over the years. So, I would like for the County to really give this a good look from the business  
1382 standpoint as well as from the neighbors. We are not trying to say just shut these people out but  
1383 just make sure that everybody plays by the right rules and if somehow everybody's interest could

1384 be protected as best possible. Thank you very much.

1385

1386 Mrs. Quesinberry - Thank you, Mr. Talley, I could not have said that better.

1387

1388 Mr. Vanarsdall - Thank you. Is there anyone else? All right, Mrs. Quesinberry, I will turn it  
1389 over to you. Mr. Holt, do you want to make some comments?

1390

1391 Mr. Holt - Yes. What I can share with the Commission members is the portion of R-5,  
1392 that is under contract with a group know as Brisben which is out of Cincinnati, OH. And I think in  
1393 the forthcoming months they will be putting together a plan that will be in front of the Commission.  
1394 As far as today, we are here on the RTH piece and the 80 units that we are proposing to build and  
1395 to develop. To address the waterline issue, we were required to loop that waterline by staff to  
1396 meet staff's requirements and that was the reason that it leaves the property and follows that dashed  
1397 line going toward the north that also serves as an additional ingress/egress for emergency access,  
1398 which once again was another staff requirement. As far as transitional buffers between this and  
1399 other surrounding neighborhoods, we have a common area that surrounds all the proposed  
1400 townhome lots for this particular subdivision. And, in addition to that, there is approximately on  
1401 the A-1 section to the south of the RTH parcel, there's another eight acres there that would act as  
1402 an additional buffer at this point to Varina Station and to the north of us that is zone A-1. I don't  
1403 believe there's any structures that back up to that common property line between the RTH and the  
1404 A-1 site to the north. But, once again, we are here today representing only what is being proposed  
1405 on the 11.7 acres. The reason I know Brisben is involved in the R-5 piece, and they are out of  
1406 Cincinnati, OH, is we are going to be working in conjunction with them on cross easements  
1407 relating to sewer, water, ingress and egress and I believe that condition is condition No. 14 under  
1408 staff's recommended approval. I'll be more than glad to address anything that relates to the RTH  
1409 parcel because that's what I am here to talk about today.

1410

1411 Mr. Vanarsdall - Well, I understand what you are saying but there is always concern made  
1412 when people say they don't know what's going on in their own neighborhood and they haven't had a  
1413 meeting. I don't understand that.

1414

1415 Mr. Holt - I will be more than glad to meet with them, and if you all want to defer....

1416

1417 Mr. Vanarsdall - Well, that's up to Mrs. Quesinberry, but I was just saying how I feel about  
1418 it. It bothers me when people don't know what's going on in their own neighborhood.

1419

1420 Ms. Paschke - Could I possibly say something to what he said? He's talking about the A-1  
1421 piece that's eight acres. I think it would be wonderful if he would buy that and put that in  
1422 permanent green space and make it a real buffer between the two neighborhoods, then I think the  
1423 neighborhood would like that. Thank you.

1424

1425 Mrs. Quesinberry - Somehow I thought you would say that Ms. Paschke.

1426

1427 Mr. Taylor - If I might, Mr. Chairman. Mr. Holt, the concerns we have heard here from  
1428 the people are that, notwithstanding your desires to go ahead with this project, your discussion of  
1429 planning with the Brisben Company and the other companies is really just speculation. I think most

1430 of the people that we have heard from have expressed that they would like to know what is going  
1431 on with regard to your project and their property values. And Ms. Paschke is saying that in looking  
1432 at this whole project you must look at it holistically in a comprehensive view and address your  
1433 neighbors, the site and how it fits with the environment. And in looking at that, the fact that you  
1434 haven't done that indicates to me that there is a lot of work that needs to be done with your business  
1435 associates and with your own company in determining what is best for you and what is best for  
1436 them. And then you need to discuss what is best for the community and then work with the  
1437 community to show them that this is going to work for everybody. And, of course, the County has  
1438 an overview of this to make sure that from your standpoint that the project is successful and  
1439 adequately planned and from the community point of view that their rights in property and values  
1440 are protected. So, in looking at your discussion and your thoughts, I think that in my view, first  
1441 should come the comprehensive planning then should come the coordination with the neighbors  
1442 then should come the approach to the County to get approval to go ahead with the whole project.  
1443 So, you are doing a piece of it and not looking at it holistically and I really think you need to step  
1444 back and look at it holistically in the best interest of everybody.

1445

1446 Mr. Holt - And I can appreciate that. I guess my problem is how can I control anything  
1447 other than the RTH piece because that's what we are purchasing.

1448

1449 Mrs. Quesinberry - My concerns are similar to Mr. Taylor's and some of the neighbors too. It  
1450 almost seems like you have the cart before the horse here. This R-5 piece in the back with the  
1451 potential of 500 units. We have already discussed this not going to dump traffic into Trailing  
1452 Ridge. You can't have 500 units coming through that single-family home (neighborhood).

1453

1454 Mr. Holt - I have nothing to do with that parcel.

1455

1456 Mrs. Quesinberry - I understand that. But, with developing the RTH on the front of that R-5  
1457 piece first without knowing what the R-5 looks like and how it will ultimately develop means that  
1458 you really do back yourself into a corner. And I think it was Mr. Talley that said, so eloquently,  
1459 that it forces you into an approval vote on, when you get to that point, if your RTH piece is fully  
1460 developed and the R-5 comes on line, obviously, the access is going to have to have at least two  
1461 points of access, which means they come through the RTH piece or they come out on Oakland  
1462 Road some place. So, you end up with a lot more questions and answers, even with the purchase  
1463 of lot No. 2 that doesn't provide enough adequate land to put a road through there if in fact the road  
1464 would be approved to go through there. It's pretty clear that the neighbors around there are not  
1465 interested in having a road through nor selling additional property that would be required to do so.  
1466 So, there are a lot more questions about what happens in this development. I know it would be  
1467 nice and you would like to just look at your development in isolation but we don't develop in  
1468 isolation, we develop in our community. And I don't know that it's really appropriate to look at it  
1469 that way. With the questions of the R-5 in the back and where the traffic would go, I think those  
1470 are legitimate questions and questions that need to be asked and answers that everybody in the  
1471 community needs. I think that the neighbors have been pretty clear about... They are not opposing  
1472 development, they understand that land is going to be developed, but what they would like to know  
1473 is how is that going to happen and some of the points around where will the traffic go and what  
1474 will this look like in their community. And I don't think, those are questions that are not just  
1475 legitimate questions that neighbors should ask and should know. So, I understand that you are only

1476 interest in your 11 acre parcel and what it looks like, but ultimately you will be affected and your  
1477 community will be affected by the R-5 as well as everybody else around there whether they are on  
1478 the Oakland Road side or whether they are in the Varina Station side or even across the street, in  
1479 Midview Woods. Everyone is going to be impacted by what occurs there. So, I think it just  
1480 behooves everyone to have a little more information and understand what's going to happen. And  
1481 like Mr. Vanarsdall, I'm also concerned that the immediate neighbors around your development  
1482 haven't been able to meet with you and talk with your about even what you are planning to do with  
1483 your RTH piece and how that's going to affect their neighborhood. I think they would feel more  
1484 comfortable if they had a little bit more time from you and were able to sit down and discuss some  
1485 of those issues as well.

1486

1487 Mr. Holt - That would be fine.

1488

1489 Mrs. Quesinberry - Would you like to defer this for 30 days?

1490

1491 Mr. Holt - I think that would be fine.

1492

1493 Mrs. Quesinberry - I'll make a motion to defer Dakota Estates (May 2000 Plan) to the October  
1494 25 meeting, at the applicant's request. Thank you, Mr. Holt.

1495

1496 Mr. Archer - Second, Mr. Chairman.

1497

1498 Mr. Vanarsdall - The motion was made by Mrs. Quesinberry and seconded by Mr. Archer.

1499 All in favor say aye...all opposed say nay. The motion carries.

1500

1501 Pursuant to the applicant's request, the Planning Commission deferred subdivision Dakota Estates  
1502 (May 2000 Plan) to its October 25, 2000, meeting. Mrs. O'Bannon was absent.

1503

1504 Mr. Vanarsdall - The Commission will take a short break.

1505

1506 **THE COMMISSION TOOK A BREAK AT THIS TIME AND THEN RECONVENED**

1507

1508 Mr. Vanarsdall - Okay. Mr. Secretary, our next case.

1509

1510 **SUBDIVISION (Deferred from the August 23, 2000, Meeting)**

1511

Orams Estates  
(August 2000 Plan)

**Engineering Design Associates for Louise T. Dooley and  
Wayne Morris Construction:** The 2.858 acre site is located on  
the east line of Orams Lane, approximately 290 feet north of Nine  
Mile Road (State Route 33) on parcel 141-A-83N. The zoning is  
R-3, One-Family Residence District. County water and sewer.  
**(Varina) 10 Lots**

1512

1513 Mr. Vanarsdall - Is there anyone in the audience in opposition to Orams Estates? No  
1514 opposition. Mr. Wilhite.

1515

1516 Mr. Wilhite - Thank you. Staff has reviewed the subdivision proposal and we are making  
1517 a recommendation that a stub street be provided within the bounds of this subdivision. The  
1518 applicant is not agreeable to that. The subdivision ordinance requires that a block be no longer in  
1519 distance than 1,320 feet. From Nine Mile Road to the northernmost boundary of this subdivision is  
1520 approximately 1,180 feet. Staff in looking at adjacent property, the next possible location, would  
1521 appear to greater than 1,320. This is also the northernmost boundary of the property that's  
1522 currently zoned R-3 single-family residential. All the property to the north is still agricultural  
1523 zoning. The next street that intersects with Orams and that's 1,830 feet away from Nine Mile Road,  
1524 intersects from the west and it does not intersect from the east side. Also there is no intersecting  
1525 streets with Orams for a distance of 2,730 feet approximately from Nine Mile Road. Staff has  
1526 checked with the Department of Public Utilities, it looks like the adjacent property to the east is  
1527 able to be served by public water and public sewer. Staff recommends that a stub street be  
1528 provided within this subdivision. Also on your addendum, on page 3, there are two conditions that  
1529 deal with the stub street. One requires that the location be determined in a manner acceptable to  
1530 the Director of Planning and the Director of Public Works and it will appear on the final  
1531 subdivision plat given approval. The second condition, No. 13, on the addendum is the standard  
1532 condition dealing with signage on stub streets to display notice that it possibly could be extended  
1533 in the future. I'll be happy to answer any questions that you have.

1534

1535 Mr. Vanarsdall - Are there any questions of Mr. Wilhite by Commission members?

1536

1537 Mr. Taylor - Mr. Wilhite, in looking at that plan, do we have any idea where that stub  
1538 street might be placed?

1539

1540 Mr. Wilhite - We would have to look at a potential layout of how the property adjacent  
1541 would develop. There are three parcels, currently totaling 12.9 acres, that are within the R-3  
1542 zoning. We also would have to determine exactly if there are any environmentally sensitive areas  
1543 next to this proposed subdivision, and that would affect the ultimate location of any stub street.

1544

1545 Mr. Taylor - In looking at the plat between lots 7 and 8 there looks to be to the south of  
1546 it, I guess,

1547

1548 Mr. Wilhite - That would be the east side.

1549

1550 Mr. Taylor - On the east side there looks to be like some extensions of some agricultural  
1551 roads in there. But, in any case, what would have to happen I guess would be some right-of-way  
1552 would have to be provided by moving a couple of those lots apart and spread them out.

1553

1554 Mr. Wilhite - That is correct. At this time it has not been determined whether or not the  
1555 applicant would lose any lots. There's a possibility he may lose a lot with that type of design.

1556

1557 Mr. Taylor - Or you can just shift what he's got apart at the boundary line to enable one to  
1558 develop.

1559

1560 Mr. Wilhite - That might be possible, yes.

1561

1562 Mr. Vanarsdall - Are there any other questions? Would you like to hear from the applicant,  
1563 Mrs. Quesinberry?

1564

1565 Mrs. Quesinberry - Yes.

1566

1567 Mr. Morris - Good morning. My name is Wayne Morris with Wayne Morris  
1568 Constructions. What I am proposing this morning is instead of the stub road at the very end of this  
1569 property, lot No. 10, that we are proposing has a triangular shape at the end of it. It does provide  
1570 enough that if I designate part of that property for future use for the acquisition for someone to  
1571 come in there to add a stub road in there. It would serve the same purpose as what I would have to  
1572 be doing now with the stub road. To answer one of the questions about separating the lots apart,  
1573 we are pretty well tight as we can get on the lots so it would be pretty much one lot that we would  
1574 lose if I had to separate them out to put the stub road in there. As Kevin has already said, the  
1575 County does not know at this point where the stub would go along there so it looks like am not  
1576 asking anything by moving it to the very end of the subdivision since the people that would buy the  
1577 property behind us would be made up of three separate parcels. It looks like they would be able to  
1578 combine all those and come up with an adequate way to use the piece that I'll provide or maintain  
1579 or hold on to along with whatever they purchase in the future. We also would not be exceeding the  
1580 1,320 feet for the stub road. So it would still be within those boundaries. So, I'm asking that we  
1581 be able to change lot No. 10 to hold some of the property for future use for a stub road. Thank you  
1582 very much.

1583

1584 Mr. Vanarsdall - Are there any questions? Thank you, Mr. Morris.

1585

1586 Mrs. Quesinberry - Thank you, Mr. Morris. Mr. Wilhite, if we take lot No. 10 and change the  
1587 condition to designate a part of that for future use or road access, if needed, would that be okay.

1588

1589 Mr. Wilhite - Well, that would be a possibility. That should be within the 1,320 feet  
1590 distance described by the subdivision ordinance. You are dealing with more than one parcel in  
1591 that particular case.

