

1 Minutes of the regular monthly meeting of the Planning Commission of the
2 County of Henrico, Virginia, held in the Board Room of the County
3 Administration Building, Parham and Hungary Spring Roads at 7:00 p.m., on
4 April 13, 2000, Display Notice having been published in the Richmond Times-
5 Dispatch on Thursday, March 23, 2000, and Thursday, March 30, 2000.
6

7 Members Present: Ernest B. Vanarsdall, C.P.C., Chairman, Brookland
8 Debra Quesinberry, Vice-Chairman, Varina
9 C. W. Archer, C.P.C., Fairfield
10 Allen J. Taylor, Three Chopt
11 Elizabeth G. Dwyer, C.P.C., Chairwoman, Tuckahoe
12 Patricia S. O'Bannon, Board of Supervisors, Tuckahoe
13 John R. Marlles, AICP, Secretary, Director of Planning
14

15 Others Present: Randall R. Silber, Assistant Director of Planning
16 Mark Bittner, County Planner
17 Lee Householder, County Planner
18 Jo Ann Hunter, County Planner, AICP
19 Eric Lawrence, County Planner, AICP
20 Kevin Wilhite, County Planner
21 Judy Thomas, Recording Secretary
22

23 Mr. Vanarsdall - We have a few items on the agenda tonight, and I'll turn
24 the meeting over to our Secretary, Mr. John Marlles.
25

26 Mr. Marlles - Thank you, Mr. Chairman. Good evening, members of
27 the Commission, ladies and gentlemen. We do have a quorum, so we can
28 conduct business tonight. The first item on the agenda is the requests for
29 deferrals and withdrawals. Mrs. Via is not here.
30

31 Mr. Vanarsdall - Excuse me. We have a guest with us tonight. He was
32 in the audience. We have Mr. Hector Quentana, who is a at large Commissioner
33 from Prince William County. So, Hector, I saw him earlier. Anyway, Hector,
34 we're glad to have you tonight, and if we can help you in any way, let us know.
35 Excuse me, Mr. Marlles.
36

37 Mr. Marlles - Okay, Mr. Chairman. Mrs. Via is not with us tonight.
38 So, the Requests for Deferrals and Withdrawals will be handled by Mr. Lawrence.
39

40 Mr. Vanarsdall - Good evening, Mr. Lawrence.
41

42 Mr. Eric Lawrence, County Planner – Good evening. For the 7:00 o'clock agenda
43 in the Varina District we have two cases. The first would be C-22C-00.
44

45 **Deferred from the March 9, 2000 Meeting:**

April 13, 2000

46 **C-22C-00** **Alvin S. Mistr, Jr. for John C. Zehler, Sr.:** Request to
47 conditionally rezone from B-1 Business District to B-3C Business District
48 (Conditional), Parcel 148-10-C-2, containing 0.44 acre, located at the northwest
49 intersection of W. Nine Mile Road (Route 33) and Daisy Avenue. A
50 gas/convenience store is proposed. The use will be controlled by proffered
51 conditions and zoning ordinance regulations. The Land Use Plan recommends
52 Commercial Arterial. The site is also within the Airport Safety Overlay District.

53
54 Mr. Vanarsdall - What page?

55
56 Mr. Lawrence - Page 2. They have requested a deferral to May 11,
57 2000. This request is to rezone property to B-3C.

58
59 Mr. Vanarsdall - Any one in the audience in opposition to the deferment
60 of C-22C-00 in the Varina District – 30 day deferral? No opposition. Entertain a
61 motion.

62
63 Mrs. Quesinberry - Mr. Chairman, I'd like to move for a deferral of Case C-
64 22C-00 to the May 11th agenda at the applicant's request.

65
66 Mr. Archer seconded the motion.

67
68 Mr. Vanarsdall - Motion made by Mrs. Quesinberry, seconded by Mr.
69 Archer. All those in favor say aye— all those opposed by saying nay. The vote is
70 5-0 (Mrs. O'Bannon abstained). Next case.

71
72 **Deferred from the March 9, 2000 Meeting:**

73 **C-25C-00** **James W. Theobald for 7-Eleven Inc.:** Request to
74 conditionally rezone from A-1 Agricultural District to B-2C Business District
75 (Conditional), Parcel 162-A-43A, containing approximately 5.06 acres, located at
76 the southwest intersection of S. Laburnum and Gay Avenues. Community retail
77 is proposed. The use will be controlled by proffered conditions and zoning
78 ordinance regulations. The Land Use Plan recommends Office. The site is also
79 within the Airport Safety Overlay District.

80
81 Mr. Lawrence - The next case is also in the Varina District. C-25C-00.
82 This is on Page 2 of your agenda also. They have requested a deferral to the
83 June 15, 2000 meeting.

84
85 Mr. Vanarsdall - June 15th. Is any one in the audience in opposition to
86 this case being deferred, C-25C-00 James W. Theobald for 7-Eleven Inc.? No
87 opposition.

88
89 Mrs. Quesinberry - I'll move for deferral of Case C-25C-00 to the June 15th
90 meeting at the applicant's request.

91
92 Mr. Taylor seconded the motion.

93
94 Mr. Vanarsdall - Motion made by Mrs. Quesinberry, seconded by Mr.
95 Taylor. All those in favor say aye— all those opposed by saying nay. The vote is
96 5-0 (Mrs. O'Bannon abstained).

97
98 **Remanded back to the Planning Commission from the February 1, 2000**
99 **Board of Supervisors Meeting:**

100 **C-47C-99 Ralph L. Axselle and Andrew Condlin for Penrose**
101 **Corporation:** Request to amend proffered conditions applicable to the Parham
102 Place Office Park and accepted with rezoning case C-113C-85, on Part of Parcel
103 52-A-5, containing 11.75 acres, located on the south line of Old Hungary Road at
104 the intersection of Hungary Road and Benham Court and also fronting on the
105 north line of E. Parham Road. The proposed amendments are related to access
106 to Hungary Road and buffer area on the property. The Land Use Plan
107 recommends Office.

108
109 Mr. Lawrence - The next case is in the Brookland District, C-47C-99
110 submitted by Ralph Axselle and Andrew Condlin for Penrose Corporation. They
111 have requested a deferral to May 11, 2000.

112
113 Mr. Vanarsdall - May 11th? Any one in the audience in opposition to this
114 case? This case is C-47C-99 in the Brookland District. No opposition. I move
115 that C-47C-99 be deferred until May 11th at the applicant's request.

116
117 Mrs. Quesinberry seconded the motion.

118
119 Mr. Vanarsdall - Motion made by Mr. Vanarsdall, seconded by Mrs.
120 Quesinberry. All those in favor say aye— all those opposed by saying nay. The
121 vote is 5-0 (Mrs. O'Bannon abstained). Next case.

122
123 Mr. Lawrence - That's it for the 7:00 o'clock agenda, but just for
124 information, at the 8:00 o'clock agenda in the Three Chopt District, we have one
125 deferral request for C-33C-00 Henry Wilton for Wilton Development Corp. And
126 I'll present that again at the 8:00 o'clock hour.

