

1 Minutes of the regular monthly meeting of the Planning Commission of the County of  
2 Henrico, Virginia, held in the Board Room of the County Administration Building in the  
3 Government Center at Parham and Hungary Springs Roads, Beginning at 9:00 a.m.  
4 Wednesday, September 29, 1999.

5

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

11

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

14

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

25

26 Others Absent: Mr. John R. Marlles, AICP, Director of Planning, Secretary

27

28 Ms. Dwyer - Good morning. This meeting of the Planning Commission will come to  
29 order. I would like to welcome everyone here this morning who has business before the  
30 Commission. I would like to remind everyone who is going to speak this morning that we do  
31 need you to come down to the microphone, at the podium. We are recording our sessions and  
32 we need to have you speak into the microphone in order to have a record of our meeting here  
33 today. So, that goes for the applicant as well as any citizens who would like to speak for or  
34 against the case. All right. Mr. Silber, lets get started with the first item on our agenda,  
35 which is the roll call.

36

37 Mr. Silber - Yes, ma'am. We do have a quorum this morning. We are missing Mr.  
38 Donati at this point. I don't know if he will be showing up later or not. We do have a  
39 quorum and we can conduct business. The next item on the agenda would be the requests for  
40 deferrals and withdrawals. Mr. McGarry, can you walk us through those please?

41

42 Ms. Dwyer - Good morning, Mr. McGarry.

43

44 Mr. McGarry - Good morning, Madam Chairman, members of the Commission, ladies  
45 and gentlemen. On page one of your agenda, is the first requests for a deferral and it is for

46 Virginia Technology Park. The applicant requests a deferral to the November 17, 1999,  
47 meeting.

48

49 **TRANSFER OF APPROVAL (Deferred from the August 25, 1999, Meeting)**

50

POD-39-83

Virginia Center Technology  
Park Phase 1

**Principal Life Insurance Company for Highwoods/Forsyth Limited Partnership:** Request for approval of a transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Ethelwood Corporation, Reuben K. Chewning, and Virginia Center Inc. to Principal Life Insurance Company. The site is located along the south line of Technology Park Drive, approximately 400 feet west of J.E.B. Stuart Parkway on Parcel 33-A-52 and 33-A-58A. The zoning is M-1C, Light Industrial District (Conditional).  
**(Fairfield)**

51

52 Ms. Dwyer - Okay. Is there anyone in the audience in opposition to the deferral of  
53 the transfer of approval for Virginia Center Technology? No opposition. We are ready for a  
54 motion.

55

56 Mr. Archer - Madam Chairman, I move deferral of Virginia Center Technology Park  
57 to the November 17, 1999, meeting, at the applicant's request.

58

59 Mr. Vanarsdall - Second.

60

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

63

64 At the request of the applicant, the Planning Commission deferred the transfer of approval  
65 request for POD-39-83, Virginia Center Technology Park Phase 1, to its November 17, 1999,  
66 meeting.

67

68 **SUBDIVISION (Deferred from the August 25, 1999, Meeting)**

69

Cole Creek  
(July 1999 Plan)

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

70

71 Ms. Dwyer - Is there anyone in the audience in opposition to the deferral of Cole  
72 Creek Subdivision? No opposition. We are ready for a motion.

73

74 Mrs. Wade - I move Cole Creek be deferred until the 17<sup>th</sup> of November at the  
75 applicant's request.

76

77 Mr. Vanarsdall - Second.

78

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

81

82 At the request of the applicant, the Planning Commission deferred Cole Creek (July 1999  
83 Plan), to its November 17, 1999, meeting.

84

#### 85 **SUBDIVISION**

86

Dakota Estates  
(May 1999 Plan)

**TIMMONS FOR Dakota Associates:** The 54.68 acre site is located at the west line of Midview Road opposite Habersham Drive on parcels 192-A-19 and 192-A-20 and 192-A-7. The zoning is RTH, Residential Townhouse District, A-1, Agricultural District and R-5, General Residence District. County water and sewer. **(Varina) 385 Lots**

87

88 Ms. Dwyer - Is there anyone in the audience in opposition to the withdrawal of  
89 Dakota Estates Subdivision? No opposition. There being none, we are ready for a motion.

90

91 Mrs. Quesinberry - I move the withdrawal of Dakota Estates (May 1999 Plan) at the  
92 applicant's request.

93

94 Mr. Vanarsdall - Second.

95

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

98

99 Mr. Vanarsdall - Madam Chairman, I would like to ask the secretary a question. When  
100 an applicant withdraws a case, it can't come before the Board of Supervisors again for one  
101 year, I believe.

102

103 Mr. Silber - Mr. Vanarsdall, that is true for rezoning requests and provisional use  
104 permits, that would not necessarily be the case for a subdivision.

105

106 Mr. Vanarsdall - For a rezoning request, when it's withdrawn, and it can't come before  
107 the Board again for one year, when can it come back to the Planning Commission?

108

109 Mr. Silber - The staff has allowed the applicant to apply in ample time to have it  
110 heard by the Planning Commission before the 12 months is up, but it can't be heard by the  
111 Board....

112

113 Mr. Vanarsdall - The 12 months does not apply to the Planning Commission?

114

115 Mr. Silber - They could, for example, the Planning Commission could hear it on the  
116 11<sup>th</sup> month but the Board couldn't act on it before 12 months.

117

118 Mr. Vanarsdall - Okay. Is that in the law?

119

120 Mr. Silber - That's the way we have interpreted the law because it says that the Board  
121 can't act prior to one year.

122

123 Mr. Vanarsdall - Thank you very much.

124

125 Ms. Dwyer - I believe we had a motion by Mrs. Quesinberry and seconded by Mr.  
126 Vanarsdall. All in favor of that motion for withdrawal say aye...all opposed say nay. The  
127 motion carries.

128

129 At the request of the applicant, the Planning Commission withdrew Dakota Estates (May 1999  
130 Plan) subdivision plan from further consideration.

131

### 132 **SUBDIVISION RECONSIDERATION**

133

Edgemoor (A Reconsideration of April 1999 Plan)	<b>Youngblood, Tyler &amp; Associates, P.C. for Boone, Boone, Loeb &amp; Pettit:</b> The 15.8 acre site is located on the east line of Nuckols Road at Wyndham Lake Drive on parcels 9-A-25 and 9-A-24. The zoning is R-2C, One-Family Residence District (Conditional). County water and sewer. <b>(Three Chopt) 28 Lots</b>
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134

135 Ms. Dwyer - Is there anyone in the audience in opposition to the deferral of Edgemoor  
136 subdivision? No opposition. Mrs. Wade.

137

138 Mrs. Wade - I gather this is to work on the status of the road easement for their  
139 property?

140

141 Mr. McGarry - That's correct.

142

143 Mrs. Wade - Anyway, I move that Edgemoor Subdivision be deferred until the 27<sup>th</sup> of  
144 October, at the applicant's request.

145

146 Mr. Vanarsdall - Second.

147

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

150

151 At the request of the applicant, the Planning Commission deferred Edgemoor Subdivision (A  
152 Reconsideration of April 1999 Plan), to the October 27, 1999, meeting.

153

154 **PLAN OF DEVELOPMENT (Deferred from the August 25, 1999, Meeting)**

155

POD-59-99

McBal Office Building -  
Technology Park Drive

**Balzer & Associates, P.C. for Virginia Center Inc. and  
McBal Corporation:** Request for approval of a plan of  
development as required by Chapter 24, Section 24-106 of the  
Henrico County Code to construct a two-story, 15,375 square  
foot office building. The 1.90-acre site is located on the north  
line of Technology Park Drive, 250 feet east of its intersection  
with J.E.B. Stuart Parkway on part of Parcels 33-A-64A and  
52A. The zoning is M-1C, Light Industrial District  
(Conditional). County water and sewer. **(Fairfield)**

156

157 Ms. Dwyer - Is there anyone in the audience in opposition to the deferral of POD-59-  
158 99, McBal Office Building, on Technology Park Drive? No opposition. Ready for a motion.

159

160 Mr. Archer - Madam Chairman, I move deferral of POD-59-99, McBal Office  
161 Building - Technology Park Drive, to the October 27, 1999 meeting, at the request of the  
162 applicant.

163

164 Mr. Vanarsdall - Second.

165

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

168

169 At the request of the applicant, the Planning Commission deferred POD-59-99, McBal Office  
170 Building - Technology Park Drive, to the October 27, 1999, meeting.

171

172 **PLAN OF DEVELOPMENT**

173

POD-70-99

Red Robin Restaurant -  
Virginia Center Commons  
Mall

**Bengston, DeBell & Elkin for North Park Peripheral  
Associates L.P. and Red Robin International, Inc.:** Request  
for approval of a plan of development as required by Chapter  
24, Section 24-106 of the Henrico County Code to construct a  
one-story, 6,157 square foot restaurant. The 12.168 acre site  
is located on the north line of J.E.B. Stuart Parkway,  
approximately 1,100 feet east of its intersection with Brook  
Road (U.S. Route 1) in the Virginia Center Commons Mall on  
part of parcel 24-A-7E. The zoning is B-3C, Business District  
(Conditional). County water and sewer. **(Fairfield)**

174

175

176 Ms. Dwyer - Is there anyone in the audience in opposition to the deferral of POD-70-  
177 99, Red Robin Restaurant - Virginia Center Commons Mall? No opposition. Ready for a  
178 motion.

179

180 Mr. Archer - I move deferral of POD-70-99, Red Robin Restaurant, to the October  
181 27, 1999, meeting, at the request of the applicant.

182

183 Mr. Vanarsdall - Second.

184

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

187

188 At the request of the applicant, the Planning Commission deferred POD-70-99, Red Robin  
189 Restaurant - Virginia Center Commons Mall, to the October 27, 1999, meeting.

190

191 Mr. McGarry - The staff is aware of one additional deferral request that did not make it  
192 to this printed document. It's on page 24 of your agenda. This is Wyndham Forest (A  
193 Reconsideration of Wyndham Forest January 1998 Plan). The applicant requests deferral to  
194 your October 27, 1999 meeting.

195

#### 196 **RECONSIDERATION OF SUBDIVISION**

197

Wyndham Forest  
(A Reconsideration of  
Wyndham Forest January  
1998 Plan)

**Jordan Consulting Engineers for Synder Hunt Wyndham  
Development Corporation:** The 67.8 acre site is located along  
the north line of Twin Hickory Lane (private), approximately  
1,300 feet east of Nuckols Road on parcels 10-A-8 and 10-A-  
28. The zoning is R-3C, One-Family Residence District  
(Conditional), R-4C, One-Family Residence District  
(Conditional), and C-1, Conservation District. County water  
and Sewer. **132 Lots (Three Chopt)**

198

199 Ms. Dwyer - Is there anyone in the audience in opposition to the deferral of  
200 subdivision Wyndham Forest (A Reconsideration of Wyndham Forest January 1998 Plan)? No  
201 opposition. Ready for a motion.

202

203 Mrs. Wade - I move Wyndham Forest subdivision that is the reconsideration of the  
204 January 1998 Plan be deferred until the October 27, 1999 meeting, at the request of the  
205 applicant.

206

207 Mr. Vanarsdall - Second.

208

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

211 At the request of the applicant, the Planning Commission deferred Wyndham Forest (A  
212 Reconsideration of Wyndham Forest January 1998 Plan) to the October 27, 1999, meeting.

213

214 Ms. Dwyer - Is that it for deferrals and withdrawals?

215

216 Mr. McGarry - Those are all of which staff is aware of.

217

218 Mr. Silber - The next item on the agenda would be the Expedited Agenda items. You  
219 have a handout that illustrate those and also on the screen. Mr. McGarry, could you go  
220 though those please?

221

222 **TRANSFER OF APPROVAL**

223

POD-44-96 **Jameel Abed:** Request for approval of a transfer of approval  
Mediterranean Bakery and as required by Chapter 24, Section 24-106 of the Henrico  
Deli (Formerly Boston County Code from MayFair Partners, L.P. to Jameel Abed.  
Market) The 0.98 acre site is located on Quioccasin Road, northeast of  
the intersection with Blue Jay Lane on Parcel 90-A-28A. The  
zoning is B-2, Business District. **(Tuckahoe)**

224

225 Ms. Dwyer - Is there anyone in the audience in opposition to the transfer of approval  
226 for the Mediterranean Bakery and Deli (Formerly Boston Market)? No opposition. I move  
227 that the Commission accept the transfer of approval for POD-44-96 with the condition that the  
228 deficiencies identified in the inspector's report will be corrected by November 30, 1999.

229

230 Mr. Vanarsdall - Second.

231

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

234

235 The Planning Commission approved the transfer of approval for POD-44-96, Mediterranean  
236 Bakery and Deli (Formerly Boston Market) accepting and agreeing to be responsible for  
237 continued compliance with the conditions of the original approval and the following additional  
238 condition.

239

240 1. The deficiencies, as identified in the inspector's report dated **August 13, 1999**, shall be  
241 corrected by **November 30, 1999**.

242 **TRANSFER OF APPROVAL**

243

POD-26-89  
Lexington Commons

**Lexington Commons Richmond, VA Limited Partnership:**  
Request for a transfer of approval of a plan of development as required by Chapter 24, Section 24-106 the Henrico County Code from ELB Associates to Lexington Commons Richmond, VA L.P. The 2.68 acre site is located at the northeast corner of W. Broad Street (U.S. Route 250) and Fort McHenry Parkway on parcel 48-6-14F. The zoning is 0-2C, Office District, B-1C, Business District (Conditional) and B-2C, Business District (Conditional). County water and sewer **(Three Chopt)**

244

245

246 Ms. Dwyer - Is there anyone in the audience in opposition to the transfer of approval  
247 for Lexington Commons? No opposition. Are there any questions by Commission members  
248 on this case? We are ready for a motion.

249

250 Mrs. Wade - I move the transfer of approval for POD-26-89, Lexington Commons be  
251 approved with the understanding that the new owner is accepting responsibility for continued  
252 compliance with the conditions of the original approval.

253

254 Mr. Vanarsdall - Second.

255

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

258

259 The Planning Commission approved the transfer of approval for POD-26-89, Lexington  
260 Commons, accepting and agreeing to be responsible for continued compliance with the  
261 conditions of the original approval.

262

263 **SUBDIVISION (Deferred from the July 28, 1999, Meeting)**

264

Cedar Point  
(July 1999 Plan)

**Thomas & Associates for Robert D. and Ernestine E. Wokaty, Sr.:** The 2.584 acre site is located on the south line of Creighton Road, at 3823 Creighton Road, approximately 0.35 mile west of Cedar Fork Road on parcel 130-A-15B. The zoning is A-1, Agricultural District. Individual well and septic/tank drainfield **(Fairfield) 2 Lots**

265

266

267 Ms. Dwyer - Is there anyone in the audience in opposition to subdivision Cedar Point  
268 (July 1999 Plan)? No opposition. Are there any questions by Commission members on this  
269 case? We are ready for a motion.

270

271 Mr. Archer - Madam Chairman, I move approval of Cedar Point subject to the  
272 annotations on the plan, the standard conditions for subdivisions not served by public utilities,  
273 the additional condition No. 11 and the two additional conditions Nos. 12 and 13 on this  
274 mornings addendum.