1592

1593 Mrs. Quesinberry - I'd like to recommend that we approve the subdivision Orams Estates and  
1594 that we add a condition and maybe delete conditions Nos. 12 and 13 and add a new condition No.  
1595 12 to designate a part of lot No. 10 for future use for road access for future development.

1596

1597 Mr. Wilhite - I've got some potential wording here that I'll just read. "The applicant shall  
1598 reserve sufficient area at the northernmost boundary of the subdivision in order to allow for the  
1599 possible future construction of a public street from Orams Lane to the adjacent parcel to the east."  
1600 I believe that will satisfy what you are looking for.

1601

1602 Mrs. Quesinberry - That sounds wonderful. With that, I would like to recommend approval of  
1603 Orams Estate (August 2000 Plan) with the new condition No. 12 as stated by Mr. Wilhite and the  
1604 annotations on the plan and the standard conditions for developments of this type.

1605

1606 Mr. Taylor - Second.

1607

1608 Mr. Vanarsdall - The motion was made by Mrs. Quesinberry and seconded by Mr. Taylor.  
1609 All in favor say aye...all opposed say nay. The motion carries.

1610

1611 The Planning Commission granted conditional approval to Orams Estates (August 2000 Plan)  
1612 subject to the standard conditions attached to these minutes for subdivisions served by public  
1613 utilities, the annotations on the plans and the following additional conditions. Mrs. O'Bannon was  
1614 absent.

1615

1616 12. The applicant shall reserve sufficient area at the northernmost boundary of this subdivision in  
1617 order to allow for the possible future construction of a public street from Orams Lane to the  
1618 adjacent parcel to the east.

1619

1620 **LANDSCAPE & LIGHTING PLAN (Deferred from the August 23, 2000, Meeting)**

1621

LP/POD-75-99  
FBI Field Office

**TIMMONS:** 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 12.2 acre site is located at 1920-82 Parham Road, Parham Place Office Park on parcel 52-A-5. The zoning is O-2C, Office District (Conditional). (**Brookland**)

1622

1623 Mr. Vanarsdall - Is there anyone in the audience in opposition to LP/POD-75-99, FBI Field  
1624 Office? No opposition. Mr. Strauss.

1625

1626 Mr. Strauss - Thank you, Mr. Chairman. This case was deferred last month in order to  
1627 give the applicant an opportunity to have their consultant walk the site with the staff. Staff's  
1628 concern was the extent of the saved trees and the proposed buffers and the compliance of the  
1629 landscape plan with the proffers of the original zoning case. A 35-foot-wide natural or landscaped  
1630 buffer is required around the western, northern, and eastern property line. In addition, an  
1631 additional 65 feet is required for some 250 linear feet of the eastern property line. After walking  
1632 the site with the applicant, the applicant has made adjustments to the landscape plan which you can  
1633 see in the upper right-hand corner. Excuse me. I do have some handouts for you. The applicant  
1634 has field located evergreen trees as shown in the upper right-hand corner of the plan, and they are  
1635 marked as saved trees. The staff can now recommend approval of this landscape plan. It will  
1636 require a waiver of the time limit, as we received this revised plan on Monday. The lighting plan  
1637 in your original packet was acceptable to staff last month. That lighting plan is also recommended  
1638 for approval. And I can answer any other questions you may have.

1639

1640 Mr. Vanarsdall - Are there any questions of Mr. Strauss by Commission members? Mr.  
1641 Strauss, when Mr. Rowe was here this morning, and after he talked to you and you did, was he  
1642 satisfied when he left?

1643

1644 Mr. Strauss - Yes, sir, Mr. Chairman. I had a discussion in the lobby with the adjacent  
1645 property owner, Mr. Rowe, who lives to the east. He was satisfied with the plan. His concern  
1646 was the same as staff's concern. He wanted to save all those evergreen trees on the northeast  
1647 corridor. So, at this point he has no opposition to this application.

1648

1649 Mr. Vanarsdall - Thank you.  
1650  
1651 Ms. Dwyer - Mr. Strauss, you are recommending primarily pines as the evergreen?  
1652  
1653 Mr. Strauss - Well, these are existing trees. The proffers states that there can be  
1654 additional planting if needed, but we have walked the site and there are a lot of trees existing out  
1655 there and these are in fact Loblollies and White Pines and things of that nature.  
1656  
1657 Ms. Dwyer - Are you adding any evergreens?  
1658  
1659 Mr. Strauss - Not in those buffer areas. There are other trees to be planted around the  
1660 site.  
1661  
1662 Ms. Dwyer - Thanks.  
1663  
1664 Mr. Vanarsdall - Are there any other questions by Commission members? Thank you, Mr.  
1665 Strauss. I recommend LP/POD-75-99 be approved with the annotations on the plan for  
1666 developments of this type and as presented by staff.  
1667  
1668 Mr. Strauss - Mr. Chairman, there is a waiver of the time limit.  
1669  
1670 Mr. Vanarsdall - All right. I recommend to waive the time limits on case LP/POD-75-99,  
1671 FBI Field Office.  
1672  
1673 Ms. Dwyer - Second.  
1674  
1675 Mr. Vanarsdall - The motion was made by Mr. Vanarsdall and seconded by Ms. Dwyer. All  
1676 in favor say aye...all opposed say nay. The motion carries.  
1677  
1678 The Planning Commission approved to waive the time limit for the revised plat for LP/POD-75-  
1679 99, FBI Field Office. Mrs. O'Bannon was absent.  
1680  
1681 Mr. Vanarsdall - And now I recommend LP/POD-75-99, landscaping plan for the FBI Field  
1682 Office, the annotations on the plans and the standard conditions of this type.  
1683  
1684 Mrs. Quesinberry - Second.  
1685  
1686 Mr. Vanarsdall - The motion was made by Mr. Vanarsdall and seconded by Mrs.  
1687 Quesinberry. All in favor say aye...all opposed say nay. The motion carries.  
1688  
1689 The Planning Commission approved the landscape and lighting plan for LP/POD-75-99, FBI Field  
1690 Office, subject to the annotations on the plans and the standard conditions attached to these minutes  
1691 for landscape and lighting plans. Mrs. O'Bannon was absent.  
1692

1693 **PLAN OF DEVELOPMENT - REVISED ARCHITECTURAL ELEVATIONS**

1694 **(Deferred from the August 23, 2000, Meeting)**

**September 27, 2000**

1695

POD-80-99 (Revised)  
Downtown Short Pump -  
That's Amore Restaurant

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

1696

1697

1698 Mr. Vanarsdall - Is there anyone in the audience in opposition to POD-80-99, Downtown  
1699 Short Pump - That's Amore Restaurant? No opposition. Mr. Wilhite.

1700

1701 Mr. Wilhite - This case has been deferred a number of times prior to this meeting.  
1702 Originally, there was a restaurant called "Silver Diner" that was looking to locate here. Another  
1703 restaurant chain will be using this location, "That's Amore." They have submitted architectural  
1704 plans and you do have them in your packet with the staff's original comments. This design is much  
1705 more in keeping with the design of the main retail center and TGIF, which was approved just a few  
1706 months earlier. Staff only had a few comments to make on the revised elevations. One was that  
1707 we requested that a cornice and decorative band design that was used on the main center be used  
1708 on this building here. I've got revised renderings that are shown up on your screen. Currently, this  
1709 top one is the front side of this building, which is going to face west toward the middle of the  
1710 shopping center parking lot. The other side is the eastern façade which would front on Pouncey  
1711 Tract Road. The revised rendering shows that the band feature is just used on the front façade or  
1712 the western façade of this building. Staff still makes a recommendation to continue this design  
1713 feature around all four side with the color to match the existing shopping center, which is a coffee  
1714 color. Staff is also recommending that the diamonds that are shown on there, the decorative  
1715 diamond features, also be coffee to match the shopping center with what was approved originally.  
1716 Another couple of changes that were made, at the request by staff, there were two windows that  
1717 been added at the top corners of the eastern façade, that's the façade that faces Pouncey Tract  
1718 Road. There is a design feature along the wall also on the eastern façade to get rid of the blank  
1719 wall that was shown there originally. The applicant does want some separate color features to  
1720 identify with the restaurant that's going to locate there. They are proposing some purple colored  
1721 architectural design features and some medallions which appears on the railings of the second  
1722 floor that staff is agreeable to. With that, staff can recommend approval of this revised  
1723 architectural plan with those additional annotations.

1724 Mr. Vanarsdall Where did the Silver Diner go?

1725

1726 Mr. Wilhite - The Silver Diner will not be locating within the shopping center.

1727

1728 Mr. Vanarsdall - They still exist but just not landed yet.

1729

1730 Mr. Wilhite - They have not decided on a new possible location in Henrico County, as far  
1731 as I am aware of.  
1732

1733 Mr. Vanarsdall - So, Tom likes the design of this better than the Silver Diner, neon light.  
1734

1735 Mr. Wilhite - I don't think he has as much of a fight on his hand as he did with the other.  
1736

1737 Mr. Vanarsdall - Are there any questions of Mr. Wilhite by Commission members?  
1738

1739 Mr. Taylor - Mr. Wilhite, with regard to the color of the canopies, do we have an idea  
1740 what color purple that is?  
1741

1742 Mr. Wilhite - We had requested a sample to be provided and we have yet to see that.  
1743

1744 Mr. Taylor - Will it kind of be towards the dark end or towards the lilac end?  
1745

1746 Mr. Wilhite - I think Mr. O'Brien would need to answer that.  
1747

1748 Mr. Taylor - Okay. We will wait until we hear from Mr. O'Brien.  
1749

1750 Mr. Vanarsdall All right. Would be applicant please come forward?  
1751

1752 Mr. O'Brien - To answer your question on the purple. Apparently, the owners of "That's  
1753 Amore" do like a darker purple that I guess sort of mimics the color of grape. And they want to,  
1754 just on the façade that's facing to the interior, have the ability to blend in a couple of those accent  
1755 colors. But the predominant feature in terms of the standing seam roof and the main awnings over  
1756 what we are potentially showing as a mount to a diner area, would match the same as the shopping  
1757 center. They are just talking about a few accent colors. They want the ability to intermingle with  
1758 the rest of it.  
1759

1760 Mr. Taylor - I think those are much improved, as we have discussed, that's more in  
1761 keeping with the other buildings and I think that's vastly superior to previous addition. The one  
1762 question I have too, Mr. O'Brien, is on the elevation drawings that you have here, the lower one is  
1763 the rear, that large triangular area off to, what would be the left on your screen, that is not colored.  
1764 I just want to note to the members of the Commission that that is actually a shadow that will be the  
1765 same as the right side. It's just a perspective that the architect took. He took that with the  
1766 afternoon sun and with the sun high that comes out to be dark and I just want you to be advised that  
1767 that will be the same color as the other side.

1768 Mr. O'Brien - That's correct.  
1769

1770 Mr. Taylor - And that entire façade, again, to repeat what Mr. O'Brien said, that matches  
1771 the architectural characteristics of Downtown Short Pump with the only variation being the purple  
1772 on it.  
1773

1774 Mr. O'Brien - Just a few bits of purple here and there.  
1775

1776 Mr. Taylor - And I think the translation of "That's Amore" is that's love. The  
1777 architectural materials will be the same as the basic buildings.  
1778  
1779 Mr. O'Brien - Yes.  
1780  
1781 Mr. Taylor - And we have yet to see the landscaping plan along Pouncey Tract Road that  
1782 would shield this, but I'm advised that we have the standard 35-foot....  
1783  
1784 Mr. O'Brien - Actually, that has been approved. We do have a landscaping plan for that  
1785 section of Pouncey Tract. It was approved last month. So, we are already in good shape there.  
1786  
1787 Mr. Taylor - Are the setbacks good, everything's in order?  
1788  
1789 Mr. O'Brien - Yes.  
1790  
1791 Mr. Taylor - Okay. Thank you very much, Mr. O'Brien.  
1792  
1793 Mr. O'Brien - Thank you.  
1794  
1795 Mr. Vanarsdall - Are there any other questions by Commission members? Mr. Taylor.  
1796  
1797 Mr. Taylor - Mr. Chairman, I would recommend approval of POD-80-99, Revised,  
1798 Downtown Short Pump - That's Amore Restaurant, subject to the annotations on the plan and the  
1799 standard conditions for developments of this type.  
1800  
1801 Mrs. Quesinberry - Second.  
1802  
1803 Mr. Vanarsdall - The motion was made by Mr. Taylor and seconded by Mrs. Quesinberry.  
1804 All in favor say aye...all opposed say nay. The motion carries.  
1805  
1806 The Planning Commission approved the revised architectural elevations for POD-80-99,  
1807 Downtown Short Pump - That's Amore Restaurant, subject to the annotations on the plans and the  
1808 standard conditions attached to these minutes for developments of this type. Mrs. O'Bannon was  
1809 absent.

1810 **PLAN OF DEVELOPMENT (Deferred from the August 23, 2000, Meeting)**

1811

POD-66-00

Jiffy Lube - W. Broad Street  
And Libbie Avenue

**TIMMONS for Third Generation, L. P. and 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, 2,236 square foot automotive service facility. The 0.58 acre site is located on the northeast corner of W. Broad Street (U. S. Route 250) and Libbie Avenue on parcel 103-10-C-6. The zoning is B-3, Business District. County water and sewer. **(Brookland)**

1812

1813 Mr. Vanarsdall - Is there anyone in the audience in opposition to POD-66-00, Jiffy Lube, W.  
1814 Broad Street? No opposition. Mr. Wilhite.