127
128 Mr. Vanarsdall - Which one was that?

129
130 Mr. Taylor - C-33C-00.

131
132 Mr. Lawrence - It's on Page 4 of the agenda.

133
134 Mr. Vanarsdall - Okay. May 11th. Any one in the audience in opposition
135 to C-33C-00 Henry L. Wilton for Wilton Development?

136
137 Mr. Marlles - It's on the 8:00 o'clock agenda.
138
139 Mr. Vanarsdall - This is on the 8:00 o'clock agenda and we won't
140 officially rule on it. We just wanted you to know about it. Thank you, Mr.
141 Lawrence.
142
143 Mr. Lawrence - Thank you.
144
145 Mr. Vanarsdall - Mr. Marlles.
146

147 **PLAN OF DEVELOPMENT - REVISED ARCHITECTURAL ELEVATIONS**
148 **(Deferred from the March 22, 2000, Meeting)**

POD-80-99 (Revised) Downtown Short Pump **Balzer & Associates for Short Pump Entertainment, L.L.C., Bee-Fit, Inc., Skate Nation of Richmond West, LLC and Menin Development Companies, Inc.:** Request for approval of revised architectural elevations as required by Chapter 24, Section 24-106 of the Henrico County Code and proffered zoning conditions. The 23.18 acre site is located on the southeast corner of W. Broad Street (U.S. Route 250) and Pouncey Tract Road on parcels 36-A-19G, 19H, 19I, 19J, 21, 22N and 25. The zoning is B-2C, Business District (Conditional), M-1, Light Industrial District, and WBSO (West Broad Street Overlay) District. County water and sewer. **(Three Chopt)**

149
150 Mr. Marlles - Mr. Chairman, the first item on the agenda is a Plan of
151 Development-Revised Architectural elevations. This was deferred from the
152 March 22nd meeting. The staff report will be given by Mr. Kevin Wilhite.
153

154 Mr. Vanarsdall - Any one in the audience in opposition to this case?
155 This is a POD-80-99? No opposition. Good evening, Mr. Wilhite.
156

157 Mr. Kevin Wilhite, County Planner - Good evening. Thank you. This case has
158 been deferred from your March 22nd meeting. Since that time, we've had a
159 opportunity to meet with the developers, Tom O'Brien and Craig Menin on more
160 than one occasion and also had more than one discussion with them. We've also
161 received some revised renderings of the proposed building for a TGIF Friday's at
162 Downtown Short Pump.
163

164 The most recent rendering appears on the screen. It's at the bottom. The
165 approved shopping center with the Regal Cinemas and Barnes and Noble
166 appears in the rendering at the top of the screen. Staff received this latest plan

167 on Friday the 7th. We have reviewed it, and have added some annotations to the
168 rendering that we received, as part of our recommendation.

169
170 The plans have changed quite a bit, since what we first saw, to try to tie in with
171 the main center and the architectural design that was approved. The most
172 important features that have changed is they have added a cornice with a raised
173 step parapet walls to match the Barnes and Noble store with this TGIF Friday's.
174 They've added a pyramid roof structure similar to what's on the main center at
175 the front entrance to this restaurant. They applied some architectural
176 decorations that tie in with the center as well. The refrigerator/freezer unit in
177 the back has been screened with material to match the main walls of the
178 building.

179
180 They have also minimized the blue trade mark color that TGIF Friday's has, and
181 have restricted it to just the front entrance feature of this restaurant. And also
182 they have slightly reduced the awning profile, the typical red and white that TGI
183 Friday's has.

184 As I said, staff has reviewed this revised elevation and we are recommending
185 some additional design elements off the main center be incorporated into this
186 design as part of our approval.

187
188 First of all, on the top, there is a cast masonry base that appears on the Barnes
189 and Noble Store. It also shows up on the side elevation of Barnes and Noble and
190 as part of the original elevation for the outbuildings that was submitted to us
191 and approved. Staff has requested that they try to match that base originally
192 shown with cast masonry. I understand this is cost prohibitive in the opinion of
193 the developers, and staff could recommend the same type of treatment using the
194 EFIS construction they have on the rest of the building.

195
196 There's also a color band that appears under the cornice along the main center
197 which is scored. It's a smooth faced block on the main center, but we would
198 annotate the plans to show that appearing as an EFIS feature on this TGIF
199 Fridays.

200
201 They show column pilaster treatments here (referring to slide) with color to
202 match that band feature. We would recommend that be toned down and try to
203 mimic the color on the cast masonry base of this.

204
205 Also, our recommendation is that they provide a white color feature along the
206 middle horizontal bane as opposed to the coffee colored that they had proposed.

207
208 Staff would like to point out, there are no new features being added to this
209 elevation. What we have tried to do is to recommend that design features
210 already approved with the main center be used to more closely tie in this
211 proposed restaurant with the approved Regal Cinemas and Barnes & Noble Book

212 Store. And with the annotations that appear on these elevation, staff would
213 recommend approval. The developers I've talked with, prior to the meeting, do
214 have issues with some of these annotations, in particular, with the base
215 treatment proposed by staff and also with the color treatment of the pilasters.
216 But, I'd be happy to answer any questions you may have.

217

218 Ms. Dwyer - Are the materials comparable to the Barnes & Noble
219 and the Cinemas?

220

221 Mr. Wilhite - The main center is primarily EFIS. This TGIF would be
222 primarily EFIS as well. The color of the main body of this building would match
223 the color that was approved with the original center.

224

225 Ms. Dwyer - Are there brick accents anywhere, or is it primarily the
226 cast masonry?

227

228 Mr. Wilhite - Well, they show up as cast masonry features. The
229 cornice is masonry. I don't believe there are any real brick elements with the
230 main center.

231

232 Ms. Dwyer - So, the dark horizontal lines then on the main center
233 are EFIS?

234

235 Mr. Wilhite - Split-face block, masonry construction. But, the TGIF
236 would be primarily a dryvit or EFIS.

237

238 Ms. Dwyer - Okay. It would match in color?

239

240 Mr. Wilhite - It would match in color. That's correct.

241

242 Mr. Vanarsdall - Mr. Taylor, do you want to hear from the applicant?

243

244 Mr. Taylor - I think, Mr. Chairman, what I'd like to do is hear from
245 Mr. O'Brien if he'd like to address the assembled group.

246

247 Mr. Vanarsdall - Thank you, Mr. Wilhite.

248

249 Mr. Taylor - Thank you, Kevin.

250

251 Mr. Tom O'Brien - Mr. Chairman, members of the Commission, I am Tom
252 O'Brien. I'm with Menin Development. We've been working closely with staff and
253 Mr. Taylor and the people from Friday's and their architects to try to make the
254 property that Fridays is going to be building as consistent with the overall
255 shopping center. What you're looking at is the fourth iteration of revised

256 architectural designs from their prototype. And we're really down to just a few
257 tweaks on the final points.