275

276 Mrs. Wade - Second.

277

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

280

281 The Planning Commission granted conditional approval to Cedar Point (July 1999 Plan),  
282 subject to the standard conditions for subdivisions not served by public utilities, the  
283 annotations on the plan and the following additional conditions:

284

285 11. All conditions of variance A-120-99 shall be met.

286 12. Any dwelling constructed on Lot 2 shall connect to public sewer as required by Section  
287 23-36 of the County Code.

288 13. Any dwelling constructed on Lot 2 which is within 300 feet of the water line in either  
289 Creighton Road or Korth Place shall connect to public water as required by Section 23-  
290 172 of the County Code.

291

## 292 **PLAN OF DEVELOPMENT**

293

POD-69-99

Harvest Baptist Church  
5561 Meadow Road

### **Engineering Design Associates for Harvest Baptist Church:**

Request for approval of a plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code for a master plan and a first phase construction of a 360-seat sanctuary and parking area. The 9.14 acre site is located on the northeast corner of Williamsburg Road (U.S. Route 60) and Meadow Road on parcels 177-A-48 and 48A. The zoning is A-1, Agricultural District. County water and individual septic tank/drainfield. **(Varina)**

294

295 Ms. Dwyer - Is there anyone in the audience in opposition to POD-69-99, Harvest  
296 Baptist Church? No opposition. Are there any questions by Commission members on this  
297 case? Okay. We are ready for a motion.

298

299 Mrs. Quesinberry - I move the Harvest Baptist Church, POD-69-99, with the standard  
300 conditions for developments of this type and with the additional conditions Nos. 23 through 30  
301 and conditions Nos. 32 and 33 on the addendum.

302

303 Mr. Vanarsdall - Second.

304

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

307 The Planning Commission approved POD-69-99, Harvest Baptist Church - 5561 Meadow  
308 Road, subject to the standard conditions for developments of this type, the annotations on the  
309 plan and the following additional conditions.

310

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

313 24. The entrances and drainage facilities on Williamsburg Road (U.S. Route 60) shall be approved  
314 by the Virginia Department of Transportation and the County.

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

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

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

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

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

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

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

336 32. The right-of-way for widening of Meadow Road as shown on approved plans shall be  
337 dedicated to the County prior to any occupancy permits being issued. The right-of-way  
338 dedication plat and any other required information shall be submitted to the County Real  
339 Property Agent at least 60 days prior to requesting occupancy permits.

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

342

#### 343 **LANDSCAPE PLAN**

344

LP/POD-41-99  
Hops Restaurant, Bar &  
Brewery  
Old Springfield Road and  
W. Broad Street

**Charles C. Townes & Associates, P.C.:** Request for  
approval of a landscape plan as required by Chapter 24,  
Sections 24-106 and 24-106.2 of the Henrico County Code.  
The 1.34 acre site is located at the northeast corner of Old  
Springfield Road and W. Broad Street (U.S. Route 250) on  
parcel 49-A-35P. The zoning is B-2, Business District.  
**(Brookland)**

345 Ms. Dwyer - Is there anyone in the audience in opposition to the landscape plan for  
346 LP/POD-41-99, Hops Restaurant, Bar & Brewery. No opposition. Are there any questions  
347 by Commission members on this case? Being none, we are ready for a motion.

348

349 Mr. Vanarsdall - I move LP/POD-41-99, Hops Restaurant, Bar & Brewery, be approved  
350 with the annotations on the plans and the standard conditions for landscape plans on the  
351 expedited agenda.

352

353 Mr. Archer - Second.

354

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

357

358 The Planning Commission approved the landscape plan for LP/POD-41-99, Hops Restaurant,  
359 Bar & Brewery, Old Springfield Road and W. Broad Street, subject to the standard conditions  
360 for landscape plans and the annotations on the plan.

361

## 362 **LANDSCAPE PLAN**

363

POD-52-99

McDonald's @ Tuckahoe  
Village Shopping Center

**The Spectra Group:** 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 0.665 acre site is located on  
the north line of Patterson Avenue (State Route 6),  
approximately 400 feet east of Westbriar Drive on Parcel 88-  
A-23 and part of parcel 88-A-25. The zoning is B-2, Business  
District. **(Tuckahoe)**

364

365 Ms. Dwyer - Is there anyone in the audience in opposition to the landscape plan for  
366 LP/POD-52-99, McDonald's @ Tuckahoe Village Shopping Center. No opposition. Are  
367 there any questions by Commission members? Mr. Strauss, may I just ask you one question?  
368 It's a quick question. It shouldn't remove this from the expedited agenda. The annotated plan  
369 includes how many trees along the rear?

370

371 Mr. Strauss - Along the rear, there are two additional trees, as we discussed yesterday.  
372 They are annotated on the plan, they are Amur Maple.

373

374 Ms. Dwyer - Okay. Thank you. All right. Are there any other questions by  
375 Commission members on this case? I move the approval of landscape plan LP/POD-52-99,  
376 McDonald's @ Tuckahoe Village Shopping Center, including standard conditions and  
377 annotations on the plan, and there are no additional conditions on this case.

378

379 Mr. Vanarsdall - Second.

380

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

383 The Planning Commission approved the landscape plan for LP/POD-52-99, McDonald's @  
384 Tuckahoe Village Shopping Center, subject to the standard conditions for landscape plans and  
385 the annotations on the plan.

386

387 **SUBDIVISION**

388

Bowman Acres  
(September 1999 Plan)

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

389

390 Ms. Dwyer - Is there anyone in the audience in opposition to subdivision Bowman  
391 Acres (September 1999 Plan)? No opposition. Are there any questions by Commission  
392 members on this case?

393

394 Mrs. Wade - Just one thing. Mr. McGarry, do you know what the purpose is of the  
395 reserved area, what is the future?

396

397 Mr. McGarry - I'll have to ask Mr. Wilhite to answer your question.

398

399 Mr. Wilhite - Due to the design of the roadway, that area could not be incorporated  
400 and the subdivision would be held in reserved for future development of the property to the  
401 north.

402

403 Mrs. Wade - Okay. Thank you.

404

405 Ms. Dwyer - Are there any other questions by Commission members?

406

407 Mrs. Wade - So, the current owner will be responsible for maintaining it, though, or  
408 who will be?

409

410 Mr. Wilhite - Yes, the current property owner will be responsible.

411

412 Mrs. Wade - Thank you.

413

414 Ms. Dwyer - Are there any other questions? We are ready for a motion.

415

416 Mrs. Wade - I move Bowman Acres (September 1999 Plan) be approved subject to  
417 the annotations, the standard conditions and additional conditions Nos. 11 and 12 on the  
418 agenda.

419

420 Mr. Vanarsdall - Second.

421

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

424

425 The Planning Commission granted conditional approval to subdivision Bowman Acres  
426 (September 1999 Plan) subject to the standard conditions for subdivisions not served by public  
427 utilities, the annotations on the plan and the following additional conditions.

428

429 11. The detailed plant list and specifications for the landscaping to be provided within the 10-foot-  
430 wide planting strip easement along Pouncey Tract Road shall be submitted to the Planning  
431 Office for review and approval prior to recordation of the plat.

432 12. The existing 20-foot and 50-foot right-of-way easement on this parcel shall be vacated prior to  
433 the recordation of the subdivision plat.

434

#### 435 **PLAN OF DEVELOPMENT & LIGHTING PLAN**

436

POD-71-99 Costco Retail Fuel Sales Facility - W. Broad Street Road and Springfield Road (POD-28-99 Revised)	<b>Bohler Engineering, P.C. for The Price Company:</b> Request for approval of a revised plan of development and lighting plan as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a one-story, 2,816 square foot canopy with a 72 square foot controller enclosure for the retail sale of gasoline on an existing retail site. The 12.86 acre site is located on the northwest corner of W. Broad Street Road (U.S. Route 250) and Springfield Road (State Route 157) on parcel 48-A-23A. The zoning is B-3C, Business District (Conditional). County water and sewer. <b>(Three Chopt)</b>
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437

438 Ms. Dwyer - Is there anyone in the audience in opposition to POD-71-99, Costco  
439 Retail Fuel Sales Facility? No opposition. Are there any questions by Commission members  
440 on this case?

441

442 Mr. Vanarsdall - Yes. What kind of gasoline are they going to sell, do you know? I was  
443 just wondering, you don't have to go through any research. I use any kind. It doesn't matter  
444 to me.

445

446 Mr. McGarry - As long as the price is right.

447

448 Mr. Vanarsdall - Right. As long as the price is right and the tank likes it.

449

450 Mr. Bohler - My name is Adam Bohler of Bohler Engineering. Costco will be buying  
451 off the spot market. It won't be any specific brand or major oil company.

452

453 Mr. Vanarsdall - Thank you.

454

455 Mr. Bohler - You are welcome.

456 Ms. Dwyer - Are there any other questions by Commission members on Costco Retail  
457 Fuel Sales?  
458  
459 Mrs. Wade - I assume, Mr. McGarry, that the water quality issue has been addressed  
460 and that the parking will still be adequate on the site?  
461  
462 Mr. McGarry - That is correct.  
463  
464 Mrs. Wade - But, you are recommending it for approval?  
465  
466 Mr. McGarry - Yes, ma'am.  
467  
468 Ms. Dwyer - Are there any other questions by Commission members?  
469  
470 Mrs. Wade - In this regard, and the only neighbor really that I have spoke to about  
471 this, was interested in the future of Old Springfield and any possible light at Huron.  
472 Apparently, the Highway Department does plan to cul-de-sac Old Springfield at the Lowe's  
473 side entrance when the construction is finished on Springfield. And, they are putting in the  
474 equivalent that might be necessary for a light at Huron but they are still undecided whether  
475 they will put one there or at Stillman, is what I get from Public Works. Okay. Thank you.  
476  
477 Ms. Dwyer - Are there any other questions?  
478  
479 Mrs. Wade - That's all.  
480  
481 Ms. Dwyer - We are ready for a motion.  
482  
483 Mrs. Wade - I move that the plan of development and lighting plan for Costco Retail  
484 Fuel Sales be approved subject to the annotations, the standard conditions, eliminate No. 9  
485 amended, and Nos. 23 through 32, be approved.  
486  
487 Mr. Vanarsdall - Second.  
488  
489 Ms. Dwyer - Mrs. Wade, just for my clarification, you omitted No. 9 amended?  
490  
491 Mrs. Wade - Yes.  
492  
493 Ms. Dwyer - The motion was made by Mrs. Wade and seconded by Mr. Vanarsdall.  
494 All in favor say aye...all opposed say nay. The motion carries.  
495  
496 Mrs. Wade - I think there will be some landscaping needed there, reconstruction or  
497 some slight changes, but staff can handle that too.  
498  
499 The Planning Commission approved POD-71-99, Costco Retail Fuel Sales Facility - W. Broad  
500 Street Road and Springfield Road (POD-28-99 Revised), subject to the standard conditions for

501 developments of this type, the annotations on the plan and the following additional conditions.

502

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

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

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

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

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

515 27. Employees shall be required to use the parking spaces provided at the rear of the building(s) as  
516 shown on the approved plans.

517 28. Outside storage shall not be permitted.

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

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

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

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

528

529 Ms. Dwyer - Is that it, Mr. McGarry, for the expedited agenda?

530

531 Mr. McGarry - That's correct.

532

533 Mr. Silber - If my calculations are right, we still have a few things on the agenda  
534 left. I believe the first item now on the agenda would be on page 5.

535

536 **LANDSCAPE PLAN (Deferred from the August 25, 1999, Meeting)**

537

LP/POD-103-98  
Eckerd Drug Store -  
Staples Mill Road and  
Hungary Road

**Clough, Harbour, & Associates, L.L.P.:** 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 4.2 acre site is located on the southeast corner of Staples  
Mill Road (U.S. Route 33) and Hungary Road on Parcel 50-5-  
F-52. The zoning is B-2C, Business District (Conditional).  
**(Brookland)**

538 Ms. Dwyer - Is there anyone in the audience in opposition to landscape plan LP/POD-  
539 103-98, Eckerd Drug Store? We do have opposition. We will hear from the opposition after  
540 we hear from staff and the applicant. Good morning, Ms. News.

541

542 Ms. News - Good morning, Madam Chairman. The revised plan being distributed to  
543 you has been annotated by staff to state that "There shall be no disturbance in the existing tree  
544 protection areas or buffers." In addition, plantings have been added in front of the BMP along  
545 Hungary Spring Road, a single tree has been required along Staples Mill Road, and the  
546 plantings around the dumpster have been upgraded for screening purposes. Staff recommends  
547 approval of the revised plan as annotated with the standard conditions for landscape plans and  
548 the additional condition in your addendum. The owner's representative is here, if there are not  
549 any questions of staff.

550

551 Ms. Dwyer - Are there any questions of Ms. News by Commission members? No  
552 questions. Thank you, Ms. News.

553

554 Mr. Silber - Ms. News, maybe if you could, just for those who, that are here, maybe  
555 read the additional condition that's on the addendum.

556

557 Ms. News - The conditions states: Any work to be performed in the VDOT right-of-  
558 way requires a permit from the Virginia Department of Transportation.

559

560 Ms. Dwyer - Thank you. Would you like to hear from the applicant, Mr. Vanarsdall?

561

562 Mr. Vanarsdall - If won't be necessary for me. No, I don't.

563

564 Mrs. Wade - Are they in agreement with the annotated plan?

565

566 Mr. Silber - I think it may be appropriate to see if the applicant is in agreement with  
567 the annotated plan.

568

569 Mr. Vanarsdall - Come on down, Jack. That's fine.

570

571 Mr. Wilson - I'm Jack Wilson and I'm here representing FFT Hungary, L.P. We  
572 believe the landscape plan that was dated July 21, submitted on July 22, meets the  
573 requirements of the Henrico County Code and the conditions of zoning on the site. And, we  
574 would ask that you approve that plan. If you are not inclined to do that, however, we do ask  
575 that you approve the plan presented by Ms. News this morning, and consistent with our  
576 understanding with the County reached yesterday, we will reserve our rights to appeal those  
577 additions to the July 21 plan prepared by staff. And, this approval this morning will permit  
578 my client to continue building its building in a timely fashion and honor contractual  
579 obligations. Thank you.