1815

1816 Mr. Wilhite - Thank you, Mr. Chairman. Currently being handed out to you is the staff's  
1817 annotations on a revised site plan that we received and also the original drawings that appeared in  
1818 your packets last month weren't in your packet this time and I made copies of those and have those  
1819 handed out as well. Staff is able to recommend approval of this revised plan with the annotations  
1820 that we show on it. The biggest changes that have occurred is that they have showed a dumpster  
1821 screen that which will be seven feet high with masonry material to match the building. We also  
1822 will be approving a reduced amount of impervious surface on the site in front of the area, in front  
1823 of the office and near the entrance it's going to be reduced down to 18 feet from 24 feet as  
1824 appeared on the original revised plan. The paved areas in front of the loading bays in front along  
1825 W. Broad Street will remain at 24 feet. In the rear, the landscape area that appears behind the  
1826 building on the north side will be increased so that the distances between face of curb to face of  
1827 curb will now be 30 feet instead of 51 1/2 feet.

1828

1829 The applicant also has to request of staff an exception for the location of the entrance onto Libby  
1830 Avenue due to a lack of a required 25-foot separation between this entrance and the alley entrance  
1831 in the back. Staff is agreeable to granting that exception. It has been approved by the Design  
1832 Engineer, the Director of Planning, and also the Chief of Police. With that additional annotation on  
1833 the revised plans, staff recommends approval.

1834

1835 Mr. Vanarsdall - Are there any questions of Mr. Wilhite by Commission members? I was  
1836 coming down Broad the other night and I had to stop at that light and I thought how nice it would  
1837 look to have lights over there because Walgreens was open and Bills Barbecue and the Amoco  
1838 Station and Priscilla's was all lighted. This would be a nice addition for that other corner. I move  
1839 that POD-66-00, Jiffy Lube - W. Broad Street and Libbie Avenue, be approved with the  
1840 annotations on the plan, the standard conditions for developments of this type and additional  
1841 conditions Nos. 23 though 24.

1842

1843 Mrs. Quesinberry - Second.

1844

1845 Mr. Vanarsdall - The motion was made by Mr. Vanarsdall and seconded by Mrs.  
1846 Quesinberry. All in favor way aye...all opposed say nay. The motion carries.

1847 The Planning Commission approved POD-66-00, Jiffy Lube - W. Broad Street and Libbie Avenue,

1848 subject to the standard conditions attached to these minutes, the annotations on the plans, and the  
1849 following additional conditions. Mrs. O'Bannon was absent.

1850

1851 23. The easements for drainage and utilities as shown on approved plans shall be granted to  
1852 the County in a form acceptable to the County Attorney prior to any occupancy permits  
1853 being issued. The easement plats and any other required information shall be submitted to  
1854 the County Real Property Agent at least sixty (60) days prior to requesting occupancy  
1855 permits.

1856 24. The entrances and drainage facilities on W. Broad Street (U.S. Route 250) shall be  
1857 approved by the Virginia Department of Transportation and the County.

1858 25. A notice of completion form, certifying that the requirements of the Virginia Department of  
1859 Transportation entrances permit have been completed, shall be submitted to the Planning  
1860 Office prior to any occupancy permits being issued.

1861 26. The developer shall provide fire hydrants as required by the Department of Public Utilities  
1862 in its approval of the utility plans and contracts.

1863 27. A standard concrete sidewalk shall be provided along the north side of W. Broad Street  
1864 (U.S. Route 250).

1865 28. All repair work shall be conducted entirely within the enclosed building.

1866 29. Outside storage shall not be permitted.

1867 30. Any necessary off-site drainage easements must be obtained in a form acceptable to the  
1868 County Attorney prior to final approval of the construction plans by the Department of  
1869 Public Works.

1870 31. Deviations from County standards for pavement, curb or curb and gutter design shall be  
1871 approved by the County Engineer prior to final approval of the construction plans by the  
1872 Department of Public Works.

1873 32. Insurance Services Office (ISO) calculations must be included with the utilities plans and  
1874 contracts and must be approved by the Department of Public Utilities prior to the issuance  
1875 of a building permit.

1876 33. Approval of the construction plans by the Department of Public Works does not establish  
1877 the curb and gutter elevations along the Henrico County maintained right-of-way. The  
1878 elevations will be set by Henrico County.

1879 34. Approval of the construction plans by the Department of Public Works does not establish  
1880 the curb and gutter elevations along the Virginia Department of Transportation maintained  
1881 right-of-way. The elevations will be set by the contractor and approved by the Virginia  
1882 Department of Transportation.

1883

1884 **Mrs. O'Bannon enters during this next case.**

1885 **PLAN OF DEVELOPMENT & SPECIAL EXCEPTION**

1886 **(Deferred from the August 23, 2000, Meeting)**

1887

POD-69-00  
Kings Crossing Phase 5 -  
Castile Road

**Foster & Miller, P. C. for Weinstein Associates and Weinstein Management Company, Inc.:** Request for approval of a plan of development and special exception for buildings three stories in height, as required by Chapter 24, Sections 24-106 and 24-94(b) of the Henrico County Code to construct eight, three-story apartment buildings containing 168 units and a pool house. The 11.6 acre site is located on the south line of Castile Road, approximately 630 feet east of Pump Road on parcels 99-A-7, 58C and part of 89-A-28B. The zoning is R-5, General Residence District. County water and sewer. **(Tuckahoe)**

1888

1889 Mr. Vanarsdall - Is there anyone in the audience in opposition to POD-69-00, Kings Crossing  
1890 Phase 5? No opposition. Mr. Wilhite.

1891

1892 Mr. Wilhite - You are receiving a handout that has a revised site plan with the staff's  
1893 annotations on it, they have been added, and also it includes the original architectural drawings  
1894 and site plan that was submitted to the County originally. As well, on page 5 of your addendum  
1895 there are five additional conditions being recommended for approval. And the applicant is  
1896 requesting a special exception for buildings three stories tall, two and a half are allowed currently  
1897 by Code. What's being purposed here is a 168 units of apartments. They vary in height from two  
1898 to three stories in the same building. Also a pool and a community room and also covered parking.  
1899 This case was deferred from last month. There have been many issues identified and there have  
1900 been a number of meeting between the County, the applicant, and the surrounding single family  
1901 neighborhood as well. The revised plan that you have in your packet moves the entire layout of  
1902 this proposed development north towards Castile to provide a greater buffer between the parking  
1903 lot and the single family neighborhood to the south.

1904

1905 Currently, the zoning ordinance requires a transitional buffer of only 10 feet between this  
1906 development and the single-family neighborhood. With this revised plan, the parking areas would  
1907 be a minimum of 35 feet away from the property line and as much as 55 feet away. The ordinance  
1908 also requires that there is a minimum setback from the rear property line of 35 feet. With this  
1909 revised plan, the closest point of any building to the rear property line is 110 feet. They have also  
1910 shown tree save areas on the plan as well, which would range from a minimum of 10 feet to 35  
1911 feet. And also in the area which is 10 feet with this revised plan, there is some elimination and  
1912 shifting of parking spaces and it looks like this 10 feet minimum would be increased as well. The  
1913 revised plan does shift parking spaces along the south boundary to the other side. And they have  
1914 also agreed to eliminate spaces up to the island, which is shown along the south boundary as well.  
1915 They have also agreed to provide a sidewalk connection between this proposed development and  
1916 the existing Kings Crossing apartments to the east and that would provide access to additional  
1917 recreational facilities already constructed in the existing portion. They are agreeable to providing  
1918 masonry dumpster screens. They have provided us details of a dumpster which would have a side  
1919 door so there would not be the need to access it from the top with all of the associated noise that  
1920 that brings. The also have stated that the dumpster screens would be of masonry construction to

1921 match the buildings.

1922

1923 There are also revised architectural elevations. Originally, the building was proposed to be vinyl-  
1924 sided. They are now proposing that the building be at least a minimum of 50% of brick and in fact  
1925 the actual calculation may exceed 50% as well. The five additional conditions I have on the  
1926 addendum, the first one deals with the buffer area between the parking lot and the southern  
1927 property line. The applicant is agreeable to replanting any area that is cleared here in a manner  
1928 within the discretion and acceptable to the Planning Commission at the time of landscape plan  
1929 approval. They are also willing to agree to a condition stating that there shall a minimum of 50%  
1930 brick on the facades of the apartment buildings. They have agreed to limit the trash disposal  
1931 service on the site to the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday and have agreed  
1932 not to have any trash disposal service on Saturday or Sunday. They have agreed to an internal  
1933 sidewalk connection, as I stated earlier, to allow access to the adjacent Phase of Kings Crossing  
1934 and the recreational facilities they have there. And they are also agreeable to having Building  
1935 Inspection look at their sidewalk layout to make sure that it has the proper accessibility  
1936 requirements. And with that, staff can recommend approval of this revised plan, the annotations on  
1937 it, the standard conditions and the miscellaneous conditions through No. 35 that appear on your  
1938 addendum. I'll be happy to answer any questions that you have.

1939

1940 Mr. Vanarsdall - Are there any questions of Mr. Wilhite by Commission members. We will  
1941 need two motions on this, don't we?

1942

1943 Mr. Wilhite - That's correct.

1944

1945 Ms. Dwyer - I'm not ready for a motion yet.

1946

1947 Mr. Vanarsdall - I didn't mean for now.

1948

1949 Ms. Dwyer - I don't have any questions of Mr. Wilhite but I would like to hear the  
1950 applicant's presentation.

1951

1952 Mr. Vanarsdall - Good morning, Mr. Weinberg.

1953

1954 Mr. Weinberg - Good morning, Sir. Mr. Chairman and members of the Commission, I'm Jay  
1955 Weinberg, along with my assistant Penny Koch, represents Weinstein Management Company and  
1956 also with us this morning is Ivan Jecklin, the executive vice president and general counsel. Mr.  
1957 Gary Webster, the engineer from Foster & Miller and Mr. Ed Winks the architect for the project.  
1958 As Mr. Wilhite has explained it is a request for plan of development approval to construct Phase 5  
1959 of Kings Crossing Apartments, which we respectfully submit as a high-quality, aesthetically  
1960 pleasing, multi-family community consisting of Kings Crossing and Royal Court. We agree with  
1961 all of the conditions proposed by staff, that's Nos. 1 through 35 and all of the annotations on the  
1962 plans.

1963

1964 We have had several meetings with staff and neighborhood representatives and Mrs. Dwyer and  
1965 we have also met with Mrs. O'Bannon in order to accommodate the wishes of the County and the  
1966 residents of the immediate vicinity of this property. And we are extremely appreciative of the time

1967 and effort afforded us and the input of all concern during the review of our plans. Our residential  
1968 neighbors have been reasonable in their requests and it is a better plan because of their  
1969 constructive suggestions. I start by pointing out that this property has been zoned R-5 for 31 years  
1970 and long proceeded the date when proffered conditions were allowable. Nonetheless, we have put  
1971 forth every effort to ratchet it up to a case as it would have been had proffers conditions been in  
1972 existence. We have made a number of changes to accommodate the wishes of our neighbors. And,  
1973 I have been advised by Mr. Steve Inman, the president of the River Lake Colonies Homeowners  
1974 Association, that they are in agreement with our proposal. And I will, at the end, get to a  
1975 supplementary letter that I have agreed to share with Mr. Inman regarding matters which go above  
1976 and beyond the proffered conditions.

1977 In order to have the largest buffer in distance between the proposed buildings and the rear of the  
1978 homes on the southern boundary of the property, we have had to go to a mix of two stories, three  
1979 stories buildings for a portion of the development. These buildings are three stories on one side  
1980 and two stories on the other side. However, the roofline of, whether it's a two or a three, is  
1981 exactly the same. We have done this by building into the existing contour of the property so as not  
1982 to disturb it. We respectfully submit that we comply with all of the jurisdictional requirements for  
1983 the granting of a special exception for the following specific reasons:

1984

1985 1. The proposed use will not adversely affect the health, safety and welfare of persons  
1986 residing or working on the premises or in the neighborhood because by building a portion  
1987 of the units, it's three-story units, we have reduced the footprint and the ground cover and  
1988 have increased the required rear-yard transitional buffer from the 10 feet required to a  
1989 minimum of 35 feet and move the closest building more than 100 feet up to 140 feet away  
1990 from the rear property line.

1991 2. It will not unreasonably impair the adequate supply of light and air to adjacent properties  
1992 as we have move our closest building more than 100 feet away from the common boundary  
1993 line. And we have agreed and substantially enhance the existing vegetation across the  
1994 entire rear boundary line in a manner, which is acceptable to the Planning Commission in  
1995 its discretion at the time of landscape POD.

1996 3. It will not increase congestion in the streets because we have provided off-street parking at  
1997 a ratio of two and a quarter units per apartment, instead of the one and a half that is  
1998 currently required, the two and a quarter being the suggested requirement under the  
1999 proposed development guidelines. We have also provided approximately 10 additional  
2000 spaces for guest parking so that all of our parking comfortable is handled on site without  
2001 any parking being allowed or required on Castile Drive or on any other public right-of-  
2002 way.

2003 4. It will not increase public danger from fire or otherwise adverse affect public safety nor  
2004 impair the character of the district or adjacent districts because it is a residential use and  
2005 will be built in accordance with all applicable building and life safety code requirements.

2006 5. It is not incompatible with the general plans and objectives of the official Land Use Plan of  
2007 the County because the proposed development is in complete conformity with the County's  
2008 Comprehensive Plan and the existing R-5 zoning.

2009

2010 And the owner has proposed high standards of quality development and complied with many of the  
2011 proposed development guidelines of the County. In this connection it should be noted that under  
2012 the new development guidelines the County permits three-story apartments as a matter of right.