258

259 I would point out to you that, when you are looking at the Friday's building, keep
260 in mind that the height of that structure is less than half the height of the
261 Barnes and Noble façade. The Barnes and Noble again is a two-story structure.

262

263 So, in keeping that in mind, I think some of the comments that Fridays had the
264 final comments of staff might make sense. What he's annotated on the plans as
265 a "cast stone element" to match the shopping center, and he's showing that as a
266 double course of stone. Actually, when you look at the front of the Barnes &
267 Noble, there is a two-tier base to those columns. But those columns are twice as
268 high as this building. So, we're only showing one, you know, stone element or
269 expanded base element on the Friday's building.

270

271 What we can do to mimic that same look is to use dryvit scoring and coloring
272 instead of just putting a row of cast stone, which would be cost prohibitive, along
273 the entire base of the building.

274

275 Also, if you look at the front and side of the shopping center, and all of those
276 elevations, the only place that the cast stone appears is at the base of the
277 columns. It does not appear across the front of the shopping center generally.

278

279 Actually, in the opinion of Friday's and their architect, having a cast stone base
280 across the entire building would really detract from the similarity with the
281 shopping center. But, other than that, and, perhaps, a slight disagreement on
282 whether matching the color of the pilaster to the color of the building, and
283 whether it gets washed out and you lose the detail.

284

285 Actually, when I spoke to Mr. Wilhite earlier today, he suggested that, perhaps,
286 as an alternative to matching the color of the base building, that we use the color
287 behind the Barnes and Noble sign. Bring out that element on the pilasters,
288 instead of using the brownish coffee color.

289

290 But, I think, at this point, with the changes that have been annotated, if we can
291 just simply make, instead of the cast masonry base, to match the main center,
292 do dryvit scoring to achieve the same effect, that we're pretty much there.

293

294 I have with me Darrell Atwood from Friday's.

295

296 Mr. Darryl Atwood, Fridays - Darryl Atwood from Fridays. I think what Tom
297 said here is correct. And, I think my biggest point in how our Friday brand
298 image is conveyed throughout our proto-type restaurants. And, of course, we've
299 come a stretch here from our proto-type restaurant which we feel already. But
300 on the pilasters, we really want to be able to maintain, which we still have

301 already, you know, grasp the color from the mall features, their top banding for
302 our banding as well, in trying to match that all the way down. That's one
303 element that we feel would be good on our side of it just for the fact it helps
304 break up the panes in our building, even though I know the mall doesn't actually
305 do that. We would rather have that be one, you know, consolation that we would
306 actually be able to maintain the darker color on our pilasters even though we
307 would go ahead, like I said, go with the EFIS scoring on the bottom of it to more
308 match what the mall is doing. That's really all extra I have to say.

309
310 Mr. O'Brien - I'd be happy to answer any questions. As you can tell,
311 we're down to very minor issues. And, in terms of, you know, gauging whether
312 we're of consistent architectural style, we've really just gotten down to, you
313 know, which color element will be pull directly from the shopping center and use
314 on the pilaster. We're not trying to introduce any new or different elements to
315 that.

316
317 Mr. Vanarsdall - Any questions by Commission members?
318

319 Mr. Taylor - What I would like to ask Mr. O'Brien to define for us
320 how you would propose an additional design step or a submittal review step to
321 include such features as the added cornices in there, the pyramid roof structures
322 in there, the reduced trademark colors are in there. But the recommended
323 design elements that you would have such as the cast masonry base match, and
324 the same type of architectural finish details or as closely as possible matching
325 those architectural finish details in the basic buildings in the TGIF Building so
326 that they do closely tie in with the basic building.

327
328 Mr. O'Brien - Well, I think the only, and the proper way to do that is
329 to have the annotated drawing that Mr. Wilhite has prepared annotated one step
330 further with respect to that base element. And, then, its just simply a matter,
331 when Friday's submits their construction drawings, as an example, we could
332 take the language that Kevin has added about a cast masonry base. We could
333 simply add, "or score dryvit" to match the look of the main center. And, then
334 once those plans are submitted, they would be reviewed by the Planning
335 Department to be sure they're in conformity with this POD approval. And, at
336 that time, if there was any question, we'd be left with either resolving the issue
337 with the Planning Department, or if there was an impasse, we would have to
338 back to the Planning Commission to make sure that was worked out. But, if
339 what we're trying to do is achieved a look by bringing in that element at the base,
340 we can achieve that through dryvit scoring. And, if the Commission would make
341 that change, have these plans annotated further to reflect that, I don't know that
342 there's any further review necessary other than Planning staff review of the
343 building permit.

344
345 Mr. Vanarsdall - Any other questions by Commission members?

346
347 Mr. Taylor - Thank you, Mr. O'Brien.
348
349 Mr. Vanarsdall - Mr. Taylor, do you have any more questions?
350
351 Mr. Taylor - No sir.
352
353 Mr. Vanarsdall - All right.
354
355 Mr. Taylor - I'm ready to make a motion.
356
357 Mr. Vanarsdall - All right, sir.
358
359 Mr. Taylor - Mr. Chairman, I would move that we approve POD-80-
360 99 as revised for Downtown Short Pump as proffered to match the basic design,
361 subject to the approval of annotated drawings and details by the Planning staff
362 to ensure conformity with basic design, and that the final design be as closely in
363 keeping with the basic building structure and decorated features.
364
365 Ms. Dwyer - Second.
366
367 Mr. Vanarsdall - Motion made by Mr. Taylor, seconded by Ms. Dwyer All
368 those in favor say aye— all those opposed by saying nay.
369
370 The Planning Commission approved POD-80-99 (Revised) Downtown Short
371 Pump, subject to the standard conditions attached to these minutes and the
372 following additional conditions:
373
374 **C-27C-00 James W. Theobald for Browder-Harris Company:**
375 Request to conditionally rezone from M-1 Light Industrial District to M-2C
376 General Industrial District (Conditional), Parcel 173-A-10B, described as follows:
377
378 Beginning at the southwest corner of the intersection of Lewis and Eubank
379 Roads; thence along the southern right-of-way line of Eubank Road S 89°41'00"
380 W 250.00' to a rod, such rod being the True Point of Beginning; thence S
381 89°41'00" W 239.85 to a rod; thence leaving the southern right-of-way line of
382 Eubank Road S 5°23'38" W 100.50' to a rod; thence S 00°19'00" E 309.95' to a
383 rod on the northern right-of-way line of Ferncroft Road; then along the northern
384 right-of-way line of Ferncroft Road N 89°41'00" E 249.85' to rod; thence leaving
385 the northern right-of-way line of Ferncroft Road N 00°19'00" W 409.95' to the
386 True Point of Beginning, containing 2.340 acres.
387
388 Mr. Marlles - The staff report will be given by Mr. Mark Bittner.
389

390 Mr. Vanarsdall - Any opposition to this case? Any one in the audience in
391 opposition to C-27C-00? No opposition. Mr. Mark Bittner. Good evening.