580

581 Ms. Dwyer - Are there any questions for the applicant? Did you state your name for  
582 the record?

583 Mr. Wilson - Yes, Jack Wilson. Thank you.  
584

585 Ms. Dwyer - No questions for Mr. Wilson. Would the opposition come forward  
586 please?  
587

588 Ms. Kight - Hi. My name is Lisa Kight, and you have seen me before at the sign  
589 meeting. I'm just here to state that I do agree with the plan that Leslie has come up with the  
590 revised plan, but I do not agree with the original plan that was dated, in July where they did  
591 want to take down the natural buffer. I would like to see that natural buffer stay. That's just  
592 what I wanted to state today. Thank you.  
593

594 Ms. Dwyer - Are there any questions of Ms. Kight by Commission members? No  
595 questions? Are there any questions for anybody? Okay. We are ready for a motion, Mr.  
596 Vanarsdall.  
597

598 Mr. Vanarsdall - All right. Let me make sure I have the right plan here in my hand. I  
599 move that LP/POD-103-98 be approved. Ms. News, this is the revised September 29, 1999,  
600 plan that I have right here, right?  
601

602 Ms. News - That's correct.  
603

604 Mr. Vanarsdall - And this includes the buffer?  
605

606 Ms. News - That includes the buffer remaining the way it is now, undisturbed.  
607

608 Mr. Vanarsdall - Does it include the screening of the BMP and the dumpster?  
609

610 Ms. News - That's correct. Yes, some improved screening at the dumpster.  
611

612 Mr. Vanarsdall - This is the plan that we discussed before?  
613

614 Ms. News - Yes, it is.  
615

616 Mr. Vanarsdall - We discussed this many times with everyone. And then we want to add  
617 A and B.  
618

619 Ms. News - No. Those were just points we were making in our presentation.  
620

621 Mr. Vanarsdall - But, we do want to add No. 5 from the addendum, right? (Ms. News  
622 nods her head in agreement) All right. My motion is to approve LP/POD-103-98 Eckerd  
623 Drug Store at Staples Mill Road and Hungary Road. I'm approving the staff recommended  
624 plan revised September 29, 1999, and with the added condition No. 5 from the addendum  
625 dated today. I'm approving this in accordance with the County Attorney's office and staff's  
626 recommendations. That is my motion.  
627

628 Mrs. Wade - Second.  
629  
630 Ms. Dwyer - Would that be including all annotations and standard conditions?  
631  
632 Mr. Vanarsdall - All annotations on the plan by our staff. That includes the buffer on the  
633 corner.  
634  
635 Ms. Dwyer - The motion was made by Mr. Vanarsdall and seconded by Ms. Wade.  
636 All in favor say aye...all opposed say nay. The motion carries.  
637  
638 The Planning Commission approved the landscape plan for LP/POD-103-98, Eckerd Drug  
639 Store - Staples Mill Road and Hungary Road.

640  
641 **LANDSCAPE & LIGHTING PLAN**

642  
LP/POD-77-98 **Balzer & Associates:** Request for approval of a landscape and  
Park West - Hungary Road lighting plan as required by Chapter 24, Sections 24-106 and  
24-106.2 of the Henrico County Code. The 23.21 acre site is  
located on the south line of Hungary Road, approximately 150  
feet east of Lanver Lane on parcels 49-A-19, 20 and part of  
parcel 49-A-18. The zoning is R-5AC, General Residence  
District (Conditional). **(Brookland)**

643  
644 Ms. Dwyer - Is there anyone in the audience in opposition to LP/POD-77-98, Park  
645 West? We do have opposition. We will hear from the opposition after staff makes its  
646 presentation and after the applicant present its case. All right. Ms. News.

647  
648 Ms. News - The revised plans being distributed to you have addressed all of staff's  
649 comments. The landscaping provided exceeds the requirements of the zoning ordinance and  
650 proffers. The plan includes landscaping of all the perimeter buffers with predominantly  
651 evergreen plant material; provision of a minimum one shade tree per lot, which is intended to  
652 achieve street tree planting; provision of berms in portions of the buffer including the Hungary  
653 Road frontage; and an agreement to provide a conceptual landscape plan for typical lot or lot  
654 layouts prior to final signature. A revised grading and erosion control plan is required to be  
655 submitted prior to final signature. The berm at the rear property line, I was just informed by  
656 Public Works, may need a slight adjustment toward the interior of the site to allow for  
657 drainage around the rear of the berm. The engineer has indicated that he will work with the  
658 Department of Public Works to satisfy their requirements.

659  
660 Street lighting is provided by a 15-foot maximum height concealed source ornamental light  
661 fixture. A 15-foot shoebox fixture has been added at the clubhouse parking lot. The applicant  
662 requests approval of an easement along Hungary Road for placement of a Bell Atlantic  
663 communication box in the proffered buffer. Sufficient landscaping and an existing wood fence  
664 should adequately screen views to the box. Staff recommends approval of the revised  
665 landscape and lighting plan. I will be happy to answer any questions, and the owner's

666 representative is also available for questions.

667

668 Ms. Dwyer - Are there any questions for Ms. News by Commission members?

669

670 Mrs. Wade - I was going to ask about paths, but are these little strips along the road  
671 with the dots sidewalks?

672

673 Ms. News - There have been no paths provided. There are sidewalks provided by  
674 proffer along the road system.

675

676 Mrs. Wade - Thank you.

677

678 Ms. Dwyer - Ms. News, I just have a question about... I'm looking at lots 80 and 81  
679 and I'm wondering why they are reversed in that block. Do you have an explanation for that,  
680 for creating a reverse corner lot here rather than just having rear yard to rear yard?

681

682 Ms. News - That was decided with the POD and subdivision lot. Perhaps the  
683 engineer could answer that question.

684

685 Ms. Dwyer - Thank you. Are there any other questions for Ms. News by Commission  
686 members?

687

688 Mr. Vanarsdall - Ms. News, everything we discussed, you have it?

689

690 Ms. News - Yes, sir.

691

692 Ms. Dwyer - Are there any more questions for Ms. News? Thank you. Would the  
693 applicant come forward, please, and would you state your name for the record?

694

695 Mr. Horne - Yes, ma'am. My name is Sean Horne and I'm with Balzer &  
696 Associates. I would just like to say, again, that what Leslie said, we have gone above and  
697 beyond the requirements for the landscaping. We have known of the opposition and done  
698 what we think is above adequate buffer restoration too, both with the berm and additional  
699 planting along the concerned citizen's lot lines. As far as lots 80 and 81 go, that's just the  
700 design in the original POD. I wasn't a part of that design so I couldn't answer that.

701

702 Ms. Dwyer - I realize it's not a landscape question, it just sort of jumped out at me.

703

704 Mr. Horn - Right. I wasn't a part of the original layout. I've just been working on  
705 the landscaping. But, I feel that we have adequately addressed all comments. We are willing  
706 to work with Public Works to resolve the drainage issue on the berm, while keeping an  
707 adequate berm there for the adjoining residents. If there are any further questions, I'd be  
708 happy to answer them.

709

710 Ms. Dwyer - Are there any questions for Mr. Horne by Commission members. No

711 further questions. Thank you. If you would be on standby just in case we have some other  
712 questions during our discussions. Would the opposition come forward, please?

713

714 Mr. Moore - Good morning, Planning Commission members. My name is Dan  
715 Moore, I'm the owner of Lot 20, Block J, Section K, Westham Manor Subdivision, also  
716 known as 9206 Crystalwood Lane. I've been in conversation with Mr. Bender of D. O. Allen  
717 Homes and also Mr. Horne in the last month or so regarding the submission of the landscaping  
718 plan. I had an opportunity to view the plan at the Planning Office approximately a couple of  
719 days ago and was somewhat concerned that with the amount of earth and berms they were  
720 putting on the property, that in particular areas that effects my property and also my neighbor,  
721 Mr. Vaughan, who is here today to speak, that we are only getting three to four foot of  
722 earthen berm with the landscaping. Now, we have an unusual situation, if you would look at  
723 the map here or the ones that you probably have in front of you, is that the elevation, the  
724 topography of our rear lot lines, that abuts this property, are a little bit higher than the center  
725 line elevation of the roadway and the miniature circumfrontal highway that was designed into  
726 this project on the second go round, I believe. We are concerned that three or four feet of  
727 earth and berm is not going to provide adequate protection for us from vehicle lights. Now,  
728 we are certainly going to welcome our new neighbors and its high density that the Board of  
729 Supervisors in their wisdom decided to grant, but we need more protection than what we have.

730

731 In discussion with Mr. Horne this morning, he's telling me that there is a three to one slope  
732 ratio for earthen berm. That may be the case, but a lot of concessions have been made on this  
733 property. And I will start with No. 1. The number of units that are being fed by one point of  
734 ingress and egress, of the change of the Land Use Plan to grant this type of zoning. So, we  
735 only have two lots here that we are concerned about. We are the only ones here this morning,  
736 that a minimum of a six-foot earthen berm would be realistic, it is something we could live  
737 with, it could be worked around. The drainage could be taken care of and the landscaping  
738 itself could be minimal. It doesn't have to be a lot of trees. We have a large tree line at the  
739 rear of our property that would help protect this. The concept of the plan itself, yes, seems to  
740 be okay from a citizen's point of view and a property owner's point of view, but the individual  
741 particular situation regarding these two lots here, no. We need additional earthen berm which  
742 is approximately two more feet, I think could be worked in there. We have about a 20-foot  
743 buffer, a proffered buffer, and it could be adjusted so that we can get at least an additional two  
744 to three feet of earthen berm in there before any landscaping is put on it. Thank you. That's  
745 all the comments I have unless you have any questions.

746

747 Ms. Dwyer - Thank you, Mr. Moore. Are there any questions of Mr. Moore?

748

749 Mr. Vanarsdall - Dan, I know that you don't have any buffering in your yard. I notice  
750 you haven't chosen to put any trees or anything in your yard.

751

752 Mr. Moore - That's a tree line that was existing 30 years ago before I moved in.

753

754 Mr. Vanarsdall - I'm just throwing that out because they told me, and I was out there  
755 yesterday, and they told me that they had gone much further than they would have to and were

756 glad to do it, insofar as the berm and more trees and so forth. In all the years you have lived  
757 there, you haven't buffered your own self. You knew something was coming there some day.  
758

759 Mr. Moore - I'm just curious, Mr. Vanarsdall, if they are doing this for me, what  
760 about the other berms that they put around the perimeter of the property, including the people  
761 that sold them part of their property. They did that for them. Also, they are berming  
762 themselves off of Hungary Road, so that doesn't line up.

763

764 Mr. Vanarsdall - I'm not arguing the point, I'm just telling you what they told me. And I  
765 know they have tried to work with you. And, I'll tell you, these people have bent over  
766 backwards to make this a good subdivision (sic), they really have. Ms. News will tell you  
767 how much cooperation she has gotten out of them over and above all the Codes and  
768 everything. And I don't know what else you expect them to do behind your house.

769

770 Mr. Moore - Well, I just stated what I thought would be reasonable.

771

772 Mr. Vanarsdall - Well, then you talk to him. We will hear from him and see what he  
773 thinks and maybe you can work with him on it.

774

775 Mr. Moore - That would be a wonderful suggestion. Thank you.

776 Mr. Vanarsdall - And I appreciate it.

777 Mrs. Wade - Mr. Moore, do you remember, or I can ask the staff, what this site is on  
778 the Comprehensive Plan, the designation?

779 Mr. Moore - R-3, I think it was. Mr. Silber was handling that at the time it was  
780 mentioned during the zoning process. Originally, it was proposed for R-3, R-4, that type of  
781 density.

782 Mrs. Wade - Okay. Thank you.

783 Mr. Vanarsdall - Let me ask Ms. News something before we go any farther. Do you  
784 know of anything else that they can do back there that they haven't done?

785 Ms. News - No. I believe now, they are providing a berm that is probably as high as  
786 they could get within this space. It's three to four feet on Mr. Moore's side of the property  
787 and five to six on the other side because of the slope difference that he is talking about.

788 Mr. Vanarsdall - There's a very big slope there.

789 Ms. News - On top of that, they are planting a row of Virginia Cedars that are six  
790 feet in height across the entire back and a double row of Bayberry at a five-foot height. The  
791 combination of the berm and the evergreen plant material will make a very intense buffer.

792 Mr. Vanarsdall - So, are you saying that the berm is as high as it can be?

793 Ms News - Without severely infringing on the existing lot because it's already, as  
794 you can see from your plans, outside of the buffer to accomplish the height that they are trying  
795 to do now and there are existing trees along that property line. The taller they go and the  
796 wider they get, it could infringe on the root systems of other trees that are trying to be saved.

797 Mr. Vanarsdall - Thank you.

798 Ms. Dwyer - Let's hear from the rest of the opposition before we bring the applicant  
799 back.

800 Mr. Vaughan - Good morning. My name is Edward A. Vaughan and I am a Henrico  
801 County taxpayer and a neighbor of Mr. Moore. And, not knowing all that Mr. Moore knows  
802 because he's informed on this, having been involved in it for many years, I'm here to say that  
803 I am in complete agreement with what he has said. I do think that, not knowing all of the  
804 technical end of it, my question is, and I think you have said that there is a problems, but my  
805 question is if you are going as high as four feet, why can't you go another two feet as far as  
806 the berm is concerned?

807 Mr. Vanarsdall - That's what I was asking her.

808 Mr. Vaughan - Right. And because of the allowances that have been made, apparently  
809 in the past, can't some allowances be made that would accommodate an additional two feet?  
810 This is all that we are asking for. For the most part, that whole line that runs back behind that  
811 development, really, has a natural barrier to it. But, in our case, right where we are located,  
812 it's open.

813 Mr. Vanarsdall - I saw it.

814 Mr. Vaughan - And, this is what our concern is. We just want to be protected from this  
815 wonderful development. And as far as us having to have gone into building a barrier for  
816 ourselves over the years, that you suggested, you know, who's to say that... This gentleman,  
817 here, suggested, right here, that maybe over some time in the future that something additional  
818 could be done. But, I told him for me it would have to happen real quick because I'm not  
819 going to be here for too long, you know.

820 Mr. Vanarsdall - The reason I asked that, was not picking on Dan Moore or anything, but  
821 this happens. We see this continuously that people never buffer their own yard and....

822 Mr. Vaughan - Have you buffered yours?

823 Mr. Vanarsdall - Sir?

824 Mr. Vaughan - Have you buffered yours?

825 Mr. Vanarsdall - Yes.

826 Mr. Vaughan - You have.

827 Mr. Vanarsdall - But, I waited a long time to do it.

828 Mr. Vaughan - Right. Well, we have been waiting too.

829 Mr. Vanarsdall - You should do it, you know, pretty soon after you move into a place,  
830 and get some fast growing things. I know that's one of the things we don't think of, but that's  
831 the only reason I asked the question. But, you do have to protect yourself; you can't expect  
832 somebody else to protect you.

833 Mr. Vaughan - Well, it's a two-way street is what we are looking at.

834 Mr. Vanarsdall - When you don't own the property behind you and next to you then you  
835 can expect anything.

836 Mr. Vaughan - Yes. We have enjoyed that for many years like that.

837 Mr. Vanarsdall - Whether, you like this subdivision or not, or whether you like the one  
838 entrance, as he mentioned, on the wisdom of the Supervisors, it is rezoned and we are trying  
839 to make the best of it. And, these people, Leslie will tell you, have bent over backwards to  
840 make it a good project.

841 Mr. Vaughan - Well, I think they have come up with a wonderful development.

842 Mr. Vanarsdall - It will be one of the nicest projects around when it's finished.

843 Mr. Vaughan - We are sure of that. And West End Manor wants to continue to be one  
844 of the nicest projects also. That's why we are asking for maybe an additional two feet, as far  
845 as the berm is concerned, right there. We are not concerned with what goes on further on  
846 because, as I said, there is a natural barrier there. But, if we could get that additional two  
847 feet, we would certainly appreciate it.