2013 And had that been adopted we would not have to come before you requesting this exception. We  
2014 also comply with both the Comprehensive Plan and the actual zoning of the property. Because of  
2015 the quality of the project and the excellent landscaping and maintenance for existing sections of  
2016 Kings Crossing, it is not likely to reduce or impair the value of buildings or property. In summary,  
2017 the proposed Phase 5 of Kings Crossing is in substantial accordance for the general purposes and  
2018 objectives of the zoning ordinance and in fact is not only sensitive to the proximity of our  
2019 residential neighbors but takes into account many of their requests. For all of the foregoing  
2020 reasons we would respectfully submit that the special exception should be granted. I have agreed  
2021 to submit a letter within the 48 hours to Mr. Inman, and it is perfectly agreeable with him that I do  
2022 that. I have agreed to submit it in draft form so that he can respond to it and then we would finalize  
2023 it that it would be signed by the applicant, as well as myself, but cover these additional things. 1.  
2024 There would be no burning on site. That's the law now but by the letter we are giving them a  
2025 comfort that if the law changes there would still be no burning of debris on site. But the evergreen  
2026 plantings acceptable to the County across that southern boundary line will take place at the earliest  
2027 planting season following the curb and gutter that parallels that line. And even though it's at the  
2028 discretion of the Planning Commission, we have said as a minimum, where the minimum existing  
2029 buffer is 35 feet, we will have between 8 feet and 10 1/2 foot trees at a minimum caliber of 1 1/2  
2030 inches at the time of planting, and where it is less than 35 feet we would install 10 to 12 foot trees  
2031 with a minimum 2 foot caliber at the narrowest point or such other requirements as maybe placed  
2032 on us at the time of landscape POD. I think that's an essential part of this case and why we want to  
2033 expand on it in a letter. And the plantings will occur at the first planting season as I said following  
2034 that curb and gutter. We have also made a revision in the plans to take seven parking spaces at the  
2035 narrowest point and put them on the other side closest to the buildings. And we have eliminated  
2036 12 spaces which beefs up the narrow portion. We still have an excess of what we need. We have  
2037 also agreed the sidewalk connector and that's actually shown on the plans. And we have agreed  
2038 that the Dempsey (?) dumpster would not only be side loaded but it will be a sliding door as  
2039 opposed to a door that opens and bangs shut, this would slide.

2040

2041 I believe that's all of the things that we discussed, but I'm going to go back through my notes and I  
2042 will add anything and I'm sure that Steve will add anything that either I or Penny didn't pick up at  
2043 our meeting the other night. Ms. Dwyer asked me if we would consider irrigating that rear  
2044 property line, that 35 feet. And the answer is I do want to give consideration to it but I want to  
2045 have a landscape architect go out there and make sure that if we are putting in that irrigation we are  
2046 not going to kill any trees when we put the pipe in the ground. I don't know if we can snake it  
2047 through. We certainly have an absolute obligation to maintain those trees and to replace any of  
2048 them. Obviously, we've got an obligation to water them and to replace them, but I don't want to be  
2049 counterproductive. I think we both agree let's take a look on the ground and to make sure that we  
2050 are not killing anything when we do. And, I will be back to you fairly soon on that, certainly well  
2051 before landscape POD.

2052

2053 Ms. Dwyer - Would you include that irrigation concept in the letter as well to Mr. Inman  
2054 as another item to be resolved at landscape time?

2055

2056 Mr. Weinberg - Certainly.

2057

2058 Ms. Dwyer - And do I understand your position on the irrigation to be that if it can be

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2059 installed so that we do not damage the root systems of existing trees, then we would do that?

2060

2061 Mr. Weinberg - Certainly with regard to any shrubbery and any new plantings.

2062

2063 Ms. Dwyer - We don't expect you to irrigate the woods but....

2064

2065 Mr. Weinberg - Well, I don't honestly know if you can irrigate trees anyway, but certainly  
2066 lawns and shrubs we can, and new plantings. It would be in our best interest to make sure they  
2067 don't die.

2068

2069 Mr. Vanarsdall - Mr. Weinberg, did you say that the BMP would be fenced?

2070

2071 Mr. Weinberg - I didn't comment on that. Is that required?

2072

2073 Mr. Vanarsdall - The reason I asked you because the Design and Environmental wanted to  
2074 know that. Is there any type of fencing to be provided around the BMP?

2075

2076 Mr. Wilhite - That wasn't a request by staff. I believe the Traffic Engineer had said that  
2077 there may be a need for some guardrail in certain locations around the BMP. But, totally fencing  
2078 the BMP was not something discussed at the staff/developer meeting.

2079

2080 Mr. Vanarsdall - Where is the BMP on here?

2081

2082 Ms. Dwyer - There are two of them. The two open spaces on the plan, that's where the  
2083 BMPs will go, toward Castile on the left and the right.

2084

2085 Mr. Wilhite - If you look at the site plan, Mr. Vanarsdall, they are at two different  
2086 locations, both at the corners along Castile Road, at the very corners of the boundary on Castile.

2087

2088 Mr. Vanarsdall - Some reason they want to fence them, doesn't he?

2089

2090 Mr. Wilhite - We have gotten them sometimes in residential neighborhoods, not all the  
2091 time. That is something that can also be looked at and approved with the landscape plan after they  
2092 have actually constructed the BMPs we can take another look to see if fencing may be desired  
2093 there.

2094

2095 Ms. Dwyer - Do we yet know whether it's a wet or dry BMP?

2096

2097 Mr. Wilhite - I believe they are dry.

2098

2099 Ms. Dwyer - I thought I remembered that from our discussion, so perhaps there would be  
2100 no need to fence. We consider fencing when there is standing water because children are around.

2101

2102 Mr. Weinberg - I would say from a purely aesthetic standpoint, we would rather landscape  
2103 than fence because it is right out in the front between the two projects.

2104

2105 Ms. Dwyer - But fencing is sometimes requested if we think there is a safety concern.  
2106

2107 Mr. Weinberg - Sure.  
2108

2109 Ms. Dwyer - Mr. Wilhite, is there other property in the nearby areas that's three stories?  
2110

2111 Mr. Wilhite - I've been told there is some in existing Kings Crossing, I don't know exactly  
2112 how many units or the exact location.  
2113

2114 Ms. Dwyer - There will be an eight-story building down the street.  
2115

2116 Mr. Vanarsdall - Are there any more questions of Mr. Weinberg?  
2117

2118 Ms. Dwyer - I know that there was no opposition and the neighborhood has met on  
2119 numerous occasions with the applicant, I didn't know if anyone wanted to speak today, it's not  
2120 necessary, but if anyone wants to I'll give you the opportunity. Okay. We have about six folks here  
2121 and I wanted to take this opportunity to thank you for all of the work and commitment that you have  
2122 put into this case and it's effort. And, also, as Mr. Weinberg mentioned, your reasonableness in  
2123 working with the applicant on this. I think it's a much better case for your effort and it's an  
2124 example of how the process can work well. So I wanted to thank you. And also thank Mr.  
2125 Weinberg and the developer for being willing to exceed the minimum standards that the County has  
2126 in its Code for multi-family development. Those standards, in my opinion, are (unintelligible) and  
2127 adequate and I certainly do appreciate you and your clients willingness to exceed them in this case.  
2128 I do have a few questions for you, Mr. Weinberg, before you leave. Just a few points of  
2129 clarification. I believe you mentioned in some of the neighborhood meetings that the dumpster  
2130 would be enclosed in brick and Mr. Wilhite mentioned masonry to match the building, so I am  
2131 assuming it's going to match the brick now.  
2132

2133 Mr. Weinberg - Brick to match the brick in the apartments.  
2134

2135 Ms. Dwyer - Okay. And if an internal connection can not be made between the two  
2136 Kings Crossing Phases, if for some reason ADA requirements or whatever, you know, at the  
2137 location as designated on the plan, what would be your alternative location?  
2138

2139 Mr. Weinberg - I really don't know. I think it is something we could work out with staff and  
2140 with you. I don't know of any reason why we can't make it meet it but we will find an alternate  
2141 location.  
2142

2143 Ms. Dwyer - Because there is a commitment to provide that access. And the reason that  
2144 I'm interest in that for the benefit of the Commission and those who read our minutes is that there  
2145 was some discussion about the lack of recreational area on this site and there was a statement  
2146 made by the owner that there were recreational areas in the adjacent multi-family development and  
2147 those would be available to these residents, should they desire to avail themselves of it. So, we  
2148 wanted to make sure that there was an internal connection between these two multi-family  
2149 developments so that people could easily get from one to the other without having to go out on  
2150 Castile which is not desirable.

2151

2152 Mr. Weinberg - It's shown as an annotation on the plan so we have to have a connection,  
2153 preferably where it is shown, but if not, we will mutually agree on another spot.

2154

2155 Ms. Dwyer - I know that it is and I guess my question had to do with another plan that I  
2156 saw, which I interpreted as a steep incline between the two, so I don't know if you will have to  
2157 have steps and whether that might cause an ADA issue or what. I'm just trying to think ahead. If  
2158 there is a problem we will find an alternative location, so I just wanted to clarify that.

2159

2160 Mr. Weinberg - That's correct.

2161

2162 Ms. Dwyer - I appreciate your willingness to document some of these ancillary  
2163 understandings in a letter to Mr. Inman. I think that that will serve to insure that we all have  
2164 reached the same conclusions that we are all of one mind. And I'm not going to go over the things  
2165 that you have listed. You have covered this case very thoroughly, but I just wanted to emphasize  
2166 that the point of the landscaping condition that is going to be a part of the conditions that approved  
2167 on this case, as well as the information that will be in your letter, the point of all of that is to create  
2168 an evergreen screen across the length of the property between this multi-family development and  
2169 the adjacent single family. That's what we are all looking for and we are trying to get our arms  
2170 around how to describe that and it's very difficult to do at this stage of the game because the  
2171 grading hasn't been done and we don't know what trees are going to be remaining. So, we are  
2172 leaving that, on faith, to the landscape review. But, just to summarize our purpose, it's to create an  
2173 evergreen screen and I think the neighborhood understands that as a part of their willingness not to  
2174 oppose the case. That's all I had. Thank you very much.

2175

2176 Mr. Weinberg - Thank you.

2177 Mr. Vanarsdall - Are there any other questions of Mr. Weinberg by Commission members?  
2178 No questions.

2179

2180 Ms. Dwyer - All right, we are ready for a motion. First I'll make a motion for the special  
2181 exception. The special exception is for the third story on this apartment complex. The code does  
2182 permit the special exception under certain conditions, which Mr. Weinberg has enumerated in his  
2183 presentation. I think the key to my recommendation for an approval of the request for special  
2184 exception hinges on the fact that the building setback has been increased to, as Mr. Wilhite said,  
2185 110 feet from the property line at its minimum point. That increase is over the required minimum  
2186 setback of 35 feet. It is a tremendous increase so I think that does serve to justify the additional  
2187 story on these apartment buildings so that we can in fact reduce the overall footprint of the  
2188 development and move the buildings away from the single-family homes. In addition, the applicant  
2189 has agreed to increase the minimum requirement of a mere 10-foot buffer to a minimum of 35 feet  
2190 and has agreed to preserve the existing vegetation to the extent that is possible. There has been a  
2191 great deal of discussion on that and one of the conditions is, I believe, that this area will be marked  
2192 and noted with fencing so that... I think what Mr. Weinberg characterizes as "Cowboy, bulldozers  
2193 don't inadvertently knock down all those trees." Also, the applicant has agreed to substantially  
2194 supplement that 35-foot buffer with additional evergreen plantings. So, for those reasons I move  
2195 that the special exception for the third story for Kings Crossing, Phase 5, be approved by the  
2196 Commission.

2197

2198 Mrs. Quesinberry - Second.

2199

2200 Mr. Vanarsdall - The motion was made by Ms. Dwyer and seconded by Mrs. Quesinberry.

2201 All in favor say aye...all opposed say nay. The motion carries.

2202

2203 The Planning Commission approved the special exception for a three-story apartment building for

2204 POD-69-00, Kings Crossing Phase 5.

2205

2206 Ms. Dwyer - My second motion is on the plan of development that's been submitted, and

2207 my motion is that the Commission approve this plan of development for POD-69-00, Kings

2208 Crossing Phase 5, subject to the annotations that are on the plan, including the annotations recently

2209 added that we have discussed today, the standard conditions for developments of this type. I'm

2210 going to add conditions Nos. 9 and 11 amended, which would bring the lighting and landscaping

2211 plans back to the Commission for a public hearing, in case the neighbors are interested in

2212 participating in that as well. We also have additional conditions Nos. 23 through 30 and

2213 additional conditions Nos. 31 through 35 included in our addendum.

2214

2215 Mrs. Quesinberry - Second.

2216

2217 Mr. Vanarsdall - The motion was made by Ms. Dwyer and seconded by Mrs. Quesinberry.

2218 All in favor say aye...all opposed say nay. The motion carries.

2219

2220 The Planning Commission approved POD-69-00, Kings Crossing Phase 5, Castile Road, subject to

2221 the standard conditions attached to these minutes for developments of this type, the annotations on

2222 the plans and the following additional conditions.

2223

2224 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for  
2225 review and Planning Commission approval prior to the issuance of any occupancy permits.

2226 11. **AMENDED** - Prior to the installation of the site lighting equipment, a plan including  
2227 depictions of light spread and intensity diagrams and fixture mounting height details shall  
2228 be submitted for Planning Office review and Planning Commission approval.

2229 23. The easements for drainage and utilities as shown on approved plans shall be granted to  
2230 the County in a form acceptable to the County Attorney prior to any occupancy permits  
2231 being issued. The easement plats and any other required information shall be submitted to  
2232 the County Real Property Agent at least sixty (60) days prior to requesting occupancy  
2233 permits.

2234 24. The developer shall provide fire hydrants as required by the Department of Public Utilities  
2235 in its approval of the utility plans and contracts.

2236 25. Any necessary off-site drainage easements must be obtained in a form acceptable to the  
2237 County Attorney prior to final approval of the construction plans by the Department of  
2238 Public Works.