392
393 Mr. Mark Bittner, County Planner – Thank you, Mr. Vanarsdall. This property is
394 located between Eubank Road and Ferncroft Road, as well as a set of railroad
395 tracks that lie along its western border. The proposed development would house
396 a Sunbelt Rental operation and would rent small contracting and construction
397 equipment.

398
399 The property is flat and open. All the surrounding property is zoned M-1 and
400 contains several warehouse facilities. Directly to the east is a maintenance and
401 fueling facility for Groom Transportation. Further to the east, across Lewis
402 Road, is a Hilton Hotel. The proposed use is generally compatible with the
403 surrounding area.

404
405 The applicant has submitted revised proffers, which were just handed out to you. And
406 the time limit does not need to be waived to accept them. These new proffers address
407 the issues outlined in the staff report except for one outstanding item. The applicant
408 has proffered perimeter landscaping in the form of Leland Cypress trees around most
409 of the site. And they are shown on this conceptual layout plan you're looking at right
410 now (referring to slide).

411
412 However, these trees would only be installed if the site were developed as a contractor's
413 equipment rental yard. Staff would prefer to see these trees installed with any
414 development, not just the proposed use. If the site were to ultimately develop as
415 something other than the proposed use, these trees would not have to be planted.
416 These trees would be an asset to the site and the surrounding area no matter what use
417 might ultimately develop on this property. If the applicant were to address this issue,
418 staff could recommend approval of this application. I'd be happy to answer any
419 questions you may have.

420
421 Mr. Vanarsdall - Any questions by Commission members of Mr. Bittner? Mrs.
422 Quesinberry.

423
424 Mrs. Quesinberry - I just need to hear from Mr. Theobald briefly on this.

425
426 Mr. Vanarsdall - Good evening, Mr. Theobald.

427
428 Mr. James W. Theobald - Good evening, Mr. Chairman, ladies
429 and gentlemen. My name is Jim Theobald. I'm here this evening on behalf of Browder-
430 Harris Company. And Mrs. Quesinberry, we can cut to the chase, and I think I'm
431 content to eliminate the reference for any contractor's equipment rental yard in that
432 perimeter screening, thus, accomplishing, I think, what Mr. Bittner was interested in.
433 My only hesitancy had been, if we did something else, this perimeter landscaping may
434 not make sense. I have provided the ability for the Planning Commission to approve a

435 different perimeter plan to the extent that some day a different use were to be utilized,
436 it would be within your discretion to approve another perimeter plan. And I'm certainly
437 content with that. So, I'm happy to amend that this evening and initial it.

438
439 Mrs. Quesinberry - Okay. So, you're just going to take out, "contractor's
440 equipment rental yard," so it will read, "Perimeter landscaping shall be provided for
441 any..." generally consistent.

442
443 Mr. Theobald - Correct. It would be any use that would go on that site would
444 have this.

445
446 Mrs. Quesinberry - I'm happy. Are you happy?

447
448 Mr. Vanarsdall - Any other questions for Mr. Theobald? Thank you.

449
450 Mrs. Quesinberry - Okay. I'd like to make a motion to recommend approval of
451 Case C-27C-00 with the additional Proffers 1 and 2 that Mr. Theobald is going to make
452 the change to strike "...the contractor's rental equipment yard..." That's it.

453
454 Mr. Archer seconded the motion.

455
456 Mr. Vanarsdall - Motion made by Mrs. Quesinberry, seconded by Mr.
457 Archer. All those in favor say aye— all those opposed by saying nay. The vote is
458 5-0 (Mrs. O'Bannon abstained).

459
460 **REASON:** Acting on a motion by Mrs. Quesinberry, seconded by Mr. Archer, the
461 Planning Commission voted 5-0 (one abstention) to recommend that the Board of
462 Supervisors **grant** the request because it conforms to the recommendations of
463 the Land Use Plan; and it is appropriate industrial zoning in this area.

464
465
466 Mr. Vanarsdall - Before we take the next case, we have a request for another
467 deferment. It would be on Page 3. It's in the Fairfield District. It's C-29C-00. Mr.
468 Secretary.

469
470 **C-29C-00 Roy B. Amason for Virginia Center, L. L. C.:** Request to
471 amend proffered conditions accepted with Rezoning Case C-38C-97, on Parcel 44-A-1,
472 containing 8.416 acres, located on the north line of Virginia Center Parkway,
473 approximately 570 feet east of its intersection with Carriage Homes Way and 360 feet
474 west of its intersection with Carriage Point Lane. The amendment would allow the
475 development of 60 townhouse units instead of a 160 unit assisted care facility. The
476 Land Use Plan recommends Office.

477
478 Mr. Marlles - Yes sir, Mr. Chairman. We received a request for a deferral on
479 Case C-29C-00 for 30 days. This is a request by Roy B. Amason for Virginia Center.

480
481 Mr. Vanarsdall - Any one in the audience in opposition to the deferment of this
482 case this evening, C-29C-00? No opposition.
483
484 Mr. Archer - Mr. Householder, was there opposition here? Did they leave?
485
486 Mr. Householder - Yes sir.
487
488 Mr. Archer - They are aware of the deferral? Is that correct?
489
490 Mr. Householder - Yes.
491
492 Mr. Archer - Okay. Mr. Chairman, I move for deferral of C-29C-00 to the
493 May 11th meeting at the request of the applicant.
494
495 Mrs. Quesinberry seconded the motion.
496
497 Mr. Vanarsdall - Motion made by Mr. Archer, seconded by Mrs.
498 Quesinberry. All those in favor say aye— all those opposed by saying nay. The
499 vote is 5-0 (Mrs. O'Bannon abstained). Mr. Secretary, next case.

500

501 **Deferred from the March 9, 2000 Meeting:**

502 **C-16-00 Henry L. Wilton for Wilhook LLC:** Request to rezone
503 from R-3 One Family Residence District to C-1 Conservation District, Part of
504 Parcel 61-A-75, described as follows:

505

506 Commencing at a point on the northern right-of-way line of Parham Road, said
507 point being the southeast corner of Henrico County tax parcel number 81-A-76.
508 Thence, In a northeasterly direction along the right-of-way of said Parham Road
509 on a curve to the left with a radius of 2794.79 ft., a central angle of 5°31' 49" and
510 a length of 270 ft.+/- to a point. Thence continuing along the northern right-of-
511 way line of said Parham Road, N 48°58' 50"E, 167ft.+/- . Thence, leaving said
512 Parham Road N 52°06' 20"W, 394.77ft. to the Point of Beginning, Thence
513 continuing N 52°06' 20" W., 969.92 ft. to a point in the southern line of Hollins
514 Glen Subdivision, Thence, along the southern line of said Hollins Glen
515 Subdivision, N 72°01'10"E, 201.36ft. to a point on the easterly line of Laurel Dell
516 Subdivision, Thence along the said Easterly line through the following courses,
517 S41°14' 08"E, 106.82ft. Thence S36°14' 08"E, 48.47ft. Thence N53°45' 52"E,
518 46.11ft.,Thence S35°52' 48"E, 135.86ft, Thence N62°53' 02"E, 78.41ft. Thence
519 S48°09' 58"E, 116.39ft,Thence S28°28' 21"E, 40.87ft. Thence S33°51'40"E,
520 46.50ft,Thence N60 °16' 32"E, 26.63ft.Thence S48°09' 58"E, 171.632ft,Thence
521 S46°42' 03"W, 50.06ft. Thence S57°24' 18"E, 185.90ft.to a point on the Northern
522 Right-of Way Salua Drive Thence along said Northerly line of Salua Drive S32°54'
523 45"E, 99.39ft. Thence S57°35' 18"E, 5.70ft. Thence S63°43'47"W, 126.08ft to the
524 Point of Beginning and contains approximately 4.3 Ac.