848 Mrs. Wade - What lot are you, now, 19 or 21?

849 Mr. Vaughan - I'm lot 19.

850 Mrs. Wade - Well, some people, when they go and look at the Land Use Plan and see  
851 low density they think that's what they are going to have next door so there isn't any reason to  
852 plant to protect themselves from it, but sometimes these things change.

853 Mr. Vaughan - Let me just mention just one other thing too, and I don't know if this  
854 will fit into exactly what we are talking about or not. But, because we have had these  
855 beautiful woods behind us for so many years, we have got a natural barrier as far as trees that  
856 are on mine and Dan's line, and we have enjoyed those over the years, but when the people  
857 came in and cleared all that property it took away really a shield for the trees that are on the  
858 line. You were out there yesterday, I believe you said.

859 Mr. Vanarsdall - Yes, I remember.

860 Mr. Vaughan - Well, that tree you saw blown down, is there any way that this developer  
861 could take care of that tree that was blown down, as far as the stump and everything is  
862 concerned?

863 Mr. Vanarsdall - I don't see why they wouldn't. I think they would probably be glad too,  
864 since they have the equipment out there and so forth.

865 Mr. Vaughan - Because it would be an eyesore for the development itself.

866 Mr. Vanarsdall - We will ask them to do that.

867 Mr. Vaughan - Could you do that?

868 Mr. Vanarsdall - I didn't get your name.

869 Mr. Vaughan - Ed Vaughan.

870 Mr. Vanarsdall - Okay. Thank you, Ed.

871 Mr. Vaughan - Now, I've got the tree people coming out to give me an estimate on  
872 cleaning up, but I don't think they will remove that huge stump out there so if something could  
873 be done along those lines, we would appreciate it. Thank you so much.

874 Mr. Vanarsdall - Thank you.

875 Ms. Dwyer - Thank you, Mr. Vaughan. Are there any other questions for Mr.  
876 Vaughan? Is there anyone else who wanted to speak in opposition? Okay. Would the  
877 applicant come forward and respond.

878 Mr. Horne - Yes. As far as the berm goes, what happens with a three-to-one slope,  
879 as you guys well know, that without adding additional six feet of width on the berm that would  
880 push the berm back into the back of the building lot, which would disrupt all the drainage on  
881 our property, since we have to move the berm farther away from their property to be sure that  
882 their drainage is adequate. So, the problem with the six-foot height is the width of the berm.  
883 If the slope of the berm was reduced, you know, to a less maintainable slope, then you could  
884 go to the six-foot height probably with no problem. But, the three-to-one slope is the standard  
885 for a maintainable berm.

886 Mr. Vanarsdall - See, it's in your interest to buffer the same as it is for Mr. Moore and  
887 Mr. Vaughan.

888 Mr. Horne - Right. That's why when we designed the berm....

889 Mr. Vanarsdall - They don't want to come out there and look at the place, and the people  
890 who buy the houses don't want to come out and look over there, same thing.

891 Mr. Horne - And as far, like Leslie said, on our property line it is a five to six foot

892 berm and on their property line, it's a three and four foot berm because they are a little bit  
893 higher than we are.

894 Mr. Vanarsdall - So, can you add more footage then as you said to the buffer?

895 Mr. Horne - If we heighten the slope of it and we got approval to do that, we could  
896 probably heighten, I'm not sure that we could go two feet, we might be able to get an  
897 additional foot.

898 Mr. Vanarsdall - As much height as you can.

899 Mr. Horne - And that's what I designed for there. I didn't stop at four feet because  
900 we said three to four feet, I stopped at four feet because that's when the drainage was least  
901 impacted and the building lot, as far as where the house sits, the proposed house sits, was least  
902 impacted and Dan Moore's property was least impacted. So, if there is a way that we can  
903 work it out and all us can sit down with Leslie and work on it, then maybe we could get  
904 another foot, you know, out of the berm.

905 Mr. Vanarsdall - Keep them informed.

906 Mr. Horne - Yes, we will be happy to do that.

907 Mr. Vanarsdall - Especially Dan because you know he's going to get you. I don't mean  
908 get you but he is going to be there watching you. He's going to be watching every move you  
909 make. He's at the Fair this week, but when the Fair is over he is going to be watching every  
910 move you make. Smile, Dan, I'm just kidding you.

911 Mr. Horne - And we will be happy to keep them informed and do what we can.

912 Mr. Vanarsdall - What can you do about the tree, can you give them some relief on that?

913 Mr. Horne - Mr. Vaughan, is the tree actually on your property or did it fall onto  
914 your property?

915 Mr. Vaughan - It's close enough to be questionable.

916 Mr. Horne - If it's not on your property than I...

917 Mr. Vaughan - It's on my property for the most part.

918 Mr. Horne - Well, I would say that they would probably not have a problem going  
919 out there taking care of that because it sounds like a part of it is on our property anyway.

920 Mr. Vaughan - So, how will we know whether or not they are going to do that?

921 Mr. Horne - I'll just have to contact the owner and let them know and contact the  
922 contractor.

923 Mr. Vaughan - And then you will contact me?

924 Mr. Vanarsdall - Contact Mr. Vaughan. Work with Mr. Vaughan, get his phone number  
925 and work with him on it. Thank you. I don't have any more questions.

926 Ms. Dwyer - Are there any other questions by Commission members?

927 Mr. Moore - Madam Chairman, I have one more question, if I may, if I'm not out of  
928 order.

929 Ms. Dwyer - Certainly. Come on down to the microphone.

930 Mr. Moore - Just to clarify this, now. He is supposed to contact us and try to work  
931 with us on the additional two feet of berm. Can this body, with this legislative powers that it  
932 has at this time, go ahead and take care of this at this time? We will strive for six feet across  
933 there. If you are going to move to approve the plan, that's why I'm asking this. I'm trying to  
934 save an appeal. But if we can't resolve it, then, of course, we will have to do what we have to  
935 do.

936 Mr. Vanarsdall - I'm going to recommend approval of the plan this morning as presented  
937 and then I'm going to incorporate the higher buffer and the tree removal.

938 Mr. Moore - All right. Can we stipulate a particular time that would be convenient as  
939 an addendum to this plan for Mr. Horne, D. O. Allen Homes, Mr. Moore and Mr. Vaughan,  
940 two weeks, ten days, thirty days, because the appeal time on this, as you all well know, I think  
941 is within two weeks or something like that.

942 Mr. Vanarsdall - Do you mean you want a time limit to work with them on it?

943 Mr. Moore - Yes, sir. Can we defer it rather than approve it to see if when resolve it  
944 because we are in a 15-day situation.

945 Mr. Vanarsdall - No, I don't want to defer it.

946 Mr. Moore - Okay. That's all the questions I have.

947 Mr. Vanarsdall - Mr. Horne, do you understand what he is saying?

948 Mr. Horne - Not, exactly.

949 Mr. Vanarsdall - In other words, we would like for you to get with them as soon as  
950 possible. Get with them today or tomorrow if you can.

951 Mr. Horne - Oh, yes. We want to go ahead with this as much as anybody does and  
952 get this thing out of the way. This is kind of been dragging on for a while now.

953 Mr. Vanarsdall - What Mr. Moore is saying is that the appeal process is, I believe, ten

954 days, isn't it Mr. Silber?

955 Mr. Silber - I think it is 15 days.

956 Mr. Vanarsdall - It's fifteen days for the adjoining property owner. He doesn't want you  
957 to wait two or three weeks and come back and say we can't do it. So, when can you get  
958 together with the both of them?

959 Mr. Horn - I will say probably by the end of the week that we can get together.

960 Mr. Vanarsdall - Okay. Thank you. All right. I move LP/POD-77-99, Park West -  
961 Hungary Road, be approved with the annotations on the plan, the standard conditions for  
962 landscape and lighting of this nature. I believe we don't have anything on the addendum. The  
963 annotations on the plans and also to raise the buffer as high as possible behind lot 19 and lot  
964 20, remove the tree on lot 19 and have a meeting with Mr. Moore and Mr. Vaughan no later  
965 than the end of this week. I believe that should cover it. Can you think of anything else?  
966 Will that cover it, Ms. News?

967 Ms. News - Yes, I believe so.

968 Mr. Vanarsdall - Thank you. Thank you all.

969 Mr. Archer - I second it, Madam Chairman.

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

972 The Planning Commission approved the landscape and lighting plan for LP/POD-77-98, Park  
973 West - Hungary Road, subject to the standard conditions for landscape and lighting plans and  
974 the annotations on the plan.

975

#### 976 **LANDSCAPE & LIGHTING PLAN**

977

LP/POD-85-97

Lowe's @ Short Pump Plaza

**McKinney and Company:** 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 16.21 acre site is located at the southeast corner of  
Interstate 64 and Pouncey Tract Road on part of parcel 36-A-  
18-G. The zoning is B-3C, Business District (Conditional) and  
W.B.S.O. (West Broad Street Overlay District). **(Three  
Chopt)**

978 Ms. Dwyer - Is there anyone in the audience in opposition to the landscape and  
979 lighting plan for LP/POD-85-97, Lowe's @ Short Pump Plaza? No opposition. Good  
980 morning, Mr. Strauss.

981

982 Mr. Strauss - Good morning. Madam Chairman, members of the Commission, staff  
983 has completed its review of this application which requests approval for both landscaping and  
984 lighting as required by conditions Nos. 9 and 11 amended of the POD approved last August  
985 26, 1997. The Commission may recall that when this POD was approved, a deviation of the  
986 required transitional buffer between the site, which is zoned B-3C and the adjacent property to  
987 the north, which is actually I-64 and zoned A-1, and that transitional buffer deviation was  
988 approved. It allowed a deviation from the 35 feet required to 25 feet. I would add that it is a  
989 B-3C conditionally zoned property, proffers do apply with regards to landscaping and lighting,  
990 and, also the W. Broad Street Overlay design standards apply as well. The applicant proposes  
991 landscaping along Pouncey Tract Road, which does comply with the W. Broad Street design  
992 guidelines. Staff has made additional recommendations with respect to the streetscape  
993 planting, which the applicant is agreeable to and we have handed out these additional sheets,  
994 these annotated plans, this morning. I can elaborate on those additional annotations. First.  
995 Staff recommends the planting of Trident Maples in a manner consistent with the streetscape  
996 used on the adjacent site to the immediate south, which is the Captain Ds. I would note that  
997 Trident Maples are one of the few trees that VDOT will approve in their four-foot landscape  
998 strip. Those were the trees we used at Captain Ds. Second. Staff also recommends the use of  
999 an alternate evergreen planting material along the BMP for a more naturalized appearance, less  
1000 formal so to speak. They proposed the same evergreen hedge material. We would like to go  
1001 ahead and suggest they use something like Wax Myrtles, Viburnum or Glossu Abelia.

1002 I would add: The applicant is proposing a 42-inch black chain link fence around the BMP  
1003 which is a slight departure from the green fence that was proposed at the time of the POD  
1004 approval. Staff has no issues with that change in color. In summary: This landscape plan  
1005 complies with the proffers, with respect to the landscaping. It complies with the W. Broad  
1006 Street Overlay District. The landscaping along Pouncey Tract is irrigated as required. The  
1007 lighting complies with proffer number two from the zoning case with respect to conceal source  
1008 fixtures on poles no greater than 25 feet. The applicant proposes the use of seating and  
1009 benches in several locations with respect to Proffer No. 9. And the applicant proposes a  
1010 floating fountain in the area of the BMP to create a water feature. So, with that, staff can  
1011 recommend approval. I'll be happy to answer any additional questions you have. Mr. Stacey  
1012 Burcin of McKinney & Company is also here.

1013 Ms. Dwyer - Are there any questions of Mr. Strauss by Commission members?

1014 Mrs. Wade - Where is the access for maintenance for the pond, Mr. Strauss?

1015 Mr. Strauss - I can refer that question to Stacey. I don't have a plan on the document  
1016 table at this moment, but I could point it out if I could come forward with it.

1017 Mrs. Wade - Oh, where is says BMP access.

1018 Mr. Strauss - It couldn't be any plainer, could it? I don't know how I missed it either.  
1019 But, they do propose access internally from the parking area.

1020 Mrs. Wade - Okay. Thank you.

1021 Ms. Dwyer - What are the more natural evergreen trees that you are recommending  
1022 around the BMP?

1023 Mr. Strauss - We were suggesting either a combination massing of either Glosu Abelia  
1024 or Viburnum or Wax Myrtles. The applicant himself suggested Wax Myrtles as an alternative.  
1025 We think any of those three or a combination would be good because they do get taller which  
1026 would help hide the BMP and they look more natural.

1027 Ms. Dwyer - Well, are we hiding the BMP or are we using it as a water feature? We  
1028 have conflicting purposes going on here.

1029 Mrs. Wade - It isn't going to be hidden regardless.

1030 Mr. Burcin - I can explain that a little bit, to clear up for clarification. Two years ago  
1031 when this POD was provided there was a lot of concern by this Commission as to how this site  
1032 was going to look. At that time, we did various lines of sight studies and presented those to  
1033 the Commission. At that time, we also provided a conceptual landscape plan to set forth the  
1034 quality standards that we intended to carry through with the development of the property. The  
1035 plan before you is exactly that same plan that we presented to you two years ago. For  
1036 simplicity's sake, we did create a hedge, and it wasn't there to hide the BMP, it was there to  
1037 hide the fence. We agreed at that time that we would have a chain link fence that would be  
1038 either green or black in color. At this point, as Jim pointed out, he thought there was a  
1039 deviation, if this Commission prefers green or prefers black, let me know and we could make  
1040 that change. It's a vinyl-clad fence. The fence is there primarily for insurance purposes to  
1041 keep people from getting into the BMP and potentially getting injured. The hedge around that  
1042 is there to screen the fence. As far as the species, we have Hollies shown now on a continuous  
1043 row. We have looked at Wintergreen Barberry as an alternative. We have looked at Wax  
1044 Myrtles. What we would do, is rather than have one continuous species around the whole  
1045 thing, we will just change in groups around there, to create a little bit more of visual interest.  
1046 We are happy to do that. We are happy to do that. That is not an issue.

1047 The West Broad Street Overlay requirements along Pouncey Tract is another point that was  
1048 brought up two years ago, the landscape plan for Captain Ds was not approved. Since, then,  
1049 Trident Maples have been selected for the street tree. We will change over to Trident Maples  
1050 across our frontage to be consistent along that portion of the shopping center. Zelkovas was  
1051 selected two years ago, but we have no problem with changing the species. We also  
1052 coordinated with VDOT with what was going to happen along Pouncey Tract Road. As a part  
1053 of the POD, there was a requirement to widen Pouncey Tract Road across the frontage, but  
1054 they did not want us to construct it at this time because they have not built the bridge  
1055 widening. So, what they have suggested is that we escrow the funds to widen that road in the  
1056 future, for the sidewalk extension as well as the ultimate curb and gutter. We recognized that  
1057 this Commission was very concerned about the visual appearance along Pouncey Tract. And  
1058 what we did work out with VDOT is that we will provide the earthwork, we would bench and  
1059 provide the extra soil necessary to build the road in the ultimate location, as far across our  
1060 frontage as we could, and that would allow us to do the planting now, rather than waiting for  
1061 an unknown period for when VDOT was going to build the bridge. So, we have provided and

1062 set our trees at the ultimate location so that they can be installed now and should have minor  
1063 disruption when VDOT comes back in and completes the road widening. Recently, there have  
1064 been some changes, I guess, in thoughts on the West Broad Street Overlay, as to whether the  
1065 street tree should be between the sidewalk and the curb. We have them shown between the  
1066 sidewalk and the curb as currently outlined by the designed guidelines. If it is the wish of this  
1067 Commission, we can move it on the backside of the sidewalk. Thus, insuring or helping to  
1068 insure that VDOT will not damage it in the future. That's totally up to your discretion we can  
1069 leave it where it is or we can move it back four feet, five feet, to get it on the other side of the  
1070 sidewalk.