2239 26. Deviations from County standards for pavement, curb or curb and gutter design shall be  
2240 approved by the County Engineer prior to final approval of the construction plans by the  
2241 Department of Public Works.

2242 27. Insurance Services Office (ISO) calculations must be included with the utilities plans and

2243 contracts and must be approved by the Department of Public Utilities prior to the issuance  
2244 of a building permit.

2245 28. The owners shall not begin clearing of the site until the following conditions have been  
2246 met:

2247

2248 (a) The site engineer shall conspicuously illustrate on the plan of development or  
2249 subdivision construction plan and the Erosion and Sediment Control Plan, the limits  
2250 of the areas to be cleared and the methods of protecting the required buffer areas.  
2251 The location of utility lines, drainage structures and easements shall be shown.

2252 (b) After the Erosion and Sediment Control Plan has been approved but prior to any  
2253 clearing or grading operations of the site, the owner shall have the limits of  
2254 clearing delineated with approved methods such as flagging, silt fencing or  
2255 temporary fencing.

2256 (c) The site engineer shall certify in writing to the owner that the limits of clearing  
2257 have been staked in accordance with the approved plans. A copy of this letter shall  
2258 be sent to the Planning Office and the Department of Public Works. Orange tree  
2259 protection fencing (TP-1) shall be used to delineate tree save areas.

2260 (d) The owner shall be responsible for the protection of the buffer areas and for  
2261 replanting and/or supplemental planting and other necessary improvements to the  
2262 buffer as may be appropriate or required to correct problems. The details shall be  
2263 included on the landscape plans for Planning Commission approval.

2264 29. The unit house numbers shall be visible from the parking areas and drives.

2265 30. The names of streets, drives, courts and parking areas shall be approved by the  
2266 Richmond Regional Planning District Commission and such names shall be included on the  
2267 construction plans prior to their approval. The standard street name signs shall be ordered  
2268 from the County and installed prior to any occupancy permit approval.

2269 31. The buffer area between the parking lot and the southern property line, adjacent to the  
2270 single-family neighborhood, shall be replanted in a manner at the discretion of and  
2271 acceptable to the Planning Commission at the time of landscape plan approval.

2272 32. The apartment buildings constructed on this site shall have a minimum of 50% of their  
2273 facades constructed of brick, exclusive of doors and windows.

2274 33. Trash disposal service on this site shall be limited to between the hours of 7:00 a.m. and  
2275 6:00 p.m., Monday through Friday. There shall be no trash disposal service on Saturday or  
2276 Sunday.

2277 34. An internal sidewalk shall be provided connecting this development to the existing phase  
2278 of Kings Crossing Apartments to the east in a location approximately as shown on the staff  
2279 plan.

2280 35. The internal sidewalk layout shall be reviewed and approved by the Department of  
2281 Building Inspections with respect to the issue of accessibility prior to Planning Office  
2282 approval of the construction plans.

2283

2284 Mrs. O'Bannon - Mr. Chairman, I just want to apologize for being late. I was down at the  
2285 Fourth Circuit Court of Appeals hearing the case of ATT/Media One versus Henrico County GTE  
2286 and a cast of thousands. It was very interesting to hear the appeal as it is presented because usually  
2287 each side gets 20 minutes, they stand in front of the podium and there is a green light, yellow light  
2288 and red light and they went on at least 35 minutes. It sounds like a Planning Commission meeting.

2289 Anyway they, allowed extra time and asked plenty of questions. It was a very interesting  
2290 presentation.

2291

2292 Mrs. Quesinberry - Well, how did we do?

2293

2294 Mrs. O'Bannon - First they hear the oral arguments and then they have briefs and the briefs  
2295 were stacked about three or four feet deep on their desks. They then present a written ruling and  
2296 that's when we will see what they have decided.

2297

2298 Mr. Vanarsdall - They will find out this afternoon, won't they?

2299

2300 Mrs. O'Bannon - No. It will probably take about six weeks or so, something like that.

2301

2302 Mr. Vanarsdall - Thank you for filling us in on it. All right, Mr. Secretary, our next case.

2303

2304 **PLAN OF DEVELOPMENT**

2305

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)**

2306

2307 Mr. Vanarsdall - Is there anyone in the audience in opposition to POD-98-98, Trinity Baptist  
2308 Church. No opposition. Ms. News.

2309

2310 Ms. News - This project involves three separate buildings, a sanctuary, a family  
2311 education center and a future church office. Because no architectural plans were submitted for the  
2312 church office, it will not be a part of this approval but there is a condition which would allow for  
2313 future administrative approval of the office in the location shown. This property has split zoning  
2314 with R-4 zoning in the front along Barrington Road and M-2 zoning in the rear. Two variances  
2315 have been granted by the BZA which are reflected on the plan. First, the variance was granted to  
2316 allow parking in the front yard on the R-4 portion of the property. The second variance permits  
2317 construction of a four-story building and increase height in both the R-4 and M-2 districts. The  
2318 applicant indicated to the BZA that the building would be brick construction. However, the plans  
2319 indicate that split face block with an alternate of EIFS are proposed. The BZA case was not  
2320 conditioned on providing brick but staff has asked the applicant to address the Commission  
2321 regarding the change in building materials. Minimum code requirements have been met and staff  
2322 therefore is recommending approval. However, since the project was advertised, concerns have  
2323 been raised by an adjacent property owner who could not be present at the hearing. A letter was  
2324 received specifically addressing a request for a fence between this property and the residential  
2325 property to the south. A fence has been agreed to but the extent of the fence is still in question and  
2326 changes to the annotated plan in your packet have been discussed as late as this morning, actually  
2327 are shown on the plan you were just handed. The neighbor has requested an eight-foot fence in the  
2328 R-4 portion of the property which would require an alternative height fence height plan to be  
2329 approved in conjunction with the landscape plan and can not be a part of this approval. It has been  
2330 agreed between the parties that the fence on the M-2 portion of the property, as annotated on the  
2331 revised plan, would be constructed prior to any other clearing and grading on the site. But the  
2332 location of the fence along the rear property line has not been fully decided. The applicants agree  
2333 to construct an additional 160 feet of fence in a location to be determined after the BMP is  
2334 constructed. The purpose is to extend the fence back to the back of the detention basin on this site,  
2335 adjacent to their property. The staff is prepared to offer revised wording to the condition that's in  
2336 your addendum should you proceed with those changes.

2337

2338 In addition, the parking and traffic has been raised as a concern. The minimum parking

2339 requirement for this site is based on the capacity of the sanctuary seating alone. The requirement  
2340 for 1,782 seats is 446 spaces, and 494 have been provided. This meets the requirement, however,  
2341 given the fact that the family education center is so large and there is no provision to expand the  
2342 parking lot should it prove to be insufficient, it is of concern to staff and the adjacent property  
2343 owner. Finally, concern has also been expressed regarding landscaping and lighting for this  
2344 project. Staff therefore would recommend that Nos. 9 and 11 be amended should the Commission  
2345 approve this project. The applicant is available to address the Commission if there are no  
2346 questions of staff.

2347

2348 Mr. Vanarsdall - Are there any questions for Ms. News?

2349

2350 Mr. Archer - Ms. News, would you point out for the benefit of the Commission the  
2351 proposed fence extension, just where it is on the map so that they can see it.

2352

2353 Ms. News - Right here (referring to map), the M-2 portion, they have agreed to an eight-  
2354 foot fence to here, and the applicant, on the annotated plans, has shown coming right to the back of  
2355 these two garage structures. The adjacent property owner would like to have the fence extended to  
2356 this point which is the back of their detention basin. The other part in question is up here on the R-  
2357 4 portion of the property, which the majority of that is in the front yard and would require an  
2358 alternate height fence approval which was not advertised with this project and needs to come in  
2359 with the landscape plan.

2360

2361 Mr. Vanarsdall - What kind of fence is it?

2362

2363 Ms. News - You have a detail in your packet that you were just handed. It is a vinyl  
2364 prefabricated fence sections with masonry columns, split-face block, with a cap every 20 feet.

2365

2366 Mr. Vanarsdall - Are there any other questions for Ms. News? Would you like to hear from  
2367 the applicant, Mr. Archer?

2368

2369 Mr. Archer - Yes, I think we need to, Mr. Chairman.

2370

2371 Mr. Vanarsdall - Is the applicant here? Good morning.

2372

2373 Mr. Scott - Good morning. My name is Spencer Scott and I'm the architect for Trinity  
2374 Baptist Church, and I'm representing them today. We also have Rev. A. Lincoln James who is the  
2375 pastor of Trinity as well as Rev. James Miles who is the project representative. I think that Leslie  
2376 has pretty much adequately addressed most of the issues that I had planned on covering. The  
2377 residential neighbor who had expressed some concern was Mr. Hicks who is an adjacent property  
2378 owner in the M-2 district. The property was actually purchased from his mother some five or six  
2379 years ago. And in an agreement, we agreed to build that fence and we have followed through in  
2380 our planning. As far as the materials are concerned, this is a three-D view of the project. It shows  
2381 the two major components, the family life center, which is in the back of the project and the  
2382 sanctuary toward the front. The elevations show how the sanction would view here from Dill  
2383 Road and with a side view here. The family life center, it was mentioned that it was a four-story  
2384 building, but it is actually a three-story building with a basement. And for the most part, you will

2385 see three stories above ground. The building will project above ground about 50 feet, the family  
2386 life center, and the sanctuary itself also will not be taller than 50 feet, except for a set of spires at  
2387 the rear of the church which extends to a height of 100 feet. The materials that we had originally  
2388 started off with, this project with the intent of using brick. And, of course, there are always  
2389 budgetary concerns and in the POD process we have found that we are doing substantial widening  
2390 of Dill Road along it's entire frontage and then we are making significant alterations of Barrington.  
2391 All of these things have added a major impact on the budget and cost and we expect to have the  
2392 flexibility of at least using a substitute material such as EIFS or split-face block, which we feel  
2393 would be very compatible with the community.

2394

2395 On the issue of the parking, there again, we are seating 1,782 people. We are providing almost  
2396 10% more parking spaces than the Code requires. I think that there was some concern expressed  
2397 about the adequacy of parking from some of the community members, primarily because a couple  
2398 of services were held on site and there was no way of gaining access to this site, so as a  
2399 consequence people were parking on Barrington Road. We had the opportunity to have a brief  
2400 meeting with the community members on September 25. We noted to them also that the  
2401 advertisement for the project went out stating that the project was for 7,782 seat sanctuary as  
2402 proposed to 1,782. So we were pretty much concerned that they thought we were building a  
2403 coliseum over there as opposed to a nice size church. So, we alleviated those concerns, and the  
2404 kinds of comments that we got from the attendees related to whether or not headlights would be  
2405 shining into residences across the street on Barrington Road. And, also there was a concern about  
2406 the location of the driveway whether or not it could be located in front of somebody else's house  
2407 as opposed to the person who was complaining about it. There was a concern about the  
2408 landscaping, of course, we are not proffering a landscaping POD at this time, but we noted that we  
2409 intend to meet the landscaping ordinance and we plan a generous buffer around the perimeter of the  
2410 property consisting of trees and shrubs, which would add additional buffering to the project.  
2411 There was concern about our on-site lighting. All of the on-site lighting, even though we are not  
2412 doing a POD for the landscaping at this time, would be down lighting and direct at the indirect  
2413 lighting of features of the building. There was one other concern about the volume of Pastor  
2414 James' sermons. We assured them that we are about 150 feet from both roads and his sermons  
2415 would be contained within the walls of that building. We would not have speakers going out  
2416 anywhere on the grounds. And I think that pretty much covers it. Are there any other questions that  
2417 you might have?

2418

2419 Mr. Archer - Mr. Scott, in the rendering, the bottom picture, it appears to be brick.

2420

2421 Mr. Scott - Actually, it's brick in both buildings.

2422

2423 Mr. Archer - Right. But you are saying that you really haven't decided on the material as  
2424 of this point in time?

2425 Mr. Scott - What we are saying is that.... Yes, to answer that question directly. We  
2426 want to have flexibility of using EIFS, which is a concrete appearing material. If not that, we want  
2427 to have the flexibility to upgrading to a split face block.

2428

2429 Mr. Archer - Okay. Anybody else have any questions?

2430

2431 Mr. Vanarsdall - Are there any other questions by Commission members? All right. Thank  
2432 you, Mr. Scott.

2433

2434 Mr. Archer - Mr. Chairman, I have so many notes here, it's just hard to combine them all  
2435 in one place, so if I tend to ramble a little bit you will have to forgive me. I'll try to make it as  
2436 tight as I can. As Mr. Scott mentioned, there was a neighborhood community meeting held  
2437 yesterday, and of course.... Was it yesterday or day before yesterday, the 25<sup>th</sup> whenever that was?  
2438 I understand that it was not very well attended and I guess a part of it was because notice was  
2439 very short. The meeting was held at six o'clock and I think the meeting notice was handed out on  
2440 the same day. But I have had some phone calls and so has staff about some of the concerns that  
2441 have been expressed and I'm going to try to see if I can compile them and give them to you as we  
2442 go along. This has been an extremely difficult site to work with, as I'm sure Mr. Scott would attest  
2443 to, and it's quite ambitious due to the size and the use constraints and the restrictions on the land.  
2444 There are some wetlands involved here. And it's been difficult also, as evidenced by the fact that  
2445 there have already been two variances granted by the BZA one having to do with the front parking  
2446 in the R-4 and the other with the exception for the height. The concerns that have been expressed  
2447 are ones that I guess any of us could raise and I do need to emphasize the point that there has been  
2448 no objection at all to the church being on the site so we can work within that parameter, I think,  
2449 very safely.