525
526 Mr. Marles - Ms. Via is not here tonight, so the report will be given
527 by Mr. Eric Lawrence.
528 Mr. Vanarsdall - Anyone in the audience in opposition to this case? This
529 is C-16-00. No opposition. Do you have anything to add, Mr. Lawrence? I
530 would add that it was deferred because it was advertised wrong, so the applicant
531 didn't defer it for any reason. Any Commission members have any questions on
532 this case? If not, I'll make a motion. Thank you, Mr. Lawrence. I move C-16-00
533 Henry L. Wilton for Wilhook LLC be approved.

534
535 Mrs. Quesinberry seconded the motion.

536
537 Mr. Vanarsdall - Motion made by Mr. Vanarsdall, seconded by Mrs.
538 Quesinberry. All those in favor say aye— all those opposed by saying nay. The
539 vote is 5-0 (Mrs. O'Bannon abstained).

540
541 **REASON:** Acting on a motion by Mr. Vanarsdall, seconded by Mrs. Quesinberry,
542 the Planning Commission voted 5-0 (one abstention) to recommend that the
543 Board of Supervisors **grant** the request because it conforms with the objectives
544 and intent of the County's Comprehensive Plan.

545
546
547 **C-30C-00 Windsor Enterprises, L.L.C. for Faith Landmark**
548 **Ministries:** Request to amend proffered conditions accepted with Rezoning Case
549 C-84C-96, on part of Parcel 64-A-23N, located on the east line of Chamberlayne
550 Road, approximately 200' north of its intersection with Diane Lane. The
551 amendment is related to the buffer and fence requirements on the southern side
552 of the property. The Land Use Plan recommends Suburban Residential 1, 1.0 to
553 2.4 units net density per acre.

554
555 Mr. Marles - The report will be given by Mr. Eric Lawrence.

556
557 Mr. Vanarsdall - Any one in the audience in opposition to C-30C-00
558 Windsor Enterprises? Any opposition? All right.

559
560 Mr. Bill Timberlake - (Comments unintelligible-microphone not working).
561 We'd like to address it...

562
563 Mr. Vanarsdall - All right. Just a minute. Mr. Lawrence.

564
565 Mr. Lawrence - Thank you, Mr. Chairman. The applicant in this case is
566 Faith Landmark Ministries. They're requesting to amend the proffers related
567 with Case C-84C-96 that was approved by the Board of Supervisors in May of
568 1997. This amendment would decrease a portion of the 100-foot buffer against
569 the future Rolling Hills Subdivision and do away with the previously proffered

570 fence. This amendment would not affect the buffer or the existing fence along
571 the rear lots of the Shrader Woods development. The fence was never
572 constructed beyond the Shrader Woods development.

573
574 This amendment is actually at the request of the developer of Rolling Hills who
575 just recently received approval to rezone the adjacent properties through the
576 application C-66C-99 and has a subdivision planned pending with the County.
577 Greg Windsor, the developer for Rolling Hills, is acquiring this portion of the
578 buffer from the church in order to square off and deepen his lots. He is also not
579 in favor of the construction of the fence.

580
581 Staff supports this application and recommends approval. And I will point out
582 that there are representatives from the Church, and Andy Condlin is here to
583 represent the Rolling Hills development.

584
585 Mr. Vanarsdall - Thank you. Any questions for Mr. Lawrence by
586 Commission members? Mr. Condlin. Thank you, Mr. Lawrence.

587
588 Mr. Andrew M. Condlin - Mr. Chairman, members of the Commission, at the risk
589 of bringing in other opposition at 8:00 o'clock, the advertisement was technically
590 for 8:00 o'clock for this evening. I'd like to get a proper approval and I don't
591 believe we could hear the case tonight until 8:00 o'clock, even though its on the
592 agenda. The notice went out at 8:00 o'clock.

593
594 Mr. Vanarsdall - What do you mean, it was technically advertised?

595
596 Mr. Condlin - I don't know what it said in the paper, but I know the
597 neighbors received and our client received and said 8:00 o'clock for tonight. I
598 just wanted to make you aware of that.

599
600 Mr. Vanarsdall - Do you want us to pass it by then?

601
602 Mr. Condlin - I'd like to wait until 8:00 o'clock to make sure there's no
603 snafus on this one.

604
605 Mr. Vanarsdall - Mr. Archer.

606
607 Mr. Archer - I have no problem with that. I would like to ask the
608 gentleman who would like to speak, do you know if anybody else is coming?
609 Nobody else is?

610
611 Mr. Timberlake - Officially, from our Association, no.

612
613 Mr. Archer - Are you from Chickahominy Bluffs or Shrader Woods?

614

615 Mr. Timberlake - No. I'm from the Chamberlayne Recreation and Civic
616 Association.
617

618 Mr. Vanarsdall - Why don't you come up to the mike, and you're going to
619 be the committee of one, tonight.
620

621 Ms. Dwyer - Mr. Chairman, are we going to hear the case then? Are
622 we going to hear the case anyway?
623

624 Mr. Timberlake - We don't object to hearing it now.
625 Mr. Archer - I just wanted to know what your thoughts were.
626

627 Mr. Vanarsdall - We don't mind waiting.
628

629 Mr. Archer - We've only got a few minutes until 8:00 o'clock. I just
630 wanted to know if anybody else was coming, Mr. Chairman.
631

632 Mr. Timberlake - I don't see anybody from the neighborhood here.
633

634 Mr. O'Bannon - There appears to be quite a few people out in the
635 waiting out there; the lobby. I don't know who they're for; what case they're for.
636

637 Mr. Vanarsdall - Mr. Secretary, we will begin then at 8:00 o'clock with
638 this case.
639

640 Mr. Archer - That works for me.
641

642 Mr. Marlles - Mr. Chairman, would you care to take up any of the
643 items toward the end of the agenda that we may be able to cover during this time
644 period?
645

646 Mr. Vanarsdall - We can take anything you want to. We can take the
647 Rules and Regulations. Why don't we take the minutes and get those out of the
648 way?
649

650 Mr. Marlles - Okay.
651

652 Mr. Bittner - Also, Mr. Marlles, I was going to suggest that we may
653 set the work session for the West Broad Street Study.
654

655 Mr. Vanarsdall - All right. Anyone want to approve the minutes. Has
656 any one read them?
657

658 Acting on a motion by Ms. Dwyer, seconded by Mrs. Quesinberry, the Zoning
659 Minutes of March 9, 2000 were approved as corrected:

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Page 1, Date of the Minutes is March 9th.