1071 Mrs. Wade - Is it in the guidelines or is that one of the ordinance requirements?

1072 Mr. Burcin - If I remember correctly, it is in the guidelines that says where it's to be  
1073 planted. The quantity and the spacing is in the ordinance portion and then perhaps Jim  
1074 could....

1075 Mr. Silber - Actually, Mr. Burcin, the location of the tree between the road and the  
1076 sidewalk is in the ordinance.

1077 Mr. Burcin - Okay. We will be happy to put it there, and that is where it is shown on  
1078 your plan.

1079 Mrs. Wade - That's what I thought.

1080 Mr. Burcin - Well, we will leave it there then. We are not seeking to deviate from  
1081 the ordinance. Obviously, we are just trying to comply with that. We went the extra effort to  
1082 come in and bring in... we had to import a great deal of fill in order to build up that road base  
1083 there to go into the bridge ramp so that we could do the planting now rather than wait 15 to 20  
1084 years or whenever VDOT is going to build the bridge.

1085 Mrs. Wade - Well, I think probably what you are proposing is better than what the  
1086 ordinance currently requires. Now, that we have had more experience with the Overlay, you  
1087 know, learning and different things.

1088 Mr. Burcin - I understand.

1089 Mrs. Wade - What kind of shrubs are you putting along Pouncey Tract?

1090 Mr. Burcin - Those are going to be the hollies, a continuous holly hedge along there.  
1091 There is also a point that was made on the annotation on the first set of plans that you received  
1092 about some light fixtures that are located within a drainage easement. At the scale of the  
1093 drawing and the size of the, the way it was depicted, it was hard to tell whether they were  
1094 really in the easement or not. We have blown up that portion of the plan and shown that the  
1095 drainage easement has intentionally kept out of the landscape islands. The light poles have  
1096 also been intentionally kept out of the landscape islands and the light poles are located at the  
1097 intersection of four parking spaces. There is a slight encroachment of the concrete base into  
1098 the drainage easement. It's approximately a 1 1/2 square foot encroachment at each pole. I

1099 have sent that detailed information to Public Works and I'm hoping to have them favorably  
1100 look upon that and to allow us to leave the light poles at the exact same location. There is a  
1101 note being suggested by staff added to the plan that alleviates a responsibility for replacing  
1102 light fixtures from being the responsibility of Henrico County and we acknowledge that  
1103 condition. Also on the lighting plan, there were a couple of lighting fixtures located on the  
1104 rear of the building that did not get depicted. I am told that the lighting fixtures to be used  
1105 there are the exact same ones that would be located in the parking lot, but they will be  
1106 mounted on the building. So, they will not be your typical wall pack fixtures with exposed  
1107 elements. They will be a regular shoebox feature, like you would use in your parking lot, they  
1108 will just be mounted to the building there.

1109 Mrs. Wade - With the flat lens.

1110 Mr. Burcin - Yes, with the flat lens. I believe that will probably clarify all the points  
1111 that I had on there. We are in agreement with the staff's recommendations. I'll be happy to  
1112 answer any questions you may have.

1113 Mrs. Wade - What is all that bare space now that's at the corner closest to the  
1114 Interstate and Pouncey Tract, is that truck maneuvering space?

1115 Mr. Burcin - That is correct because of the truck well in that area, there were parking  
1116 spaces that had to be cut short so that the truck could pull up and then back into a truck well.

1117 Mrs. Wade - That does not mean truck, right?

1118 Mr. Burcin - No. That is not trailer storage. As you may recall from the original  
1119 Planning Commission hearings on that, the applicant is very much aware of the concern about  
1120 storage in this area.

1121 Mrs. Wade - Actually, outside storage and display is probably not allowed.

1122 Mr. Burcin - That is correct, it is prohibited.

1123 Mrs. Wade - We will see. It's not their general way of operating but... Anyway, and  
1124 you are going to put the water feature and the fountain in the BMP?

1125 Mr. Burcin - That is correct. We had already stubbed out electrical conduits out to  
1126 that area so that in the future if we needed to provide a fountain or floating fountain out there  
1127 for aeration, we would do so. I understand though that it is staff's recommendation that that  
1128 be done now and we will agree to that.

1129 Mrs. Wade - Wasn't there in the original POD a condition about the outside storage  
1130 reminder in the conditions.

1131 Mr. Burcin - There should be a standard condition for shopping centers in there and  
1132 there were some... I recall there was a specific point that we discussed in detail.

1133 Mr. Strauss - It is No. 37 from the POD approval: "No merchandise shall be displayed  
1134 or storage outside of the buildings or on sidewalks, except in designated locations as approved  
1135 by the Planning Commission." I do remember there was a discussion and it was read into the  
1136 record.

1137 Mrs. Wade - Okay. Thank you. So, basically, how many conditions are there with  
1138 the original POD?

1139 Mr. Strauss - There are a total of 37.

1140 Mrs. Wade - And we are really not changing any of that basically. This is just  
1141 landscape and lighting that we are dealing with. Okay. That's everything, I think. Thank  
1142 you.

1143 Ms. Dwyer - Are there any other questions of Mr. Burcin? You are Stacey Burcin,  
1144 correct?

1145 Mr. Burcin - That is correct.

1146 Ms. Dwyer - I'm sure Diana recognizes your voice. Okay. Could you just explain to  
1147 me how the floating fountain works, just briefly? Does it moves around or is it anchored but  
1148 flexible?

1149 Mr. Burcin - It's essentially anchored. It does not have a permanent concrete base or  
1150 anything at the bottom of the lake. It does have an anchor and a chain that it is attached to.  
1151 Most of the fountains that you see out there today, I think the ones you see at S & K is one of  
1152 the ones that come to mind. The ones you see at Wyndham, at East Shore at Wyndham, there  
1153 are several of those out there. They were not constructed with a permanent base to the lake.  
1154 It basically has a weighted anchor and an electrical conduit that goes out to it and you have to  
1155 move it around to where it's best suited.

1156 Mr. Vanarsdall - Is that a better kind?

1157 Mr. Burcin - It's certainly easier than trying to find a fixed location that you want.  
1158 This will actually allow you to erect it and set it up and see how it looks, and if you want to  
1159 flip it around a little bit you could move it or adjust it for better visual interest.

1160 Mrs. Wade - It is probably cheaper too.

1161 Mr. Burcin - I would assume it's cheaper also.

1162 Ms. Dwyer - Are you ready for a motion?

1163 Mrs. Wade - All right. I move the landscape and lighting plan for LP/POD-85-97,  
1164 which is Lowe's Short Pump Plaza. This is the latest revised plan dated today, September 29,  
1165 1999, with the annotations on that, the standard conditions and all these things included, the  
1166 water feature, the variety of plants they intend to put around the BMP and pretty much

1167 everything else that was discussed today. I move that it be approved. Is there anything else I  
1168 need to add, Mr. Strauss? I think you pretty well covered it all.

1169 Mr. Strauss - No, ma'am. I think you have covered it all.

1170 Mrs. Wade - Okay. Thank you.

1171 Mr. Vanarsdall - Second.

1172 Ms. Dwyer - The motion was made by Mrs. Wade and seconded by Mr. Vanarsdall.

1173 All in favor say aye...all opposed say nay. The motion carries.

1174 The Planning Commission approved the landscape and lighting plan for LP/POD-85-97,  
1175 Lowe's @ Short Pump Plaza, subject to the standard conditions for landscape and lighting  
1176 plans and the annotations on the plans.

1177 **PLAN OF DEVELOPMENT (Deferred from August 25, 1999 meeting)**

1178

**POD-22-99**

**Four Mile Creek**

**Commercial Center -**

**Master Plan -**

**New Market Road**

**Balzer and Associates for Essex Properties:** Request for approval of a plan of development for a master plan as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a commercial center consisting of four buildings, including a previously approved one-and-a half story, 4,122 square foot convenience store with fuel pumps, bank and a car wash; a one-story, 1,890 square foot restaurant; a one-story 3,366 square foot restaurant, and a three-story, 68 unit hotel. The 24.80 acre site is located along the south line of New Market Road (State Route 5) 1600 feet east of its intersection with I-295 on part of parcel 249-A-51. The zoning is B-3C, Business District (Conditional), and ASO, Airport Safety Overlay District. County water and sewer.  
**(Varina)**

1179 Ms. Dwyer - Is there anyone in the audience in opposition to POD-22-99, Four Mile  
1180 Creek Commercial Center - Master Plan? There is no opposition. Ms. News.

1181 Ms. News - Several meetings have been held throughout the review of this project  
1182 between staff and the applicant and the applicant and the Varina Beautification Committee.  
1183 The applicant has committed to a level of quality construction materials as outlined in Exhibit  
1184 "A" just distributed to you, which is satisfactory both to staff and the Varina Beautification  
1185 Committee. This organization has written a letter of support for this project based on the plans  
1186 and materials, and the willingness of Mr. Ellis to work with their group. Exhibit "A" is  
1187 included as a part of the staff's annotations and will be made a part of the record documents.  
1188 Approval of this master plan will authorize the applicant to submit subsequent PODs for  
1189 administrative review by staff as each site within the development is ready to be constructed.  
1190 The site must be developed in accordance with the layout shown and the structures will be  
1191 constructed as detailed in these plans. Any substantial deviations from the proposed plan will

1192 be cause to bring the project back before the Planning Commission. Lighting and landscape  
1193 plans will come back to the Commission for approval. Staff recommends approval of the  
1194 master plan for Four Mile Creek Commercial Center with the annotations on the plan,  
1195 excluding Exhibit "A," the conditions in your agenda and the standard conditions. A  
1196 representative of the owner is present if there are any questions of staff.

1197 Ms. Dwyer - Are there any questions of Ms. News by Commission members?

1198 Mrs. Wade - I assume that this old English Tudor brick is traditional red brick.

1199 Ms. News - There is a sample right here in the front.

1200 Mrs. Wade - Oh, okay. And none of this is to be painted?

1201 Ms. News - That's correct. It's approved as that brick. The brick, the dental  
1202 molding, the roof shingles and the beaded vinyl siding have all been submitted by the  
1203 applicant.

1204 Mrs. Quesinberry - Leslie can you pick up the picture of the roof shingles and bring it up  
1205 here so that they can see that? That is quite nice.

1206 Mrs. Wade - Does this hotel have a restaurant?

1207 Ms. News - Restaurant in it, no.

1208 Mrs. Wade - And no meeting rooms. I still don't understand why they need so many  
1209 parking places for the hotel. Apparently, they feel they do. They have, what, basically twice  
1210 as many as they need. They usually don't have two cars per room.

1211 Ms. News - The only explanation I've gotten, repeatedly, when talking about parking  
1212 on this site, is that they are at an intersection of an interstate and they expect a lot of traffic in  
1213 and out. There are parking areas in here large enough to accommodate R.V.'s and  
1214 recreational vehicles, a different size space.

1215 Ms. Dwyer - There is no brick on the hotel, is it all vinyl?

1216 Ms. News - That's correct. It's all vinyl except for they have committed to a brick  
1217 foundation on the building if they need a foundation to show. It's not expected that there  
1218 would be very much, if any, of the foundation being exposed.

1219 Ms. Dwyer - But all the other buildings are brick, is that right?

1220 Ms. News - That's correct.

1221 Mrs. Wade - Even the Waffle House.

1222 Ms. News - That's correct. The Waffle House, the Burger King, and the

1223 convenience store all have the same brick façade, same roofs and same trimming. There are  
1224 some vinyl siding accents in a couple of places on this building that will pick up the vinyl  
1225 siding that's on the hotel.

1226 Ms. Dwyer - But the hotel is the most massive building on the site.

1227 Ms. News - That's correct.

1228 Ms. Dwyer - It would be nice to have that brick also.

1229 Ms. News - We've discussed that.

1230 Ms. Dwyer - Are there any other questions of Ms. News by Commission members?

1231 No questions. Would the applicant come forward please?

1232 Mr. Green - Good morning. Madam Chairman, members of the Commission, I'm  
1233 Ron Green representing the applicant. We met with staff and we met with the Varina  
1234 Beautification folks and finally I think we all agree on the architectural elements of this  
1235 particular project. I have my architect here if you have any questions concerning that, and I'm  
1236 here to answer any questions as far as the site goes.

1237 Ms. Dwyer - Are there any questions of Mr. Green by Commission members? Why  
1238 are all the buildings brick except the hotel?

1239 Mr. Green - I will refer that to the architect. I don't know. That's something they  
1240 all agreed to.

1241 Mrs. Wade - And this is farther from Route 5.

1242 Mr. Green - Yes. I think they reviewed all this and are happy with the elements of  
1243 the development.

1244 Ms. Dwyer - Would the architect come forward then?

1245 Mr. Bricker - Hi. I'm Mike Bricker from Balzer & Associates. The question I guess  
1246 was why is the hotel a different material than the other three buildings? I guess, really, that  
1247 boils down to the applicant is trying to obtain, he has a certain hotel chain in mind and that is  
1248 their standard material that they use on all their other buildings and I think he's just trying to  
1249 keep in line with that.

1250 Ms. Dwyer - What is the life span of the vinyl product?

1251 Mr. Bricker - With good maintenance and all, I would say 25 to 30 years.

1252 Ms. Dwyer - And then the life span of brick would be....

1253 Mr. Bricker - It could be anything, yes. It's no doubt it can be longer.

1254 Ms. Dwyer - Are there any other questions by Commission members? No questions.  
1255 Thank you, sir. Are we ready for a motion?

1256 Mrs. Quesinberry - Yes. This is a massive project. It's taken a lot of work and I would like  
1257 to thank Ms. News for her work on this because she spent an enormous amount of time with  
1258 the developer and with the citizens and the Varina Beautification Committee, because they  
1259 spent a lot of time as well with the developer trying to make sure of the quality on this site.  
1260 This is the entrance area to Varina from the I-295/Route 5 venue and there has been a lot of  
1261 discussion about the theme and the quality and the atmosphere that would be projected as  
1262 visitors come into this area of Varina. Also, with, considering that at that intersection it is an  
1263 interstate intersection so there would be a lot of traffic and travelers coming through as well, it  
1264 was a real need to kind of mesh those two things and preserve the quality of the area. The  
1265 master plan does a real nice job of pulling together the colonial elements that people in the  
1266 area thought were very important along with high-quality materials that will set the tone for  
1267 future development in that area. So, we were pleased with that. I'd like to recommend  
1268 approval of the POD-22-99, Four Mile Creek Commercial Center Master Plan, subject to the  
1269 annotations on the plan, the standard conditions for developments of this type, and Nos. 9 and  
1270 11 amended and conditions Nos. 23 through 40.