2450

2451 The concerns that have been expressed are ones that, again, that the community has had and I've  
2452 had and Ms. News also and a lot of it is owed to the fact that Rev. James is a very popular and  
2453 dynamic speaker as evidenced by the tremendous growth that Trinity has had over the years. We  
2454 are concerned as to what will actually happen as this growth continues and we do anticipate that it  
2455 will continue and we can perceive that there needs to be in place, at least some type of contingency  
2456 plan that could accommodate this parking that will, it will become a problem I can almost promise  
2457 you that. I think most of us can remember when Faith Landmark on Chamberlayne Avenue, as big  
2458 as their parking was, there were times you could drive through there on a Sunday evening when  
2459 there was a special occasion and there would be just rows and rows of cars parked in the median  
2460 on Chamberlayne and it was quite a dangerous situation. I'm going to suggest a couple of things  
2461 and we will see how it goes from there.

2462

2463 I really do feel that there needs to be another neighborhood meeting and one in which we could  
2464 allow ample time so that notice can get out and the Planning staff would be glad to assist as much  
2465 as we can in trying to make sure that the proper people are notified and not just the adjacent  
2466 neighbors. I think that by the time we get to decide on this we need to make a decision as to what  
2467 the materials is going to be, whether it's going to be brick or split face or EIFS. And it would be  
2468 beneficial to the rest to the Commission and also to myself and the staff if we could have a color  
2469 rendering that will show us exactly what this is going to look like. And it would also be beneficial  
2470 to have this to show to the neighborhood when you meet with them. And I say that because with  
2471 the size of this project the constraints of the land, I can see that there are going to be problems that  
2472 will crop up and we would rather not be in the position to have to keep putting out little fires and  
2473 instead be able to address some of the concerns before they arise and be able to talk to the  
2474 neighborhood about them and that way questions won't come up about that. It also gives staff an  
2475 opportunity to address some of the concerns that the neighborhood would surely have concerning  
2476 this thing and not just leave it all on you with no suggestions as to how to resolve them. And one

2477 thing that, of course that wouldn't come up, and this is something that is really your prerogative to  
2478 do. I think there is an intent to use a sewage pump instead of hooking into the downstream County  
2479 sewage line, and I realize that that might require some cost but I think it would be good to think  
2480 about long term whether or not it would be ultimately in your best interest to use the pump instead  
2481 of hooking up. And I say that because I can imagine that this pump is something that would need to  
2482 be serviced and maintained and replaced even from time to time and overall it might not be in your  
2483 best interest to do that, but that's just a thoughtful suggestion on my part. And with that, and not to  
2484 delay this any longer, unless Ms. News has some more suggestions or things we need cover. My  
2485 suggestion is going to be that we defer this, and I'll do it at the Commission's request, so it won't  
2486 cost you anything, until the October meeting. Have at least one and possibly two more meetings  
2487 with the neighborhood to try to get their concerns addressed and answered to give us a chance also  
2488 to do that. See, if we can tie down what this building material is going to be and submit a color  
2489 rendering so we can, when we approve it, we want to say what it is we are approving. And there's  
2490 a small issue with the fence, I believe, Ms. News, and I think we can address that between now  
2491 and the time we meet again. That again is something else that would be an exception if we use the  
2492 alternate fence height to do that portion. I'm not sure it's necessary, it may not be. I haven't had a  
2493 chance to talk with Mr. Hicks to see if he is willing to do something else. That's all I have, unless  
2494 you have something you would like to add, Mr. Scott. I would like to thank Rev. James for coming  
2495 out. Rev. Miles, it's good to see you. So, with that, Mr. Chairman, I will move for deferral of  
2496 POD-98-98, until the October 25, 2000, meeting at the request of the Commission.

2497

2498 Ms. Dwyer - Second.

2499

2500 Mr. Vanarsdall - The motion was made by Mr. Archer and seconded by Ms. Dwyer. All in  
2501 favor say aye...all opposed say nay. The motion carries.

2502

2503 The Planning Commission deferred POD-98-98, Trinity Baptist Church, to its October 25, 2000.

2504 **SUBDIVISION**

2505

Innsbrook North, Section F  
(September 2000 Plan)

**Foster & Miller, P.C. for Innsbrook North Associates and Highwoods Properties, Inc.:** The 0.12 acre site is located at the northern terminus of Lake Brook Drive on part of parcels 28-1-B-6 and 28-1-B-5. The zoning is M-1C, Light Industrial District (Conditional). County water and sewer. **(Three Chopt) 0 Lots**

2506

2507 Mr. Vanarsdall - Is there anyone in the audience in opposition to Innsbrook North, Section F  
2508 (September 2000 Plan)? No opposition. Mr. Wilhite.

2509

2510 Mr. Wilhite - Thank you, Mr. Chairman. Proposed here is a reconstruction of an existing  
2511 cul-de-sac at the end of Lake Brook Drive. The existing cul-de-sac was never dedicated to the  
2512 County as public right-of-way. This redesign would be dedicated as public right-of-way to the  
2513 County. Staff would just make a couple more annotations to this plan. One is the traffic engineer  
2514 has requested that the width of the bubble be increased so that the face of curb to face of curb is at  
2515 least 80 feet. I think that is an approximately an eight-foot widening of what's shown here. Staff  
2516 also would make sure that there is at least a 10-foot separation from the proposed right-of-way  
2517 line to the improvements already constructed on the Highwoods property, which appears as parcel  
2518 28-1-B-5, which is to the west of Lake Brook Drive. Both of these annotations have been  
2519 discussed with the applicant and the applicant is agreeable to it. Therefore, with those changes,  
2520 staff would recommend approval of this plan.

2521

2522 **Mr. Vanarsdall stepped away for a few moments and Mrs. Quesinberry took over.**

2523

2524 Mrs. Quesinberry - Are there any questions by Commission members? Mr. Taylor, would you  
2525 like to hear from the applicant?

2526

2527 Mr. Taylor - I would like to address this. We've looked over the extension of this road  
2528 and it looks like from the highway point of view and perhaps Mr. Eure would like to discuss this.  
2529 It widens that particular cul-de-sac out really to improve the right-of-way to the existing properties  
2530 and it just looks like an engineering feature that needs to be accommodated as we develop the area.  
2531 Mr. Eure, would you like to address the geometry of this?

2532

2533 Mr. Eure - Good afternoon, my name is Todd Eure, assistant traffic engineer. We are  
2534 in favor, in Public Works, of this project. It will get better alignment for the driveways coming  
2535 into the current cul-de-sac and will give us better traffic flow. We did have a concern about the  
2536 size of the cul-de-sac as proposed. And with discussions with Mr. Parker, we have agreed on  
2537 something that we think would work from a geometric standpoint to provide better turnaround  
2538 ability for our snow removal equipment.

2539

2540 Mrs. Quesinberry - Is there any opposition? I didn't think so. Are you ready for a motion, Mr.  
2541 Taylor?

2542

2543 Mr. Taylor - I think we need to hear from Mr. Parker.

2544

2545 Mr. Parker - My name is Philip Parker and I'm representing Highwoods Properties. We  
2546 have had these discussions with Todd Eure. We have actually made the revisions he's requested.  
2547 I've got a copy of it here for Todd. This comment came up late Friday afternoon. However, we  
2548 have made the adjustments he's requested, everything works, we have met Kevin's 10-foot  
2549 requirement. We've actually got 15 feet out there now between the dumpster and the right-of-way.  
2550 And given Todd a wider cul-de-sac turnaround. We've got no problem with this. This has all  
2551 been resolved and we just need to get it now for construction approval.

2552

2553 Mrs. Quesinberry - Thank you. Are you ready for a motion, Mr. Taylor?

2554

2555 Mr. Taylor - Yes, ma'am, I am. I would move approval on Innsbrook North, Section F,  
2556 subdivision plan as presented and in accordance with the annotations on the plan.

2557

2558 Mr. Archer - Second, Madam Chairman.

2559

2560 Mrs. Quesinberry - Motion for approval and a second. All in favor say aye...all opposed say  
2561 nay. The motion carries.

2562

2563 The Planning Commission granted conditional approval to Innsbrook North, Section F (September  
2564 2000 Plan), subject to the standard conditions attached to these minutes for subdivisions served by  
2565 public utilities, the annotations on the plans and the following additional conditions. Mr.  
2566 Vanarsdall was absent.

2567

2568 **Mr. Vanarsdall returns during the middle of this next case and takes over again.**

2569

2570 **PLAN OF DEVELOPMENT, SPECIAL EXCEPTION & TRANSITIONAL BUFFER**

2571 **DEVIATION**

2572

POD-82-00

North Shore Commons

(POD-84-97 and POD-27-98

Revised)

**Foster & Miller, P. C. for Innsbrook North Associates and Highwoods/Forsythe Limited Partnership:** Request for approval of a revised plan of development, a special exception for building exceeding three stories in height, and a transitional buffer deviation, as required by Chapter 24, Sections 24-94(b), 24-106 and 24-106.2 of the Henrico County Code to construct three, four-story office buildings totaling 268,000 square feet and one, five-story, 120,000 square foot office building. The 36.238 acre site is located approximately 400 feet north of the terminus of Lake Brook Drive and adjacent to Interstate 295 on parcels 28-1-B-100, 28-1-B-100A, 28-A-22 and 28-A-22A. The zoning is M-1C, Light Industrial District (Conditional). County water and sewer. **(Three Chopt)**

2573

2574

2575 Mrs. Quesinberry - Is there anyone in the audience in opposition to POD-82-00, North Shore  
2576 Commons? No opposition. Mr. Wilhite.

2577

September 27, 2000

-65-

2578 Mr. Wilhite - Actually, this site is a combination of two previous PODs. One was POD-  
2579 84-97, Highwoods IV, which comprises the three buildings that you see on the eastern portion of  
2580 this site. Those three buildings were originally approved at 228,000 square feet. The western  
2581 portion, the lower portion, of the site was approved under POD-27-98, which was ion Office  
2582 Solutions, which was one building at 60,000 square feet. The POD-84-97, on the eastern side of  
2583 the site is a valid POD and there is construction going on under that approval. The one on the  
2584 western portion of the site has expired. Back in July, that middle building in that group, in the  
2585 three that you see, was before you for a revised special exception. This request here is to increase  
2586 the height of the two remaining buildings in that grouping from three to four stories. The total  
2587 square footage of the entire remaining three buildings on this site is actually 268,000 square feet as  
2588 opposed to 260,000 that appears on your agenda. In addition to the request for special exception  
2589 for three, four-story buildings, the developer is also requesting a transitional buffer deviation,  
2590 which is next to the property line adjacent to the Elks Lodge property, right here (referring to map).  
2591 Next to A-1, a transitional buffer 50 is required and what is being proposed is a 20-foot  
2592 separation from the boundary into the drive that runs parallel to this. The request being made is the  
2593 exact same request made with the original POD-27-98 and approved by the Planning Commission.  
2594 This would reduce the buffer from 50 feet down to 20 feet and the planting requirements within  
2595 that 20 feet would be reduced down proportionately as well. At the time of POD-27-98, being  
2596 approved, we did receive a letter from the Elks Lodge next door that they were agreeable to the  
2597 reduction in this buffer width. So, what is being proposed currently is what was approved  
2598 originally as well. This plan also shows the future location or proposed location of the Innsbrook  
2599 Pavilion. It's clearly marked on this plan that this location is not a part of this approval and that a  
2600 provisional use permit is going to be required to relocate the Pavilion to the location shown on this  
2601 plan. There was one remaining issue to be resolved with this and that was the provision of a  
2602 second point of access into this development. It is my understanding, as of this morning, there is an  
2603 agreement that has been worked out between the applicant and the Department of Public Works to  
2604 the satisfaction of Public Works. And if you wish for some more details, Todd Eure can address  
2605 that as well. If the request for special exception and transitional buffer deviation is granted by the  
2606 Planning Commission, staff can recommend approval of the plan. I'll be happy to answer any  
2607 questions.

2608

2609 Mr. Vanarsdall - Are there any questions of Mr. Wilhite by Commission members?

2610

2611 Mr. Taylor - Do we have the elevation drawings of this?

2612

2613 Mr. Wilhite - It should be in your packet.

2614

2615 Mr. Parker - The elevations are in your packets. What you were shown in July was not  
2616 available for today and I apologize for that.

2617

2618 Mr. Taylor - Maybe we can come up with one. It wasn't in my packet.

2619 Mr. Wilhite - I apologize for that not making it into your packet, Mr. Taylor.

2620

2621 Mr. Archer - I have one, you can look at mine.

2622

2623 Mr. Wilhite - This is the design for the Building B, which matches Building C as well,

2624 which is the other two buildings within the grouping of three on the eastern part of the property.  
2625 We also do have elevations for Building D, which was on the western part of the property, which  
2626 we will put up in just a moment. That's the Building D design (referring to screen).

2627

2628 Mr. Taylor - Now, those are consistent with the architectural building sized in the  
2629 adjacent neighborhood. Would you like to address that, Mr. Parker?

2630

2631 Mr. Parker - Yes, sir. These buildings are exactly the same buildings that were  
2632 submitted to you all in July for the special exception for Building A shown on a presentation  
2633 board. Again, I apologize, that board was not available for today. The three buildings that we  
2634 showed in July and this forth building, all three are of the same material, material types and  
2635 architecture. We are simply, as a developer, combining two previously approved PODs.  
2636 Highwoods has purchased the property that was previously approved under the ion development  
2637 and this is really actually more of a paper chasing, compiling this information, making sure all of  
2638 that all of the I's are dotted and the T's are cross. The engineering basically has been done on these  
2639 previously and I'm following suit with the previous approval as it was shown.

2640

2641 Mr. Taylor - The material on these building will be....

2642

2643 Mr. Parker - Brick with the, I think the columns are of a concrete type of material. I'll let  
2644 Hank Robinson clarify the concrete type of material.