Page 28, Line 1210 There's not a lot we can do.

Mr. Marlles - Mr. Chairman, I think the other item we can take care of is setting of the work session on the W. Broad Street/I-64 Land Use Study. Mr. Bittner, do you want to comment on that?

Mr. Bittner - Only briefly. As you're aware, we had a work session on this on December 9th last year recommending certain land uses for the study area. But, since that time, the County has acquired property at the corner of Pump, Three Chopt, and Broad Street which is intended to be a park. Because of that, we felt we should delay the study until that closing took place, and we were going to amend the study to incorporate the potential new park, which we have done. I can answer any questions. I can show it to you tonight if you wish, but the work session in May would be the time where we could go into depth on it and answer any Commissioner's questions. If you have any questions at this point, I'd be happy to try to answer them.

Mr. Vanarsdall - What do we do?

Mr. Marlles - You need to go ahead and set the work session.

Mr. Vanarsdall - Do you have any suggestions on a date?

Ms. Dwyer - I move we set the work session for May 11th at 6:00 o'clock.

Mr. Vanarsdall - Is that the only one you have is May 11th?

Mr. Bittner - That's the only one we had in mind. Right.

Mr. Vanarsdall - Okay. If that suits everybody, we don't need but one. May 11th at what time, Mr. Marlles?

Ms. Dwyer - 6:00 o'clock as suggested by staff.

Mr. Vanarsdall - Do I have a second?

Mrs. Quesinberry - Second.

Mr. Vanarsdall - Motion made by Ms. Dwyer, seconded by Mrs. Quesinberry. All those in favor say aye— all those opposed by saying nay. The vote is 5-0 (Mrs. O'Bannon abstained). Thank you.

705
706 Mr. Marles - Mr. Chairman, I think we do have enough time for staff
707 to present the proposed amendment to the Planning Commission's Rules and
708 Regulations. Mr. Silber has assured me that he can cover that in the remaining
709 time.
710
711 Mr. Vanarsdall - All right, Mr. Silber.
712
713 Mr. Randall R. Silber, Assistant Director of Planning - It depends on how many
714 questions I'm asked. Before we move on to that, can I back up on that last work
715 session. Since we're setting it at 6:00 o'clock, does the Planning Commission
716 have adequate time to get here, eat prior to getting here, or do you prefer that a
717 light dinner be provided for you say at 5:15 p.m. and you come and eat first?
718 Which is easier for you? You want to think about it and let us know?
719
720 Mrs. Quesinberry - No. We don't want to think about it.
721
722 Mr. Archer - It's extremely difficult to turn down an offer for a free
723 dinner.
724
725 Mr. Silber - I know, for some people, its hard to get here by 5:15
726 p.m. Okay, we'll provide a meal?
727
728 Mr. Archer - I was being a little bit facetious, but I'll go along with
729 whatever my colleagues want to do.
730
731 Ms. Dwyer - It doesn't matter.
732
733 Mrs. O'Bannon - Me either. It doesn't matter.
734
735 Mr. Silber - Okay. We'll provide a meal.
736
737 Mr. Taylor - And the starting time on that is 6:00 p.m.?
738
739 Mr. Silber - Why don't we make arrangements for a meal at 5:15
740 p.m., and the work session at 6:00 p.m. We'll find a location and we'll let you
741 know the location for the meal.
742
743 Mr. Vanarsdall - 5:15 p.m. meal, 6:00 o'clock work session.
744
745 Mr. Silber - Okay. In regards to the Planning Commission's Rules
746 and Regulations, you may recall that, sometime ago, the Planning Commission
747 asked that staff take a look at and prepare a draft on the Rules & Regulations
748 relative to two items: one being the expedited agenda for rezoning cases, and the

749 second being, providing some language in your rules and regulations dealing
750 with the restricting of time for presentations by the applicant or the opponents.

751
752 So, we have provided you with a draft of those changes, as well as, we've also
753 gone in and make a few other tweaks to the Rules and Regulations. I would just
754 like to run through these quickly. Does everyone have a copy of the Rules and
755 Regs that we sent you?

756
757 If you turn to Page 2 on Draft April 5, 2000; April 5, 2000 is at the bottom of the
758 page, the first change is about midway down, about the third or fourth
759 paragraph. This is simply a clarification that doesn't address either the major
760 issues that we're trying to tackle here. But what this does, it clarifies who would
761 preside over a meeting if the Chair or the Vice-Chair is absent.

762
763 This was discussed with our current Chairman, and it was felt that this may be
764 something that could occur on occasion. So this clarifies for the Planning
765 Commission's Rules and Regulations what would happen if that takes place.
766 And, basically, what this says is, that the remaining members of the Planning
767 Commission would decide who would chair at the meeting in the absence of the
768 Chairman and the Vice-Chairman. It is simply a clarification.

769
770 The other change on that page is down at the bottom, the second to last
771 paragraph. And this is simply a small change that reflects State Code. The
772 State Code now refers to Executive Sessions as "closed sessions". So, we've
773 made that change.

774
775 Mrs. Quesinberry - Just a grammatical error. If you make that "closed,"
776 just make it "a closed session," not "an closed session."

777
778 Mr. Silber - Thank you. That's correct. Thank you. On Page 3, this
779 is where we begin to get into the language that addresses the expedited agenda.
780 And you'll see in the third paragraph, we've added now, in addition to, the
781 expedited agenda for the POD's and subdivisions, we've also added applications
782 for rezonings and provisional uses.

783
784 At the bottom of that page, we then bring in the language that, basically, mirrors
785 the language that we have for POD's and subdivisions and related plans. So, the
786 same process that you have been following as a Commission on expedited
787 agendas for the POD meetings would now be instituted for rezoning cases.

788
789 There are some technical differences, in that the applicant needs to let staff know
790 by, perhaps, a different day than the case with PODs. But, basically, it is the
791 same language that's found in the preceding paragraphs.

792

793 So, what we would begin to do, if you approve this, is next month, there would
794 be a process set up whereby, if there are no issues on a zoning case, the staff is
795 recommending approval; the applicant submits a letter saying he'd like to be put
796 onto the expedited agenda. That would be done. If there is no opposition at the
797 meeting, then it could be handled very quickly. It would be placed on the
798 expedited agenda. It would be heard without any discussion.

799

800 If there is opposition at the meeting, then it would be appropriate for this to be
801 pulled off the expedited agenda and heard. If you turn over to Page 4, the
802 paragraph following the two bullets, it speaks to, it says, "Any member of the
803 Planning Commission may ask that any item be removed from the expedited
804 review agenda without a motion and with the consent of the Commission in
805 which case it would be heard on the regular agenda." So with the consensus of
806 the Commission, an item could be removed from the expedited agenda.

807

808 Ms. Dwyer - Randy, may I ask you a point here? That's not the way
809 we've been doing it in the past with PODs. I thought if anybody had a question
810 or concern, we would just take it off. It provides a mechanism for removing
811 cases from the expedited agenda if there was any question?