1271 Mr. Vanarsdall - Second.

1272 Ms. Dwyer - The motion was made by Mrs. Quesinberry and seconded by Mr.  
1273 Vanarsdall. All in favor say aye...all opposed say nay. The motion carries.

1274 The Planning Commission approved POD-22-99, Four Mile Creek Commercial Center -  
1275 Master Plan - New Market Road, subject to the standard conditions attached to these minutes,  
1276 the annotations on the plan and the following additional conditions.

1277

1278 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for review  
1279 and Planning Commission approval prior to the issuance of any occupancy permits.

1280 11. **AMENDED** - Prior to the installation of the site lighting equipment, a plan including  
1281 depictions of light spread and intensity diagrams and fixture mounting height details shall be  
1282 submitted for Planning Office review and Planning Commission approval.

1283 23. The right-of-way for widening of Four Mile Drive and Road as shown on approved plans shall  
1284 be dedicated to the County prior to any occupancy permits being issued. The right-of-way  
1285 dedication plat and any other required information shall be submitted to the County Real  
1286 Property Agent at least 60 days prior to requesting occupancy permits.

1287 24. A copy of the letter from the Richmond Regional Planning District Commission giving  
1288 approval to the street names for Four Mile Drive and Road A shall be submitted to the  
1289 Planning Office prior to issuance of a certificate of occupancy for this development.

1290 25. A subdivision plat for the extension of Four Mill Drive to Buffin Road shall be submitted to  
1291 the Planning Office for conditional and final approval and shall be recorded prior to the  
1292 issuance of an occupancy permit for this development.

1293 26. The easements for drainage and utilities as shown on approved plans shall be granted to the  
1294 County in a form acceptable to the County Attorney prior to any occupancy permits being

- 1295 issued.
- 1296 27. The limits and elevations of the 100-year frequency flood shall be conspicuously noted on the  
1297 plan "Limits of 100 Year Floodplain." In addition, the delineated 100-year floodplain must be  
1298 labeled "Variable Width Drainage and Utility Easement." The easement shall be granted to  
1299 the County prior to the issuance of any occupancy permits.
- 1300 28. The entrances and drainage facilities on New Market Road (State Route 5) shall be approved  
1301 by the Virginia Department of Transportation and the County.
- 1302 29. A notice of completion form, certifying that the requirements of the Virginia Department of  
1303 Transportation entrances permit have been completed, shall be submitted to the Planning  
1304 Office prior to any occupancy permits being issued.
- 1305 30. The developer shall provide fire hydrants as required by the Department of Public Utilities in  
1306 its approval of the utility plans and contracts.
- 1307 31. The developer shall install an adequate restaurant ventilating and exhaust system to minimize  
1308 smoke, odors, and grease vapors. The plans and specifications shall be included with the  
1309 building permit application for review and approval. If, in the opinion of the County, the type  
1310 system provided is not effective, the Commission retains the rights to review and direct the  
1311 type of system to be used.
- 1312 32. Any necessary off-site drainage easements must be obtained in a form acceptable to the County  
1313 Attorney prior to final approval of the construction plans by the Department of Public Works.
- 1314 33. Deviations from County standards for pavement, curb or curb and gutter design shall be  
1315 approved by the County Engineer prior to final approval of the construction plans by the  
1316 Department of Public Works.
- 1317 34. In the event of any traffic backup which blocks the public right-of-way as a result of  
1318 congestion caused by the drive-up delivery facilities, the owner/occupant shall close the drive-  
1319 up delivery facilities until a solution can be designed to prevent traffic backup.
- 1320 35. Insurance Services Office (ISO) calculations must be included with the utilities plans and  
1321 contracts and must be approved by the Department of Public Utilities prior to the issuance of a  
1322 building permit.
- 1323 36. Approval of the construction plans by the Department of Public Works does not establish the  
1324 curb and gutter elevations along the Henrico County maintained right-of-way. The elevations  
1325 will be set by Henrico County.
- 1326 37. Approval of the construction plans by the Department of Public Works does not establish the  
1327 curb and gutter elevations along the Virginia Department of Transportation maintained right-  
1328 of-way. The elevations will be set by the contractor and approved by the Virginia Department  
1329 of Transportation.
- 1330 38. The initial phases of development (shown on the conceptual mater plan as sites B and C) shall  
1331 be allowed to be use private grinder pump station(s) and a private two-inch force main. Future  
1332 development shall be required to connect to a public sewage pumping station (sps). Sites B  
1333 and C will connect to the public sps when it becomes operational. An overall plan for sewer  
1334 service to the site shall be approved by the Department of Public Utilities prior to approval of  
1335 the utility plan.
- 1336 39. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the  
1337 Planning Office and approved prior to issuance of a certificate of occupancy for this  
1338 development.
- 1339 40. The conceptual master plan, as submitted with this application, is for planning and information

1340 purposes only. All subsequent detailed plans of development and construction plans needed to  
1341 implement this conceptual plan with the exception of landscape and lighting plans, may be  
1342 administratively reviewed and approved and shall be subject to all regulations in effect at the  
1343 time such subsequent plans are submitted for review/approval.

1344

1345 **PLAN OF DEVELOPMENT (Deferred from the August 25, 1999, Meeting)**

1346

POD-48-99  
Wynbrook Baptist Church - Pouncey Tract Road and Nuckols Road

**TIMMONS for Wynbrook 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, 3,360 square foot church and Sunday School (modular units - Phase 1) and a one-story, 3,340 square foot multi-purpose building (Phase 2). The 7.126 acre site is located at the southeast corner of the intersection of Pouncey Tract Road (State Route 271) and Nuckols Road on Parcel 17-A-3. The zoning is A-1, Agricultural District. County water and sewer. **(Three Chopt)**

1347

1348 Ms. Dwyer - Is there anyone in the audience in opposition to POD-48-99, Wynbrook Baptist  
1349 Church, on Pouncey Tract Road? No opposition. Mr. Wilhite.

1350

1351 Mr. Wilhite - Good morning. This case was deferred from your meeting last month, and  
1352 since that time, we have met twice with the applicant. Our main concern was the design of the  
1353 modular buildings, two of them that were going to be placed on the site. We have met with the  
1354 applicant, and they have made some changes in the design, mainly switching from aluminum siding to  
1355 a vertical wood siding that would be tan in color. The new elevations appear on your screen right  
1356 now and this is the side that faces the east, or proposed Berkley Subdivision.

1357

1358 Mrs. Wade - So, this isn't exactly what it is going to look like? The windows are different.

1359

1360 Mr. Wilhite - Excuse me.

1361

1362 Mrs. Wade - The windows are not the same.

1363

1364 Mr. Wilhite - No. This is the most up-to-date one. The windows are more vertical in  
1365 appearance. Also, they have provided some options for landscaping the backs of those buildings that  
1366 face Pouncey Tract Road. And we are agreeable in principle to the landscaping concept. The details  
1367 on the final plant material will have to be worked out with the landscape plan, which would come  
1368 back before this Commission for approval. The applicant is also agreeable to limiting the time period  
1369 for the modular buildings on site to no more than five years, and that appears as condition No. 32 on  
1370 your addendum. This condition is similar to what was placed on the modular classroom buildings at  
1371 Mount Vernon Baptist Church on Nuckols Road. Once again, as agreed to by the applicant from the  
1372 meeting last month, they are willing to provide a 15-foot setback for the parking lot to the eastern  
1373 property line, or the adjacent Berkley Subdivision property. And they have agreed in principle with  
1374 the developer over the type of plant material to be put within that 15-foot buffer. Those revisions to

1375 the plan, as annotations, and the standard conditions and additional condition that appear on your  
1376 addendum, staff would recommend approval.

1377

1378 Ms. Dwyer - Are there any questions of Mr. Wilhite by Commission members? Would you  
1379 like to hear from the applicant, Mrs. Wade?

1380

1381 Mrs. Wade - I don't think so, unless they have something to add. Now, as we understand it,  
1382 there are going to be two double-wide with hard wood siding, with brown trim, and the skirting will  
1383 match the trim and the windows instead of being these little horizontal they are going to be more  
1384 vertical. And to help overcome the fact that... because in the rear of these buildings there are great  
1385 big heating/air conditioning units that they will screen with landscaping. And, of course, the five-  
1386 year requirement, condition. Does that cover it?

1387

1388 Mr. Wilhite - Yes, ma'am.

1389

1390 Mrs. Wade - We were a little concerned about the (unintelligible) and modular units being  
1391 put on this highly visible site but we wish them well and hope they will be able to build their other  
1392 phases soon. Thank you.

1393

1394 Ms. Dwyer - Are there any other questions by Commission members. Are we ready for a  
1395 motion?

1396

1397 Mrs. Wade - I think they did work out some increased buffer on the R-2 side with the  
1398 adjoining developer.

1399

1400 Mr. Wilhite - The parking lot setback would be 15 feet instead of the six-foot minimum  
1401 required by code.

1402

1403 Mrs. Wade - And that, of course, doesn't show... The only plan that we have... wait a  
1404 minute.

1405

1406 Mr. Wilhite - The plans are the same plans that you had at last month's meeting.

1407

1408 Mrs. Wade - So, that six feet needs to be 15 feet.

1409

1410 Mr. Wilhite - The 15 feet will be an annotation to the plan.

1411

1412 Mrs. Wade - So, we've gotten that annotated on the plan?

1413

1414 Mr. Wilhite - Yes, ma'am.

1415

1416 Mrs. Wade - Okay. So, there are notes on the plan that will cover everything?

1417

1418 Mr. Wilhite - Yes, ma'am.

1419

1420 Mrs. Wade - Plus the additional condition. All right. Thank you.  
1421

1422 Ms. Dwyer - Are there any more questions by Commission members on this case? No  
1423 questions. We are ready for a motion.  
1424

1425 Mrs. Wade - I move POD-48-99, Wynbrook Baptist Church, be approved, the same plan  
1426 with the revised annotations, as noted in the hearing, here, which should cover the changes. So, I  
1427 move it be approved with Nos. 9 and 11 amended and conditions Nos. 31 through 32, and No. 32  
1428 appearing on the addendum indicating that "The two modular buildings shall remain on site for a  
1429 period of no longer than five years from the date that they are first occupied."  
1430

1431 Mr. Vanarsdall - Second.  
1432

1433 Ms. Dwyer - The motion was made by Mrs. Wade and seconded by Mr. Vanarsdall. All in  
1434 favor say aye...all opposed say nay. The motion carries.  
1435

1436 The Planning Commission approved POD-48-99, Wynbrook Baptist Church - Pouncey Tract Road  
1437 and Nuckols Road, subject to the standard conditions attached to these minutes, the annotations on the  
1438 plan and the following additional conditions.  
1439

1440 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for review  
1441 and Planning Commission approval prior to the issuance of any occupancy permits.

1442 11. **AMENDED** - Prior to the installation of the site lighting equipment, a plan including  
1443 depictions of light spread and intensity diagrams and fixture mounting height details shall be  
1444 submitted for Planning Office review and Planning Commission approval.

1445 23. The right-of-way for widening of Nuckols Road as shown on approved plans shall be dedicated  
1446 to the County prior to any occupancy permits being issued. The right-of-way dedication plat  
1447 and any other required information shall be submitted to the County Real Property Agent at  
1448 least 60 days prior to requesting occupancy permits.

1449 24. The easements for drainage and utilities as shown on approved plans shall be granted to the  
1450 County in a form acceptable to the County Attorney prior to any occupancy permits being  
1451 issued.

1452 25. The required building setback shall be measured from the proposed right-of-way line and the  
1453 parking shall be located behind the proposed right-of-way line.

1454 26. The developer shall provide fire hydrants as required by the Department of Public Utilities in  
1455 its approval of the utility plans and contracts.

1456 27. Outside storage shall not be permitted.

1457 28. Any necessary off-site drainage easements must be obtained in a form acceptable to the County  
1458 Attorney prior to final approval of the construction plans by the Department of Public Works.

1459 29. Deviations from County standards for pavement, curb or curb and gutter design shall be  
1460 approved by the County Engineer prior to final approval of the construction plans by the  
1461 Department of Public Works.

1462 30. Insurance Services Office (ISO) calculations must be included with the utilities plans and  
1463 contracts and must be approved by the Department of Public Utilities prior to the issuance of a  
1464 building permit.

1465 31. The conceptual master plan for Phase III, as submitted with this application, is for planning  
1466 and information purposes only.

1467 32. The two modular buildings shall remain on site for a period of no longer than five years from  
1468 the date they are first occupied.

1469

1470 **PLAN OF DEVELOPMENT**

1471

POD-72-99  
Westerre IV - Westerre  
Parkway

**Balzer & Associates, P.C. for Westerre Land Development, L.L.C. and Trammell Crow Company:** Request for approval of a plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a four-story, ~~95,840~~ 93,414 square foot office building. The 4.82 acre site is located along the south line of Westerre Parkway, approximately 1,100 feet south of W. Broad Street (U. S. Route 250) on part of parcel 48-A-37A. The zoning is O-3C, Office District. County water and sewer. **(Three Chopt)**

1472

1473 Ms. Dwyer - Is there anyone in the audience in opposition to POD-72-99, Westerre IV -  
1474 Westerre Parkway? No opposition. Mr. Wilhite.

1475

1476 Mr. Wilhite - On the plans in your packet there was a discrepancy between the dimensions on  
1477 the site plan for the building as opposed to the architectural. The applicant confirmed the actual  
1478 square footage of the building and that will be 93,414 as opposed to 95,840 listed on the agenda.  
1479 With that change, staff can recommend approval of this plan.

1480

1481 Mrs. Wade - So, what's the square footage, now, you said?

1482

1483 Mr. Wilhite - It's 93,414.

1484

1485 Mrs. Wade - Thank you.

1486

1487 Ms. Dwyer - Are there any questions of Mr. Wilhite by Commission members?

1488

1489 Mrs. Wade - No. Everything seems to be in order. This is still a Trammel Crow. Is there  
1490 anybody here from there? The only comment for Trammel Crow would be that their Westerre I  
1491 dumpster needs some attention.

1492

1493 Ms. Dwyer - Is there anyone here representing the applicant, for Westerre? Okay. Would  
1494 you come forward please?

1495

1496 Mr. Barber - Good morning, ladies and gentlemen. My name is Shawn Barber with Balzer &  
1497 Associates.

1498

1499 Mrs. Wade - This project seems to be in order but while I was out there I notice the dumpster  
1500 there, there in connection with I suppose Westerre I, it's in need of repair, the fence and the gates. It

1501 doesn't appear to ever be closed.

1502

1503 Mr. Barber - I'll be sure to forward that information to Mrs. (Whittenhouser?).

1504

1505 Mrs. Wade - Otherwise, I didn't have anything else.

1506

1507 Mr. Barber - Okay.

1508

1509 Ms. Dwyer - Are there any other questions by Commission members? Thank you. We are  
1510 ready for a motion.

1511

1512 Mrs. Wade - I move POD-72-99, Westerre IV, be approved subject to the annotations, the  
1513 standard conditions and conditions Nos. 23 through 30.