2645

2646 Mr. Robinson - Good afternoon, Mr. Chairman and Commission members. I'm Hank  
2647 Robinson with Highwoods Properties. The exterior will be a combination of brick, precast  
2648 concrete, a little bit of EIFs banding at the top and glass curtain wall.

2649

2650 Mr. Taylor - And as I recall those are sort of a reddish color and sort of a greenish....

2651

2652 Mr. Robinson - The brick is red, the aluminum is bronze, and I think a greenish colored....

2653

2654 Mr. Taylor - So it's consistent with the overall architectural in and around the layout.

2655

2656 Mr. Robinson - Buildings B and C will be identical in all materials to Building A.

2657

2658 Mr. Taylor - Refresh my memory, is the lake going to have a fountain?

2659

2660 Mr. Robinson - We talked about that. We may do that, it's a possibility.

2661 Mr. Taylor - For a striking effect.

2662

2663 Mr. Robinson - Yes, sir.

2664

2665 Mr. Parker - The courtyard is still a part of this design.

2666

2667 Mr. Taylor - The courtyard is a part of the design?

2668

2669 Mr. Robinson - Yes, sir.

2670

2671 Mr. Vanarsdall - Are there any more questions by Commission members? Okay, it's all  
2672 yours, Mr. Taylor.

2673

2674 Mr. Taylor - Mr. Chairman, we need a couple of different types of motions here. I think  
2675 the first motion we have is one to approve a transitional buffer deviation and the next one is a  
2676 special exception. So, for POD-82-00, North Shore Commons, I would first move approval of the  
2677 transitional buffer deviation to allow a 50-foot buffer be reduced to a 20-foot buffer.

2678

2679 Mrs. Quesinberry - Second.

2680

2681 Mr. Vanarsdall - The motion was made by Mr. Taylor and seconded by Mrs. Quesinberry.  
2682 All in favor say aye...all opposed say nay. The motion carries.

2683

2684 The Planning Commission approved the transitional buffer deviation for POD-82-00, North Shore  
2685 Commons (POD-84-97 and POD-27-98 Revised).

2686

2687 Mr. Taylor - And the next part, I will move approval of the special exception to construct  
2688 three, four story buildings and one five story building for POD-82-00, North Shore Commons.

2689

2690 Mr. Archer - Second.

2691

2692 Mr. Vanarsdall - The motion was made by Mr. Taylor and seconded by Mr. Archer. All in  
2693 favor say aye...all opposed say nay. The motion carries.

2694

2695 The Planning Commission approved the special exception request for POD-82-00, North Shore  
2696 Commons (POD-84-97 and POD-27-98 Revised) to construct building exceeding three and four  
2697 stories in height and one five story building.

2698

2699 Mr. Taylor - Now, with the understanding that we have seen these before and it's  
2700 consistent with the nature and height of the neighboring office structures in the area, and I think this  
2701 is going to be a real asset to our community and our County business posture. So, I will move  
2702 approval POD-82-00, North Shore Commons, subject to the standard conditions for developments  
2703 of this type, and additional comments Nos. 23 through 30 and the annotations on the plan.

2704

2705 Mrs. Quesinberry - Second.

2706

2707 Mr. Vanarsdall - The motion was made by Mr. Taylor and seconded by Mrs. Quesinberry.  
2708 All in favor say aye...all opposed say nay. The motion carries.

2709

2710 The Planning Commission approved POD-82-00, North Shore Commons (POD-84-97 and POD-  
2711 27-98 Revised) subject to the standard conditions attached to these minutes, the annotations on the  
2712 plans and the following additional conditions:

2713

2714 23. The easements for drainage and utilities as shown on approved plans shall be granted to the  
2715 County in a form acceptable to the County Attorney prior to any occupancy permits being

2716 issued. The easement plats and any other required information shall be submitted to the County  
2717 Real Property Agent at least sixty (60) days prior to requesting occupancy permits.  
2718 24. The developer shall provide fire hydrants as required by the Department of Public Utilities in  
2719 its approval of the utility plans and contracts.  
2720 25. The proffers approved as a part of zoning cases C-77C-88, C-9C-98 and C-48C-99 shall be  
2721 incorporated in this approval.  
2722 26. The certification of building permits, occupancy permits and change of occupancy permits for  
2723 individual units shall be based on the number of parking spaces required for the proposed uses  
2724 and the amount of parking available according to approved plans.  
2725 27. Any necessary off-site drainage easements must be obtained in a form acceptable to the County  
2726 Attorney prior to final approval of the construction plans by the Department of Public Works.  
2727 28. Deviations from County standards for pavement, curb or curb and gutter design shall be  
2728 approved by the County Engineer prior to final approval of the construction plans by the  
2729 Department of Public Works.  
2730 29. Insurance Services Office (ISO) calculations must be included with the utilities plans and  
2731 contracts and must be approved by the Department of Public Utilities prior to the issuance of a  
2732 building permit.  
2733 30. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the  
2734 Planning Office and approved prior to issuance of a certificate of occupancy for this  
2735 development.

2736

2737 Mr. Marlles - Mr. Chairman, that concludes the cases from today's agenda. We do have a  
2738 special presentation today. Mr. Lee Householder will be giving us a demonstration of the new  
2739 Henrico Development Assistant site. This is a new site intended to provide information to both  
2740 citizens and developers and I'm sure Mr. Householder will give us a complete overview.

2741

2742 Mr. Vanarsdall - Do you want to do the minutes before we do that?

2743

2744 Mr. Householder - You can go on and do the minutes now because Harvey is loading my  
2745 presentation.

2746 **APPROVAL OF MINUTES: July 26, 2000 and August 23, 2000 minutes**

2747

2748 Mr. Vanarsdall - Did anybody read the minutes of July 26 and August 23, 2000?

2749

2750 Mr. Archer - Mr. Chairman, I think I have one correction.

2751

2752 Mr. Vanarsdall - Ms. Dwyer, you are always good about reading the minutes, have you read  
2753 them?

2754

2755 Ms. Dwyer - I've already turned in my corrections.

2756

2757 Mr. Vanarsdall - Can you share them with us?

2758

2759 Ms. Dwyer - No.

2760

2761 Mr. Archer - Mr. Chairman, I have one correction on the July 26 minutes page 57, line

2762 2333, right after my reference to Johnson Road. It says, "I would call" and I think it should say "I  
2763 recalled." That was the only one I had.

2764

2765 Ms. Dwyer - I move we accept the July 26, 2000 and August 23, 2000 minutes as  
2766 corrected.

2767

2768 Mrs. Quesinberry - Second.

2769

2770 Mr. Vanarsdall - The motion was made by Ms. Dwyer and seconded by Mrs. Quesinberry.

2771 All in favor say aye...all opposed say nay. The motion carries.

2772

2773 The Planning Commission approved the draft minutes as corrected for the July 26 and August 23,  
2774 2000, Planning Commission meetings.

2775

2776 Mrs. O'Bannon - I have something that I would just like to mention to the Planning  
2777 Commission. Last night, it came before the Board of Supervisors that there is a Commission down  
2778 at the General Assembly that has a subcommittee that's working on issues of things such as  
2779 affordable housing. They have come up with a recommendation to the Commission that wording in  
2780 the statewide Building Code be changed so that when zoning cases come forward communities  
2781 won't be able to restrict the type of architecture or style or building materials and that sort of thing,  
2782 even if they are offered voluntarily by the developer.

2783

2784 Mr. Vanarsdall - No kidding.

2785

2786 Mrs. O'Bannon - In other words, you can only strictly go by the building code. You can't  
2787 dictate or the developer can't dictate the style of architecture. The Board passed a Resolution to  
2788 recommend to this committee of the General Assembly that they not put this language in a Bill or  
2789 pass any laws that say that we can't allow or even allow developers to proffer the style or type of  
2790 building materials, for instance, canopies, chimneys, not putting it on a concrete slab. Obviously,  
2791 this was an attempt to remove control from the localities of how structures are built, and it goes  
2792 back to the building code. There was an example last night, actually, in Fairfield that came up that  
2793 I pointed out that had a proffer that the structure looked residential in nature and there was a dentist  
2794 office right next to a residential community. The applicant had proffered that it would look  
2795 residential in nature, which of course pleased the neighbors.

2796

2797 Ms. Dwyer - It sounds like they are trying to eliminate proffers altogether.

2798

2799 Mr. Marlles - I believe Mrs. O'Bannon is absolutely correct. It's kind of a backdoor way  
2800 of restricting voluntary proffers in a zoning case by amending the building code. It almost got  
2801 through. I think a lot of localities are not aware of this. We were fortunate enough to pick it up  
2802 because we had building inspection staff that happened to be involved in the meeting. And as Mrs.  
2803 O'Bannon said, we've taken a very strong position against it. I suspect, as this Bill moves forward  
2804 it's probably going to result in a lot of opposition from local governments.

2805

2806 Mr. Vanarsdall - Who is sponsoring this?

2807

2808 Mrs. O'Bannon - Allen Diamonstein is one of the sponsors. I just pointed out to the Planning  
2809 Commission that this is why we pay attention to what's on the General Assembly.

2810

2811 Mr. Vanarsdall - And I'm glad you did.

2812

2813 Mrs. O'Bannon - I also know how it affects the way you handle cases and work with the  
2814 public and the developer to try to get a case that's reasonable or it looks nice or it has quality  
2815 construction. And I know that it was a concern of Mr. Thornton who also talks again and again  
2816 about his desire to have quality construction. There has been other cases down at the General  
2817 Assembly where they have removed certain structures from even having to conform to building  
2818 codes by calling them farm structures. And this is what concerns me. They have actually removed  
2819 wineries from the building code. The case came up about a winery that was built by the owner to  
2820 no building code standard. The owner built the building himself and it had a deck on it that did not  
2821 meet code. If you put a 100 people on the deck it would have collapsed. He did not have the  
2822 wiring inspected and so on and so forth. He claimed it was a farm building but he was advertising  
2823 it for wedding receptions. He came before the State Building Code Technical Review Board on  
2824 which I sit, and they ruled it was not a farm building but a public building or even a business, and  
2825 he needed a rezoning. He was going to be required to either tear it down or rebuild portions of it  
2826 to meet the building code. The concern came from the gentleman who represent the Fire Chief. He  
2827 said it was a fire hazard. The electrical representative said it was not wired to code. One of the  
2828 architects who sits on the board looked at the pictures under the roof, and he said that the support  
2829 beams were way too far apart and that the roof could collapse, I mean it went on and on and on.  
2830 My concern of course was for public safety. When that case was ruled against him, his next step  
2831 was to take it to court, I think it was Court of Appeals. Rather than do that, the owner went to their  
2832 General Assembly member who put a Bill into the General Assembly which passed at that session  
2833 and listed winery buildings as farm buildings. So he removed it from having to get it inspected.  
2834 So, when you see legislation like that that, it concerns me. I went down and tried to lobby, but the  
2835 State Building Code Technical Review people are not allowed to lobby under the State Law. That  
2836 was two years ago. Last year, at the General Assembly, the State Building Code Technical  
2837 Review Board had a Bill to go through that said that we could lobby. So now I can lobby. But  
2838 that was what precipitated this. I'm only telling you this because these are the type of issues that  
2839 we try to be alert to and this one can impact the Planning Commission and the way we handle  
2840 rezoning cases and PODs. I thought I had just better pass that on to you while we are here.

2841

2842 Mr. Vanarsdall - Unreal.

2843

2844 Mr. Archer - Amazing.

2845

2846 Mr. Taylor - That brings us back to 1850 in our building sophistication and what we can  
2847 do in terms of design.

2848

2849 Mrs. O'Bannon - Well there was actually a Bill down there by a gentleman from my district  
2850 who is a constituent who was attempting to have a legislator put through a Bill to remove building  
2851 inspections and building codes, period.

2852

2853 Mr. Vanarsdall - Well, I can't believe that.

2854

2855 Mrs. O'Bannon - He was serious and it got pretty far. That one was not on the agenda this  
2856 year. This other one was going through a subcommittee to a committee for recommendation to a  
2857 higher committee and having seen that other Bill go through, get passed and signed by the  
2858 Governor. I obviously had concerns about it. So, yes, we did pass the resolution to say that we  
2859 think that this is a bad idea. So that is what happened at last night's Board meeting.

2860

2861 Mr. Vanarsdall - I'm glad you brought it to our attention.

2862

2863 Mr. Householder - Now onto lighter topics. Are you ready?

2864

2865 Mr. Vanarsdall - All right. It looks like Mr. Householder is ready to go.

2866 **PRESENTATION: The Henrico Development Assistance Site. This new web site will**  
2867 **provide a directory for information related to land use development in the County and has**  
2868 **been designed to save time for all participants in the development process.**

2869

2870 **(Staff Presentation by Lee Householder)**

2871

2872 Mr. Householder - I'm here today to introduce you to the Henrico Development Assistance  
2873 Site, and we have a small moment to help to remind you of the address on the internet. This was  
2874 a task force that consisted of various members of County staff lead by Angela Harper and Fred  
2875 Overmann was involved. Jane Dudley is our County webmaster. Karen Mazza was with Public  
2876 Works. I represented Planning and Ralph Claytor in Utilities. So we had a very big mix  
2877 representing from Information Technology, Building Inspections, Works and Utilities to create a  
2878 web site which purpose was to provide a directory of information that was related to development  
2879 in Henrico County. The goal was to save time for any participant involved in the process. The  
2880 audience, we anticipate would be any citizen, obviously, but it would really be geared toward  
2881 engineers, surveyors, developers. We also thought that economic development prospects that  
2882 wanted to learn more about the County or find out about what it would take to develop in the  
2883 County to find out in a one-stop shop via the internet what it would take. And not only could other  
2884 jurisdictions and developers could use it but staff eventually we hope throughout the County can  
2885 find out more about how things are done, maybe answer more questions for the public through the  
2886 use of the site. Now we broke the site into categories, which I'll go through each one very quickly.  
2887 And the categories we felt were most logical, agreements and forms and applications then you can  
2888 also find out about deadlines. You can learn about members of the Board and the Planning  
2889 Commission and BZA. What fees are involved and on the Geographic Information System we  
2890 have created a page for updates about the system and where we are and fees. Permits with  
2891 Building Inspections and public meetings, you can find out about agendas and reference materials  
2892 that may be useful. We have the zoning ordinance linked. We have staff developers meeting  
2893 agendas. You can also contact staff via e-mail or you can get the phone number. Hopefully, we  
2894 are working on getting a better understanding of the development process.