812

813 Mr. Silber - I think that is true. I don't know if that's found
814 somewhere else in here. But, I think, the thought here was that, if there was a
815 case that had been discussed and worked by a particular Commission member,
816 and another member maybe was less familiar with and wanted to pull it off, it
817 was felt it really should be the consensus of the entire Commission to pull
818 something off instead of someone taking it off, perhaps, without the consensus of
819 the other members.

820 Ms. Dwyer - I can't imagine that this would be a problem. But, you
821 know, the idea with PODs is that everybody's happy with it, and we, basically,
822 don't discuss it. We just vote on it and approve it. But, if, you know, someone
823 has a question or concern, then it would just be taken off, because that would
824 mean that there's a need to be some discussion on it. It seems to me that's the
825 way we've handled the PODs.

826

827 Mr. Silber - If a Commission member had a concern with a request,
828 is there anything wrong with it being a consensus of the rest of the Commission
829 to take it off? At the same time, I don't see where that would necessarily be a
830 problem?

831

832 Ms. Dwyer - I mean, I don't know, I'm just raising it because...

833

834 Mr. Silber - These are your rules and regulations and however you
835 want it phrased. Whatever rights you want to have or give other Commission
836 members is entirely up to you.

837

838 Mr. Vanarsdall - First of all, if you have a problem with the case, you can
839 call the Commissioner and talk to him about it, or call Planning and talk to them
840 about it, do your homework on it, and you won't have to pull it off at the public
841 hearing at the last minute when the Commissioner of the District has worked his
842 can off to get it right.

843
844 Ms. Dwyer - Of course, you may never know when an issue might
845 arise, or you know, it just seems to me that you are limiting discussion on
846 something that should have no outstanding issues or discussion on the case.
847 But, as I said, I can't imagine that it would be a problem. You know, if someone
848 wants to discuss a case, I can't imagine the Commission saying, "No. We refuse
849 to allow you to discuss a case." That's our purpose for being here.

850
851 Mr. Vanarsdall - All you're saying is, whoever is Chairman would just
852 say that anybody else have a problem with pulling it off. That's getting a
853 consensus of the Commission, and that's all you're saying, right? That's all
854 you're saying.

855
856 Ms. Dwyer - But that's an additional requirement that we don't have
857 now for the PODs. Is that right?

858
859 Mr. Silber - That's correct. But, I think this would apply...

860
861 Ms. Dwyer - Would this apply to PODs as well?

862
863 Mr. Silber - Since it follows both sections, I think it applies to both.
864 Unless I'm missing it, I think that applies to both. This would be a
865 circumstance for which something would be removed from the expedited agenda
866 whether it is a POD, Provisional Use Permit, a zoning case, or a subdivision.

867
868 Mrs. Quesinberry - Ms. Dwyer, would you just feel better if we said in that
869 paragraph, just put a period after the word, "motion?" So, that any member of
870 the Planning Commission may ask that any item be removed from the expedited
871 review agenda without a motion, period?

872
873 Ms. Dwyer - Well, yes, I guess that was my understanding of how
874 the expedited agenda would work. That if, there was no opposition, and then all
875 the Commissioners were happy with it, and nobody had any questions or
876 concerns, that's the case that we don't discuss. We vote on. We zip through.
877 But, if there is an outstanding issue, I know we've had on PODs, for instance,
878 when someone raised a question and we felt, "Well, let's just take it off of the
879 expedited agenda, and deal with those questions and that discussion at a later
880 time." I guess what I'm saying is, that was my understanding of how the
881 expedited agenda would work.

882

883 Mr. Vanarsdall - Well, let me ask you a question. Do you think it's fair if
884 you have it on the expedited agenda; it's on there for a reason and at the last
885 hour to say, "I would like to pull it off", and its your case and not mine?"

886
887 Ms. Dwyer - I think that would be fine, Mr. Vanarsdall. If you have a
888 concern about a case, I think you should be entitled to ask your question, and
889 have a discussion about your concern.

890
891 Mr. Vanarsdall - And how long would you have had the package; two
892 weeks?

893
894 Ms. Dwyer - Well, you know, what you're doing is cutting off
895 discussion on a case.

896
897 Mr. Vanarsdall - Well, let me read to you on Page 3 what it says. It says,
898 "The expedited agenda is to be used in order to make the most efficient use of the
899 Planning Commission's time to reduce unnecessary waiting by the public and
900 development community, and to conserve time for discussion of plans and
901 remaining issues or otherwise."

902
903 Ms. Dwyer - I agree with that wholeheartedly.

904
905 Mr. Vanarsdall - Okay.

906
907 Ms. Dwyer - And I was one of the people who really pushed to have
908 the expedited agenda as a part of the Commission's activities.

909
910 Mr. Vanarsdall - We talked about it in 1993.

911
912 Ms. Dwyer - I know it had been considered by past Commissions
913 and rejected. And, so, I'm not saying that the expedited agenda is not a good
914 idea. I think it's a wonderful idea and I wholeheartedly support it. I question
915 whether we want to cut off a legitimate question, and legitimate discussion; build
916 that into the process. If no one agrees with me and no one thinks its going to be
917 a problem, then let's move on.

918
919 Mr. Archer - Well, Ms. Dwyer, if I understand what you're saying, if
920 any discussion at all occurs, we remove it.

921
922 Ms. Dwyer - The way it happens I think in PODs, the way I've seen it
923 happen, if someone has a question like, "What does this say?" You know, it's a
924 fairly cut and dried question. We might answer that question, and go ahead and
925 keep it on the expedited agenda.

926
927 Mr. Vanarsdall - You can't see talking to the Commissioner?

928
929 Ms. Dwyer - Oh no. I think that's perfectly fine. I think that's a
930 good idea, Mr. Vanarsdall. But you can't always predict every issue and every
931 question in advance.
932
933 Mr. Vanarsdall - Well, you must know its an issue when it comes up, or
934 you wouldn't say, "I'd like to remove it," because nothing has been presented
935 other than here are the items on the expedited agenda. The Chairman calls out
936 a number, you are bound to know its an issue, or you couldn't object to it. So, if
937 you know its an issue, talk to somebody about it before it comes up.
938
939 Ms. Dwyer - I stated my concern.
940
941 Mr. Vanarsdall - Randy, I don't care what you do with it. I mean,
942 whatever you want to do. I would like to ask that, for my cases, that you would
943 show me the courtesy of telling me you have a problem with it in advance.
944
945 Ms. Dwyer - I guess the point, Mr. Vanarsdall, is not that one person
946 is or is not courteous to another, or does their homework. The question is, if
947 we're going to have an expedited agenda, it seems to me, there should be sort of
948 a hair trigger option to remove that case if there is any concern or discussion.
949
950 Mr. Vanarsdall - The purpose of the expedited agenda is what I just read
951 on Page 3. It's not for us. It's for the public and, including us, and to take time
952 on items that are more important.
953
954 Ms. Dwyer - Right.
955
956 Mr. Vanarsdall - So, anyway.
957
958 Ms. Dwyer - I don't disagree with that at all.
959
960 Mr. Silber - Ms. Dwyer, if there was a case that came forward, and
961 there was a particular question or uncertainty that you had, or any of you had
962 about a case, it seems as though, typically, you would say, "Would anyone here
963 have a problem if we discussed this more, and have it removed?" So, I think
964 what staff is saying is, by consensus, just by general poll, looking around, does
965 everybody agree this should be taken off? I'm not so sure that one Commission
966 member, over the objection of the other five, should have the right to say, "I don't
967 want this one heard."
968
969 Mr. Vanarsdall - I don't either.
970
971 Mr. Silber - It should be the general consensus of the full body. I
972 think every Commission member should have a right to state that they have a