1514

1515 Mr. Archer - Second.

1516

1517 Ms. Dwyer - The motion was made by Mrs. Wade and seconded by Mr. Archer. All in favor  
1518 of the motion say aye...all opposed say nay. The motion carries.

1519

1520 The Planning Commission approved POD-72-99, Westerre IV - Westerre Parkway, subject to the  
1521 standard conditions attached to these minutes, the annotations on the plan, and the following  
1522 additional conditions.

1523

1524 23. The easements for drainage and utilities as shown on approved plans shall be granted to the  
1525 County in a form acceptable to the County Attorney prior to any occupancy permits being  
1526 issued.

1527 24. The developer shall provide fire hydrants as required by the Department of Public Utilities in  
1528 its approval of the utility plans and contracts.

1529 25. Outside storage shall not be permitted.

1530 26. The certification of building permits, occupancy permits and change of occupancy permits for  
1531 individual units shall be based on the number of parking spaces required for the proposed uses  
1532 and the amount of parking available according to approved plans.

1533 27. Any necessary off-site drainage easements must be obtained in a form acceptable to the County  
1534 Attorney prior to final approval of the construction plans by the Department of Public Works.

1535 28. Deviations from County standards for pavement, curb or curb and gutter design shall be  
1536 approved by the County Engineer prior to final approval of the construction plans by the  
1537 Department of Public Works.

1538 29. Insurance Services Office (ISO) calculations must be included with the utilities plans and  
1539 contracts and must be approved by the Department of Public Utilities prior to the issuance of a  
1540 building permit.

1541 30. The portion of Westerre Parkway along the frontage of the site shall be constructed prior to the  
1542 issuance of any certificates of occupancy for this project.

1543 **PLAN OF DEVELOPMENT**

1544

POD-73-99  
Stranges' Florist -  
W. Broad Street

**TIMMONS for Strange's Florist 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, 23,729 square foot garden center addition to an existing retail store. The 10.76 acre site is located on the southwest corner of W. Broad Street and Gayton Road on parcel 35-A-10. The zoning is B-3C, Business District (conditional) and W.B.S.O. (W. Broad Street Overlay) District. County water and Septic tank/drainfield. **(Three Chopt)**

1545

1546 Ms. Dwyer - Is there anyone in the audience in opposition to POD-73-99, Stranges' Florist?  
1547 No opposition. Mr. Whitney.

1548

1549 Mr. Whitney - Thank you, Madam Chairman. Good morning. The staff has received a revised  
1550 plan which addresses all the comments and there are not outstanding issues at this time. Included in  
1551 this approval is a request for Transitional Buffer Deviation. The applicant has provided area for the  
1552 required Transitional Buffer 35 along the southern and western boundaries of the site, except for the  
1553 area from the existing greenhouse building northerly to the right-of-way of W. Broad Street. With  
1554 additional plantings provided elsewhere on the site, staff can recommend approval of the revised plan  
1555 and the Transitional Buffer Deviation. I'll display the revised plan on your screen. I'll take any  
1556 questions that you have.

1557

1558 Mrs. Wade - This is from the rear corner of the existing greenhouse to Broad?

1559

1560 Mr. Whitney - Yes. It would be from this corner of the building, I'm indicating along this  
1561 boundary up to W. Broad Street that they would not be able to provide the transitional buffer,  
1562 therefore, asking for the deviation from code requirement.

1563

1564 Mrs. Wade - So, how much buffer will they have in that area?

1565

1566 Mr. Whitney - They are providing buffer in from this point along the boundary.

1567

1568 Mrs. Wade - In the front, how much buffer do they have left from there to Broad, where you  
1569 were before? Go back to the corner of the warehouse and then go right to Broad, then how much  
1570 would they have left over there?

1571

1572 Mr. Whitney - Up in this area (pointing to screen)?

1573

1574 Mrs. Wade - Yes.

1575

1576 Mr. Whitney - That looks approximately like 20 feet in that area. That overlaps with the 35-  
1577 foot streetscape buffer for West Broad Street Overlay as well, which they have also provided on this  
1578 revised plan along North Gayton and West Broad Street.

1579 Mrs. Wade - And they answered the question we had about loading their van with flowers on  
1580 the Broad side, that that will be screen there.

1581 Mr. Whitney - Yes. The loading area for the florist is in this area and they have added an  
1582 additional piece of screen wall. I can zoom in on that area for you.

1583 Mrs. Wade - Which will be what brick like the building?

1584 Mr. Whitney - Yes. It will be a brick screen wall.

1585 Mrs. Wade - And we were concerned about how they get their stock in and you said that they  
1586 indicated what?

1587 Mr. Whitney - The stock is delivered in the same vans that the arrangements delivery is done in.  
1588 So, there appears to be adequate space for vans. And that area would be screened by the additional  
1589 piece of screen wall that they've added along here in that landscape island.

1590 Ms. Dwyer - Are all their deliveries received in vans?

1591 Mr. Whitney - That is my understand, yes, for the florist.

1592 Mrs. Wade - For the flowers. Presumably, the big trucks are going to go in the back with the  
1593 other stock.

1594 Mr. Whitney - That's correct. The gravel drive in the rear is for their larger stock deliveries.

1595 Mrs. Wade - And the gravel drive is all those little circles on the plan. Right now, it's sort of  
1596 loosely organized back there. But, they are just going to have just one gravel drive.

1597 Mr. Whitney - That is correct. And allowing for a truck turnaround area along the rear.

1598 Mrs. Wade - It's certainly going to be different. Now, the streetscape buffer and all that  
1599 along there needs to be landscaped with the regular overlay and that's not intended to be a display area.  
1600 Right now they have the whole thing paved with pansies which is fine for the time being. Yes, this is  
1601 going to be quite a change out there at that intersection. Thank you. All right. Are there any other  
1602 questions of Mr. Whitney? I do have a question of Mr. Pike.

1603 Ms. Dwyer - Would the applicant come forward?

1604 Mr. Pike - For the record, my name is Charlie Pike and I'm with the firm of TIMMONS  
1605 and I'm representing the Stranges' Florist case.

1606 Mrs. Wade - It is indicated that they are going to build these buildings of brick and then paint  
1607 them white. Why do they want to paint them white? That will mean more maintenance.

1608 Mr. Pike - I think that's Mr. Golden's preference. I don't think that there is anything magic  
1609 about it. I think he thinks that looks nice and that it fits in with what he's trying to do with his

1610 business here. He likes the masonry, the brick unit, but he thinks in this particular case it would look  
1611 best if it is painted white. Other than that, I don't know how to answer your question.

1612 Mrs. Wade - What color is the roof?

1613 Mr. Pike - I don't know, Mrs. Wade. Jack Shady is doing the drawing of Freeman and  
1614 Morgan. I really don't know, unless it's shown on his elevations.

1615 Mrs. Wade - It mentions asphalt shingles but it doesn't mention the color at all.

1616 Mr. Pike - My guess it's going to be, because of the nature and the appearance of the  
1617 traditional building, my guess is that it is going to be more of a slate gray color. It is a regular  
1618 shingle.

1619 Ms. Dwyer - On the elevations, what is the, I'm looking at the Broad Street elevations and it  
1620 looks like sort of a brick colonial and then it turns into something else, what is that something else?

1621 Mr. Pike - Let me get a copy of it, Ms. Dwyer.

1622 Mrs. Wade - That's the greenhouse.

1623 Mr. Pike - I'm sorry, Ms. Dwyer, what was your question again?

1624 Ms. Dwyer - The Broad Street elevations, it looks like a sort of a standard colonial style brick  
1625 structure and then to the right, I can't really tell what that is.

1626 Mr. Pike - That's the greenhouse. That's standard glass and panes.

1627 Ms. Dwyer - Will it have a roof?

1628 Mr. Pike - It has a glass pane roof. It's just a standard traditional glass greenhouse.

1629 Mrs. Wade - It's going to be oriented toward Gayton.

1630 Mr. Pike - That's one of the main entrances into the garden shop and everything. That's  
1631 why the bulk of the parking lot is on that side. And all the lay down area for the plant material will  
1632 occur behind the parking. As you say, this is a rather dramatic improvement to that corner.

1633 Mrs. Wade - I didn't say dramatic, I said a big change.

1634 Mr. Pike - Well, I'll say it for you. Mr. Golden has been waiting until the State finished  
1635 with the Broad Street widening that's been going on for several years now it seems. He's had this plan  
1636 for several years but he's been waiting for the road improvements to finish so he wouldn't get into the  
1637 middle of all of it working on it.

1638 Mrs. Wade - Eventually, Gayton is to be widen through, here, and bridge go over the  
1639 interstate and this is going to be a major corner with a traffic light at some point. I'm just sorry he

1640 wants to paint it white.

1641 Mr. Pike - I'll pass your comment on to him.

1642 Mrs. Wade - Will it be chalk white or....

1643 Mr. Pike - I don't know.

1644 Mrs. Wade - Okay. Thank you. Tell him that he will have to keep repainting.

1645 Mr. Pike - It might be something his architect talked him into. I don't know, but I will ask  
1646 him about it.

1647 Mrs. Wade - Okay. Thank you.

1648 Ms. Dwyer - Are there any other questions for Mr. Pike?

1649 Mrs. Wade - It's going to be big and it's going to look even bigger if it is white. Maybe,  
1650 that's what he wants. Okay. Thank you. Is there anything else?

1651 Ms. Dwyer - We are ready for a motion.

1652 Mrs. Wade - I move POD-73-99, revised plan, be approved subject to the annotations, the  
1653 standard conditions, and I think I want conditions Nos. 9 and 11 amended back and Nos. 23 through  
1654 35. I move it be approved.

1655 Mr. Vanarsdall - Second.

1656 Ms. Dwyer - The motion was made by Mrs. Wade and seconded by Mr. Vanarsdall. All in  
1657 favor say aye...all opposed say nay. The motion carries.

1658 The Planning Commission approved POD-73-99, Stranges' Florist - W. Broad Street, subject to the  
1659 standard conditions attached to these minutes, the annotations on the plan, and the following additional  
1660 conditions.

1661 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for review  
1662 and Planning Commission approval prior to the issuance of any occupancy permits.

1663 11. **AMENDED** - Prior to the installation of the site lighting equipment, a plan including  
1664 depictions of light spread and intensity diagrams and fixture mounting height details shall be  
1665 submitted for Planning Office review and Planning Commission approval.

1666 23. The right-of-way for widening of N. Gayton Road as shown on approved plans shall be  
1667 dedicated to the County prior to any occupancy permits being issued. The right-of-way  
1668 dedication plat and any other required information shall be submitted to the County Real  
1669 Property Agent at least 60 days prior to requesting occupancy permits.

1670 24. The easements for drainage and utilities as shown on approved plans shall be granted to the  
1671 County in a form acceptable to the County Attorney prior to any occupancy permits being  
1672 issued.

- 1673 25. The entrances and drainage facilities on W. Broad Street (U.S. Route 250) shall be approved  
1674 by the Virginia Department of Transportation and the County.
- 1675 26. A notice of completion form, certifying that the requirements of the Virginia Department of  
1676 Transportation entrances permit have been completed, shall be submitted to the Planning  
1677 Office prior to any occupancy permits being issued.
- 1678 27. The developer shall provide fire hydrants as required by the Department of Public Utilities in  
1679 its approval of the utility plans and contracts.
- 1680 28. The certification of building permits, occupancy permits and change of occupancy permits for  
1681 individual units shall be based on the number of parking spaces required for the proposed uses  
1682 and the amount of parking available according to approved plans.
- 1683 29. Any necessary off-site drainage easements must be obtained in a form acceptable to the County  
1684 Attorney prior to final approval of the construction plans by the Department of Public Works.
- 1685 30. Deviations from County standards for pavement, curb or curb and gutter design shall be  
1686 approved by the County Engineer prior to final approval of the construction plans by the  
1687 Department of Public Works.
- 1688 31. The loading areas shall be subject to the requirements of Chapter 24, Section 24-97(b) of the  
1689 Henrico County Code.
- 1690 32. The applicant shall furnish proof to the Planning Office that conditions satisfactory to the  
1691 Health Department have been met that insure the proposed septic tank drainfield system is  
1692 suitable for this project prior to the issuance of a building permit.
- 1693 33. Insurance Services Office (ISO) calculations must be included with the utilities plans and  
1694 contracts and must be approved by the Department of Public Utilities prior to the issuance of a  
1695 building permit.
- 1696 33. Approval of the construction plans by the Department of Public Works does not establish the  
1697 curb and gutter elevations along the Henrico County maintained right-of-way. The elevations  
1698 will be set by Henrico County.
- 1699 35. Approval of the construction plans by the Department of Public Works does not establish the  
1700 curb and gutter elevations along the Virginia Department of Transportation maintained right-  
1701 of-way. The elevations will be set by the contractor and approved by the Virginia Department  
1702 of Transportation.

1703 Ms. Dwyer - Is that it for our agenda?

1704 Mr. Silber - That's it. We actually have one or two additions to the agenda.

1705 Mrs. Wade - We have minutes.

1706 Ms. Dwyer - Can we do the minutes next?

1707 Mr. Silber - That's fine.

1708 Ms. Dwyer - All right. Let's do the minutes for July 28, 1999. I didn't call mine in. Did  
1709 anyone call theirs in?

1710 Mrs. Wade - I called mine in. I didn't have that many, though.

1711 Ms. Dwyer - I have a few changes. I apologize for not calling those in. Page 18, line 746. I  
1712 think a part of the sentence was left out. So, instead of "uniformity" it should read "uniformly" and I  
1713 would add "spaced from the road" to complete that sentence. Page 19, line 761. "Expanse" instead of  
1714 "expansion" that changes the meaning a little bit. On Page 33, the Tanfield case, "council" should be  
1715 "counsel" instead of "council" and it's throughout that conservation. Page 54, line 2386, instead of  
1716 "letter of sprit" it should be "letter and sprit." That's all I had. Anyone else.

1717 Mrs. Wade - There was one of the Tuckahoe things that said Sussex Square on Creighton  
1718 Road that I think should have been Gayton.

1719 Ms. Dwyer - Oh. I didn't catch that one. Did you catch it?

1720 Mrs. Wade - Yes. And I did mention it to Diana.

1721 Ms. Dwyer - Boy, you are good. Is there a motion on the minutes for July 28, 1999?

1722 Mrs. Wade - I move that the July 28, 1999, minutes be approved as corrected.

1723 Mr. Archer - Second.

1724 Ms. Dwyer - The motion was made by Mrs. Wade and seconded by Mr. Archer. All in favor  
1725 of the approval of the minutes say aye...all opposed say nay. The motion passes.