2895

2896 There are many different ways to link to the same information. We were required to have a  
2897 disclaimer that explains that any information that you find on this site, you might want to call first if  
2898 it is something important, but just that anything you read on the site. It was a legal disclaimer  
2899 statement that we were required to have. You can locate in our County Agency directory and you  
2900 can take an application and bring it up and print it out and then fill it out and submit it to the  
2901 Planning Office or any other department that would be involved in the site. And we have links to  
2902 development agencies. So, let's go right to the site. All right. This is what happens when you go  
2903 to [www.henricodevsite.com](http://www.henricodevsite.com). It's laid out in all of the topic areas that I just introduced to you. And so  
2904 what we have done is try to create it so that the most popular things that people use are right on the  
2905 page and they are only one click away. Say for instance that you wanted a conditional subdivision  
2906 application, you could click on applications and check lists and go to an entire page of all of the  
2907 applications that we have available currently on the internet that has to do with Planning, Building  
2908 Inspections, Public Works and Utilities. But, if you are always using conditional subdivision  
2909 applications, which is a popular application, you don't have to go there, you can just come right in  
2910 and click on it, and this automatically launches what's called the Adobe Acrobat Reader. Is  
2911 everyone familiar with that? It's a free software that has really revolutionized, and here is the

2912 conditional subdivision (referring to application on the screen). Right now we don't have it where  
2913 you can just type in the spaces but we are working on it. It is much more time intensive, but we  
2914 will be able to make it so you can bring this up and type in the field names so that we don't have  
2915 any handwriting issues and things like that. But, signatures at this point, we haven't gotten to a  
2916 point where we are accepting digital signatures. But we do anticipate that in the future as an  
2917 option.

2918

2919 So, continuing on, if you want to find out about a plan of development deadline, you click on that.  
2920 And we didn't reinvent the wheel, we just took it right to our Planning site where you can find out  
2921 on the, the Planning page was already existing, but it's just another way to get to the information  
2922 that's on the Planning site. As far as the Planning Commission, you can click on that and we've  
2923 created just a basic simple page with everyone's name and contact numbers and I encourage you to  
2924 review it and make sure it's accurate. Part of what we did in developing the site, each department  
2925 is responsible for their own links. This site did not create any original pages, it really simply  
2926 organized what we already have and created a few new ones, but the Planning Office is  
2927 responsible for the maintenance of this page and if you went to Public Works, where you went to  
2928 the permit link and then Building Inspection, then you end up on Building Inspection's page. So,  
2929 you see we just kind of created another way to get around. But we would hope that, if you go to  
2930 the Board of Supervisors page it's very attractive and we do hope to make the Commission's page  
2931 up to this par.

2932

2933 Ms. Dwyer - I was going to say it's a lot more attractive than the Commission's page.

2934

2935 Mr. Householder - I don't have these nice colored pictures so as soon as we get some colored  
2936 pictures of you we will be glad to add those, but that would be up to you. You can find out fees.  
2937 And another handy element, I think, to this site is just how it connects. If you go to the reference  
2938 materials page or any page, on the left hand side you will see a picture that we put in just to make  
2939 things look better, and if you refresh it....

2940

2941 Mr. Archer - What is that a picture of?

2942

2943 Mr. Householder - We had a lot of debate on the committee and I was against the picture.  
2944 Now, that it's there I do think it is helpful, and every time you come in you get a new picture. So,  
2945 each time you visit one of the topic pages a new picture that we thought was relevant to  
2946 development will appear. But, also on the left you can go to all of the topic pages. So, you don't  
2947 always have to go back to the main page.

2948

2949 Ms. Dwyer - So, is the whole ordinance accessible to through this site?

2950

2951 Mr. Householder - It is through municipalcode.com are you familiar with that organization.

2952

2953 Ms. Dwyer - I thought I saw down here somewhere the zoning ordinance.

2954 Mr. Householder - Here it is. What happens is if you go to our Planning Office page which has  
2955 a link to municipalcode.com and if you click on that, it's going to be a little slow in loading but it  
2956 does go to Chapter 19, directly to the subdivision ordinance. There are a lot of different ways to  
2957 display the zoning ordinance. This was already done and, given the efficiency, we decided to just

2958 go with that.

2959

2960 Ms. Dwyer - That makes sense.

2961

2962 Mr. Householder - But I think that there is potential, if we ever do a zoning ordinance update, I  
2963 would like to see us incorporate a web document that is searchable and would be easier to get  
2964 through, but that's down the way. This link here, the detailed County map, this is the most popular  
2965 downloaded file in the entire County. It's hundreds and hundreds of links. The great thing about  
2966 the way internet design is that the file resides in one place but it can be linked from multiple  
2967 places. So, other people in the entire County are utilizing this. So, we don't always have to  
2968 reinvent things.

2969

2970 Ms. Dwyer - Excuse me. The detailed County map, you can get more detail than you  
2971 showed us.

2972

2973 Mr. Householder - Yes. Let me give you a better example of that.

2974

2975 Ms. Dwyer - No, you don't have to do that.

2976

2977 Mr. Householder - Okay. You can zoom in very nicely and I think it's a pretty good map. Let's  
2978 me just show you anyway, just because it is quick.

2979

2980 Mr. Archer - Oh, yes, that's detailed.

2981

2982 Mr. Householder - But also we are on a pretty quick connection so another thing that we talked  
2983 about in designing this site was speed. And if you will notice we didn't spend a lot of time on  
2984 graphics, it's one logo and that's because there are a lot of people are connecting at slower speed  
2985 and a lot of this information doesn't need to be marketed purse.

2986

2987 Mrs. O'Bannon - I thought it was a good suggestion was to indicate when you click on the  
2988 flag that it takes you home, you know, (unintelligible, her mike wasn't on). We were hoping that  
2989 there would be... It says home, right?

2990

2991 Mr. Householder - Yes.

2992

2993 Mrs. O'Bannon - It could be bigger than that. (Unintelligible) I'm sorry my microphone was  
2994 off, I apologize. But where is says "the County of Henrico's Home Page can be reached by  
2995 clicking on the flag in the upper right hand corner." If you would put the words so that it is a little  
2996 easier to read.

2997

2998 Mr. Householder - Okay. I agree. This site went live on the 18<sup>th</sup> and we do anticipate that it,  
2999 it's a work in progress. This was the initial site but we are going to meet again in October. We  
3000 are going to talk about a lot of the comments we have received and we are going to constantly  
3001 build on it. One of the things that you will notice is missing is a lot of the rezoning information.  
3002 We don't have links to the downloadable staff reports which are already available on the Planning  
3003 site and can be accessed. And I hope to incorporate that in. The nearest thing is staff/developer

3004 meeting agenda and I think this will get a lot of use out of that page you can click and find out  
3005 what's going on the 5<sup>th</sup> and what time you are meeting, you won't be there but what time the  
3006 developer would be there.

3007

3008 Ms. Dwyer - Does that mean we can just drop in?

3009

3010 Mr. Householder - Yes. And then just a few more things I want to pick out. These nice quick  
3011 links, we call it, where you can get to any agencies again by this means, so we can just jump right  
3012 over to the Planning site and the Planning site has a link back to the development site. So, we are  
3013 just trying to come up with more efficient ways for developers and citizens to obtain information.  
3014 And another thing that we've heard comments about that I think is missing, it's going to be more  
3015 time consuming to develop, is some sort of very step by step... I have a piece of land, what does it  
3016 take for me to develop that of land. It's a very complex issue and we don't want to lead people  
3017 down the wrong road but I think a nice way for a citizen or anyone to realize what it takes to  
3018 subdivide, the steps of the POD, this kinds of give them an idea but it doesn't do it in an interactive  
3019 way. And that's one thing I think we would like to work on, maybe in the next year or so to  
3020 develop that. So, I just wanted to give you an introduction to let you know that it is out there and I  
3021 hope that you will visit it. And if you ever have comments you can send them to me or any staff  
3022 person who can get it to me. Are there any questions?

3023

3024 Mr. Archer - Could you put in a chat room so that they could cuss us out on line?

3025

3026 Mr. Householder - We could have a discussion page, that is a possibility. Sometimes when we  
3027 have had projects like the State Fair, for instance, we have set up pages where we put the minutes  
3028 from the last meeting on that page so that people can find out more about something that's more  
3029 intense at that moment. But, we don't do that across the board for each thing.

3030

3031 Mrs. O'Bannon - Is that how they got the e-mail to that? We got a lot of e-mail on that.

3032

3033 Mr. Householder - No. We didn't have that linked to that address. We just put the minutes up  
3034 there on a special State Fair Minutes page.

3035

3036 Mr. Marlles - Mr. Chairman, Mr. Householder is very modest about his involvement in  
3037 this project but I would like to compliment him and the other members of this committee. This  
3038 really is a quality project and I don't think that there is anything like it in the state of Virginia and  
3039 maybe not nationally. But, that committee, including Lee, worked very hard on this project and it  
3040 really is a show piece project.

3041

3042 Mr. Vanarsdall - I heard he was really involved in it. That's good. Thank you, Lee.

3043 Mr. Archer - This sounds like a good time to ask for a round of applause. (Everybody  
3044 claps)

3045

3046 Mr. Householder - Thank you.

3047

3048 Mr. Taylor - Mr. Director, one comment I have on this site is, it is a dynamite effort and  
3049 Mike Chandler at Virginia Tech is always looking for notable achievements by Planning staffs

3050 wherever they might be with their view toward showcasing what is being done with a view that  
3051 other areas might emulate the leadership shown by some of those counties who have taken a lead  
3052 role. And I think this one is certainly an effort that qualifies for that kind of treatment and I would  
3053 recommend that we share it with Mike so that he might share it with our brother colleagues in all the  
3054 other counties in Virginia. Then they would know that Henrico is out there in front.

3055

3056 Mr. Marlles - Mr. Taylor, I'm glad you are actually bring that up. The Planning Office has  
3057 received an award from the American Planning Association for the planning web site, but I think  
3058 this is certainly an addition to that and it is a site that I think other communities could learn from it  
3059 or emulate it. We also, I think, have the opportunity here to get some recognition through the  
3060 various Planning organization with the award programs. That's something that we in Henrico don't  
3061 often take advantage of simply because we are too busy to even fill out the nominations. But, I  
3062 would hope on this one that we do apply through NACO and DCPA and APA for an award for it. I  
3063 think it would do very well. I think you are absolutely right.

3064

3065 Mr. Vanarsdall - I do too. And talking about Mike Chandler, he's always been amazed at  
3066 how Henrico has been. And you probably experience when you went to that CPC school. I went  
3067 with Allen Webb and he would very often called on Allen for the type of Planning things and then  
3068 he would ask each one of us what do you all do in Henrico. So, this would be something else that  
3069 would be a plus for us. Thank you, Lee.

3070

3071 Mr. Vanarsdall - We do have one more item. We need to approve the minutes for August 23,  
3072 2000.

3073

3074 Mrs. Quesinberry - I thought we did that.

3075

3076 Mr. Vanarsdall - We did it for July.

3077

3078 Ms. Dwyer - My motion included both sets of minutes.

3079

3080 Mr. Vanarsdall - Did you specify any dates in your motion?

3081

3082 Ms. Dwyer - Yes.

3083

3084 Mr. Vanarsdall - Okay. Good. All right. Is there anything else.

3085

3086 Mr. Archer - Mr. Chairman, before we adjourn, I read an article the other day that I  
3087 thought might be interesting. I have heard this commented on more than once. It has to do with how  
3088 poorly white pines do in this area. We might want to think about that with regard to landscaping.  
3089 White pine trees don't fair well in this area.

3090

3091 Mr. Marlles - Do either of our landscape architect have a comment on that or did you see  
3092 the article that Mr. Archer is referring to?

3093

3094 Ms. News - I didn't see the article. There's unfortunately not very many evergreens that  
3095 do, do well in this area. It's always a struggle. We keep coming back to the old Leyland Cypress.

3096 Magnolias which are very expensive, and Hollies which are very expensive, do well. But the  
3097 inexpensive ones like the pines and the spruces they are tough in Henrico. And pines, especially,  
3098 don't like salt or red site plantings. So you have to pick wisely where you pick them. If you try to  
3099 eliminate everything that they say doesn't do well, it doesn't leave us very much to choose from,  
3100 unfortunately.

3101

3102 Mr. Taylor - A part of the context of the article also related to the structural aspect of the  
3103 white pine. As the white pine grow and they grow to some height, they are very brittle so that in  
3104 some of the ice storms or whatever we have, they start to come down in various size chunks to the  
3105 detriment of houses that might be in the way. They are very brittle in winter weather. And just  
3106 like anything else when it gets cold they just snap.

3107

3108 Mr. Vanarsdall - The meeting is adjourned.

3109

3110 Mrs. Quesinberry - I'll second.

3111

3112 On a motion by Mr. Vanarsdall and seconded by Mrs. Quesinberry, the Planning Commission  
3113 adjourned its meeting at 12:45 p.m.

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Ernest B. Vanarsdall, CPC, Chairman

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John R. Marlles, AICP, Secretary

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