1726 The Planning Commission approved the July 28, 1999, minutes as corrected.

1727 Mr. Silber - We have two additional things that we wanted to discuss with the Commission  
1728 this morning. One being, and this came up today, The Lowes, which there were some questions as to  
1729 the appropriate location for the landscaping in the Overlay District. Staff is going to be taking a look  
1730 at this. We intend to go out and actually visit some of these locations along Broad Street to determine  
1731 whether the Overlay District Ordinance is really appropriate in its way it describes the location on  
1732 some of these plantings. So, we will probably be coming back to the Commission in the coming  
1733 weeks with perhaps some ideas as to how we may want to consider changing this. Well, anyway, I  
1734 just wanted to pass that on because, Mary, that did come up again today and I think I heard you say  
1735 there is some concern as to whether the ordinance is perhaps the best way of, the current language in  
1736 the ordinance is the best way of handling the plantings.

1737 Second. We do have a resolution that we are hoping the Planning Commission would consider this  
1738 morning. This resolution came up at the last minute for several reasons. Sometime ago the Board of  
1739 Zoning Appeals acted on a case and asked that the County to consider clarifying the Code relative to  
1740 their powers under Section 24-116 of the Ordinance. There are actually two things that they were  
1741 hoping to correct or deal with here, or at least study, and these basically deal with the following items.  
1742 One is that the Ordinance is unclear as to what the Board of Zoning Appeals can do or what powers  
1743 they have when it comes to considering Conditional Use Permits that also fall under the purview of  
1744 Provisional Use Permits that the Board of Supervisor are authorized to act on. For example: A case  
1745 came up recently where a temporary use permit was applied for, for a communication tower. The  
1746 applicant wanted a tower for a short period of time, less than two years. And there is some question as  
1747 to whether this was something that the Board of Supervisors should consider because they act on

1748 Provisional Use Permits or whether it was something the BZA could act on under the Temporary Use  
1749 Permit provisions of the Code. So, we would like to take a look at that.

1750 Second. The Temporary Use Permit, which the BZA has a right to act on, indicates that they can  
1751 grant up to a two-year temporary use. The question has also come up as to whether someone could  
1752 reapply after the two years are up and come back and ask for another two years. This has been  
1753 debated and I think at this point the County would like to... and BZA has asked that clarification be  
1754 provided in the form of an ordinance amendment. So, the short story is that we have a Resolution here  
1755 for your consideration to ask the staff to prepare an ordinance amendment dealing with clarification of  
1756 the powers of the BZA under Section 24-116.

1757 Mr. Vanarsdall - What date do you want on here? Everything is on here but the date.

1758 Mr. Silber - Mr. Vanarsdall, I think that intentionally has been left open. I think at this  
1759 point, we don't know. We have been requested by the Manager's Office to bring a report back to the  
1760 Board of Supervisors within 30 days.

1761 Mr. Vanarsdall - So, we have to take action on it today?

1762 Mr. Silber - Well, we are asking the Commission to take action today on this Resolution to  
1763 initiate it.

1764 Mr. Vanarsdall - That's the date I meant.

1765 Mr. Silber - Well, yes. Today would be the day we are asking for action to initiate the  
1766 ordinance amendment. As to when we would set a public hearing for the Commission to consider that,  
1767 we don't know at this point. Does that answer your question?

1768 Mr. Vanarsdall - Yes, sir.

1769 Mrs. Wade - Well, we might need a little more information.

1770 Mr. Silber - At this time, or do you want us to bring it back?

1771 Mrs. Wade - When it comes back, I guess.

1772 Mr. Silber - Sure. When we bring it back we can give you more examples of where this has  
1773 been a problem.

1774 Ms. Dwyer - Do you expect that we will need a work session and then a public hearing and  
1775 then act on it?

1776 Mr. Silber - I would think we would have a work session first, Ms. Dwyer.

1777 Ms. Dwyer - At the work session we would have an opportunity to discuss the pros and cons  
1778 and ins and outs.

1779 Mr. Silber - That's correct.

1780 Ms. Dwyer - All right. Do we have a motion on the Resolution or any discussion about the  
1781 proposed Resolution?

1782 Mrs. Wade - I move the Resolution be passed. But we were talking about dates aside from the  
1783 Resolution.

1784 Ms. Dwyer - We don't have any dates on the Resolution at this point. We will be expecting a  
1785 work session and then a public hearing I guess whenever staff has the research of the amendment  
1786 proposed.

1787 Mr. Silber - We may have more information in two weeks, at the zoning hearing, as to when  
1788 we might have a work session on this. The County Attorney's Office has been involved with this  
1789 ordinance amendment and I think that they will be drafting a major portion of this amendment. Again,  
1790 as I said, the Board of Supervisors would like a report within 30 days so we will have to move fairly  
1791 quickly, we the staff, to at least give them a report in the direction to which we are heading. But, I  
1792 really don't know at this point as to when that work session will be. I would speculate that it would be  
1793 within the next four to six weeks.

1794 Ms. Dwyer - Okay. We have a motion by Mrs. Wade to pass the Resolution as presented.

1795 Mrs. Wade - Now, what is it that the Board wants in 30 days, now?

1796 Mr. Silber - A report from staff on recommendations on how to deal with these issues.

1797 Mrs. Wade - I was just trying to figure out how that fits in with what we are being asked to  
1798 do.

1799 Ms. Dwyer - I guess a report to the Board would also come to the Commission and then it  
1800 would have to grind it's way through the Commission before the actual amendment would get to the  
1801 Board. They would have some information about it in advance of our recommendations.

1802 Mr. Silber - That's correct. I mean we certainly shouldn't rule out the possibility of a joint  
1803 work session, say, within 30 days. At this point, quite frankly, the Director and I just learned of this  
1804 this morning. That's why it's being brought to you at the last minute. I don't have a lot of  
1805 information at this point.

1806 Mrs. Wade - Where did this Resolution come from then?

1807 Mr. Silber - Tom Tokarz drafted this.

1808 Mrs. Wade - Anyway, I move the Resolution.

1809 Mrs. Quesinberry - Second.

1810 Ms. Dwyer - The motion was made by Mrs. Wade and seconded by Mrs. Quesinberry to

1811 adopt the Resolution. All in favor of the motion say aye...all opposed say nay. Okay. We will move  
1812 forward with the Resolution to examine the zoning ordinance granting the powers of the BZA. Do you  
1813 have another item, another resolution, Mr. Silber?

1814 Mr. Silber - No.

1815 Mr. Vanarsdall - I have one, Madam Chairman.

1816 Ms. Dwyer - You have a resolution?

1817 Mr. Vanarsdall - No. The last time you gave us the Residential Strategy Follow Up, to get  
1818 together with the Supervisors and to come back with something and I did that.

1819 Ms. Dwyer - I'm glad you brought that up.

1820 Mr. Vanarsdall - Are we going to discuss that today?

1821 Ms. Dwyer - That will be great. Has everyone discussed the proposed Residential Strategies  
1822 initiatives?

1823 Mr. Vanarsdall - I don't have a lot changes, and I think it's good. Now, where it says require  
1824 usable recreation space. I don't know whether we should require that or just suggest to try to get it.  
1825 And the other thing was down at the bottom where it says, under Possible Standards, it says enhance  
1826 landscaping requirements include... Change the word "enhance" to "enhance buffer requirement."

1827 Ms. Dwyer - You are talking now about the road or the....

1828 Mr. Vanarsdall - That's under Setbacks.

1829 Ms. Dwyer - Okay.

1830 Mr. Vanarsdall - And then up under "Possible Standard Changes" we talked about develop  
1831 standards for the number and location of dumpsters. I've always, and Randy will tell you, a long time  
1832 ago we talked about dumpsters in general. And I don't have any suggestions on what to do there, but  
1833 do you remember, Randy, when we talked about that. But, it was more for commercial development.  
1834 We said we would tell everybody that we need X number of parking spaces and you need to do this  
1835 and that. But, we will put a strip shopping center with 12 stores and give them a little, bitsy dumpster  
1836 and it runs over top, and the people go out and get their own dumpster and the inspector comes in  
1837 around the building and writes them all up. So, maybe we need to take a look at all the dumpsters. I  
1838 don't know. I understand that in apartment buildings they have a way that you don't even see the  
1839 dumpster.

1840 Ms. Dwyer - What was your first comment about the recreation?

1841 Mr. Vanarsdall - It's up here under Possible Standard Changes. Require usable recreation space.  
1842 Maybe you don't necessarily want to require it, maybe you want to suggest it and try to get it. That's  
1843 just a suggestion.

1844 Mrs. Wade - That's kind of what we do now.

1845 Ms. Dwyer - I guess, one thought on how that would happen... I guess the way some other  
1846 jurisdictions do it, depending on the site, depending on the square footage of the buildings, they have a  
1847 formula where the greater the density, the greater usable green space or usable recreational space is  
1848 required.

1849 Mr. Vanarsdall - We do need more recreation space whether we can.... If that's the only way we  
1850 can get it, we ought to require it.

1851 Ms. Dwyer - I think that was the goal anyway.

1852 Mr. Vanarsdall - The other things are great. All of it is good. Facing the fences along the  
1853 roadway. I can't go anywhere in the County where I don't see a fence. I saw them before, now I see  
1854 twice as many.

1855 Ms. Dwyer - And they are right up against the road and right up against the sidewalks and  
1856 they age and deteriorate.

1857 Mr. Vanarsdall - You ride down Ridgefield and all in there, they say that General Custard would  
1858 feel right at home with all those stockade fences. That's all the goodies I have on that.

1859 Ms. Dwyer - How about the other Commissioners? Has everyone spoken to their respective  
1860 Board member? Should we proceed with this?

1861 Mr. Archer - Madam Chairman, I did but unfortunately I didn't bring my notes with me  
1862 today.

1863 Mrs. Wade - Well, I spoke to mine rather generally, and I think I mentioned this to you  
1864 earlier, and in concept he is in favor but we really didn't go into a lot of detail about it.

1865 Ms. Dwyer - So, shall we direct staff to come up with a resolution regarding this and consider  
1866 it at our next meeting?

1867 Mrs. Quesinberry - I think so.

1868 Mrs. Wade - Well, have you decided or was there some recommendation for the process here  
1869 at this time, or....

1870 Ms. Dwyer - We were hoping to have these issues considered, specifically, by the Board at  
1871 their retreat in November. That was the idea of the concept of it. But, we really wanted to wait to  
1872 determine how to proceed based on the guidance that we got from our Supervisors. It sounds like all  
1873 the Supervisors are in theory, in general concept, in agreement with the proceeding on this point. Am  
1874 I reading that correctly?

1875 Mrs. Quesinberry - Yes.

1876 Mr. Archer - Yes.

1877 Ms. Dwyer - If you have any notes or thoughts or concerns those can certainly be delivered to  
1878 staff. What do you recommend, Mr. Silber?

1879 Mr. Silber - Well, I think we have gone through the right steps of having the Commission  
1880 talk to your respective Board members. What I'm hearing is that there is no overwhelming outcry or  
1881 serious concern expressed over the Commissions proceeding. We have looked at all the residential  
1882 strategies. The Commission has focused on the ones that we think are fairly important, and the ones  
1883 that are not too big to bite off and handle. So, I would suggest that, if there is no major concern at the  
1884 Board level, that you may want to direct staff to go ahead and prepare a draft ordinance and to bring  
1885 that back to the Planning Commission. Now, Ms. Dwyer, if you think that the Board may want to  
1886 consider this at one of their retreats in November, then we can package it in a fashion that allows them  
1887 to consider this, maybe prior to you holding your public hearing. I personally think that staff is  
1888 prepared and feels that there is general quality and community concern with these two items; that being  
1889 multi-family standards and setbacks along major roads, we believe that we should move forward with  
1890 this. And I think the Commission has considered it and talked to the Board, so I would think at this  
1891 point, I feel comfortable in saying whatever fashion the Commission wants us to proceed, I'm ready to  
1892 proceed.

1893 Mr. Vanarsdall - I don't think you will find much of any changes from any of the Supervisors  
1894 because it all makes good sense.

1895 Ms. Dwyer - So, we will proceed to ask staff to began to draft an ordinance and a discussion  
1896 paper. Is that what you had in mind?

1897 Mr. Silber - Yes, I think so. I mean, we have had a lot of discussion papers and white papers  
1898 on it. We can revise it and bring another discussion paper back. Would you like for us to go ahead  
1899 and prepare a draft ordinance and have a work session on the specifics of that ordinance?

1900 Mrs. Wade - Yes, we need some specifics and suggestions and then we can react to those.

1901 Ms. Dwyer - They have done a lot of background work. And we have had presentations here  
1902 and compared and contrasted ourselves with our neighbors and have gone through all of those  
1903 iterations. And, I think now having a draft ordinance to look at and prepare for some public hearing  
1904 will be a good avenue to pursue. So, should we just direct staff to come up with the ordinance and  
1905 then at our next meeting set a work session?

1906 Mrs. Quesinberry - Yes.

1907 Ms. Dwyer - So, at our zoning meeting we will set a work session to consider the ordinance  
1908 and we will have a better idea from staff at that time the what kind of timeframe they are working with  
1909 regarding the drafting of the ordinance.

1910 Mr. Silber - Let me ask Mr. O'Kelly a question. Mr. O'Kelly, is it normal practice that we  
1911 would have a resolution for the Commission to act on to initiate an ordinance amendment?

1912 Mr. O'Kelly - Normally, that's correct. We would have a resolution that directed staff to draft  
1913 an ordinance, but I think the Commission still could, and of course, we couldn't move forward to a  
1914 public hearing until that process has taken place. Staff could, however, began drafting an ordinance  
1915 for the Commission's consideration and then sort of have a table review or something of that nature  
1916 before we could actually move forward to a public hearing process.

1917 Mr. Silber - What would you think of having a resolution prepared for the next meeting, the  
1918 zoning hearing, and in the meanwhile we could start putting together a draft and at maybe the next  
1919 POD meeting we can have a work session to talk about the draft ordinance?

1920 Mr. O'Kelly - I think that would be fine, but are you directing your question to the Community  
1921 Development staff that would be involved in drafting these ordinances?

1922 Mr. Silber - No. Don't worry, Dave. JoAnn Hunter is staffing this. I thought the  
1923 Commission really should be provided a resolution to initiate the ordinance amendment. I think we  
1924 can give this the go ahead, begin that, and bring the resolution back to you in two weeks and perhaps  
1925 have a work session a month from now. I think JoAnn Hunter has this well in hand.

1926 Ms. Dwyer - So, we will consider the resolution at our next meeting, which will be our zoning  
1927 meeting in October, and then at that time we will set the timetable for work sessions and public  
1928 hearing.

1929 Mrs. Wade - And we want to make some good suggestions but we need to be careful not to  
1930 make too many good suggestions because sometimes that can have a reverse affect.

1931 Ms. Dwyer - Okay. Thank you, Mr. Vanarsdall. Is there any other business? Do I have a  
1932 motion to adjourn?

1933 Mrs. Quesinberry - I move we adjourn.

1934 Mrs. Wade - Second.

1935 Ms. Dwyer - The motion was made by Mrs. Quesinberry and seconded by Mrs. Wade to  
1936 adjourn this meeting. All in favor say aye...all opposed say nay. The motion carries.

1937 On a motion by Mrs. Quesinberry and seconded by Mrs. Wade, the Planning Commission adjourned  
1938 its September 29, 1999, meeting at 11:00 a.m.

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Elizabeth G. Dwyer, C.P.C., Chairman

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Randall R. Silber, Acting Secretary

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