973 question or concern with this case. But I think it should be the full consensus of
974 the group to decide whether it should be taken off or not.
975
976 Ms. Dwyer - Thank you.
977
978 Mr. Silber - But these are your rules and regulations. So...
979
980 Mr. Vanarsdall - Can we move on? We have four more minutes.
981
982 Mr. Silber - Okay. On the bottom half of Page 4, this is where we
983 begin to get into the restrictions on the presentation time that's allowed to
984 speakers. Currently, the Planning Commission's Rules and Regulations do not
985 limit the time in which people are allowed to speak. It has been a policy that has
986 been used, traditionally, for many years, but never appeared in your Rules and
987 Regulations. So, just to formalize that process to put it in here. So, this states
988 the process, basically, the Commission has been following for many years. So, it
989 formalizes that process.
990
991 Moving over to Page 6, this is a small change. But on No. 7, on Page 6, Item No.
992 7, this relates to cases that may be moved up on the agenda. Let me read this.
993 It says, "Cases shall be heard in the order in which they appear on the agenda,
994 except a case may be advanced for hearing by order of the Commission, under
995 good cause, shown with the concurrence..." and the underlined portions we're
996 adding, "...with the concurrence of the Chairman..." So, that has been added if
997 someone wants to move a case up on the agenda. That's the last change. That's
998 all the changes that we're recommending at this point. I'd be happy to answer
999 any questions.
1000
1001 Mr. Vanarsdall - Any questions of Mr. Silber? All right, I need a motion
1002 and a second. This is the latest we've ever approved one, isn't it?
1003
1004 Mr. Silber - Yes sir. We, typically, approve them at the beginning of
1005 the year.
1006
1007 Mr. Vanarsdall - No, wait a minute. April 15, 1999, so it's not too late.
1008 All right, can I have a motion?
1009
1010 Mrs. Quesinberry - I make a motion that we approve the Commission's
1011 Rules and Regulations, as amended.
1012
1013 Mr. Vanarsdall - Do I have a second?
1014
1015 Mr. Taylor seconded the motion.
1016

1017 Mr. Vanarsdall - Motion made by Mrs. Quesinberry, seconded by Mr.
1018 Taylor. All those in favor say aye— all those opposed by saying nay. The vote is
1019 4-1. Ms. Dwyer voted no and Mrs. O'Bannon abstained. All right, thank you,
1020 Mr. Silber.

1021
1022 Mr. Silber - Yes sir.

1023
1024 Mr. Vanarsdall - We made it two minutes before 8:00 p.m. So, we'll wait
1025 two more minutes, and then we'll start back.

1026
1027 I introduced a celebrity when we first began, and now we have another one. We
1028 have a former Commissioner from Henrico County. And that is Mrs. Mary Wade
1029 back in the back, smiling, and glad she's not up here.

1030
1031 Mr. Archer - Hi, Mrs. Wade.

1032
1033 Mr. Marles - Mr. Lawrence will present the requests for deferrals and
1034 withdrawals for our 8:00 o'clock agenda.

1035
1036 **C-33C-00 Henry L. Wilton for Wilton Development Corp.:**
1037 Request to conditionally rezone from RTH Residential Townhouse District to O-
1038 IC Office District (Conditional), part of Parcel 56-A-1B, containing approximately
1039 1.4 acres, located at the northwest intersection of Gayton Road and Lauderdale
1040 Drive. An office district is proposed. The use will be controlled by proffered
1041 conditions and zoning ordinance regulations. The Land Use Plan recommends
1042 Environmental Protection Area.

1043
1044 Mr. Lawrence - Thank you. On the 8:00 o'clock agenda, we only have
1045 one deferral. It's in Three Chopt District. C-33C-00 Henry Wilton for Wilton
1046 Development Corp. They have a requested a deferral to May 11, 2000 meeting.

1047
1048 Mr. Vanarsdall - Any one in the audience in opposition to the deferment
1049 of this case? This is C-33C-00 in the Three Chopt District, Henry Wilton? No
1050 opposition. Mr. Taylor.

1051
1052 Mr. Taylor - Mr. Chairman, I move that we defer Case C-33C-00 at
1053 the request of the applicant.

1054
1055 Mrs. Quesinberry seconded the motion.

1056
1057 Mr. Vanarsdall - Motion made by Mr. Taylor, seconded by Mrs.
1058 Quesinberry. All those in favor say aye— all those opposed by saying nay. The
1059 vote is 5-0 (Mrs. O'Bannon abstained). Thank you. Now, we'll go back to where
1060 we left off, Mr. Secretary.

1061

1062 **C-30C-00 Windsor Enterprises, L.L.C. for Faith Landmark**
1063 **Ministries:** Request to amend proffered conditions accepted with Rezoning Case
1064 C-84C-96, on part of Parcel 64-A-23N, located on the east line of Chamberlayne
1065 Road, approximately 200' north of its intersection with Diane Lane. The
1066 amendment is related to the buffer and fence requirements on the southern side
1067 of the property. The Land Use Plan recommends Suburban Residential 1, 1.0 to
1068 2.4 units net density per acre.

1069
1070 Mr. Marlles - The staff report will be given by Mr. Eric Lawrence.

1071
1072 Mr. Vanarsdall - The first time this was called, they didn't have the
1073 opposition we thought were coming. So, we delayed it. I don't believe you have
1074 any more company now, do you? Any opposition to this Case, C-30C-00?

1075
1076 Mr. Marlles - One gentleman, yes.

1077
1078 Mr. Vanarsdall - Your company didn't come, did they?

1079
1080 Mr. Bill Timberlake - No.

1081
1082 Mr. Vanarsdall - That's all right. Mr. Lawrence.

1083
1084 Mr. Lawrence - Thank you, Mr. Chairman. As we discussed, the
1085 applicant in this case, Faith Landmark Ministries is requesting to amend the
1086 proffers related to Case C-84C-96, which was approved by the Board of
1087 Supervisors in May of 1997. This amendment tonight would increase the portion
1088 of the 100-foot buffer against the future Rolling Hills Subdivision, and do away
1089 with the previously proffered fence.

1090
1091 This amendment would not affect the buffer or existing fence along the rear lots
1092 of the Shrader Woods development. The fence was never constructed beyond the
1093 Shrader Woods development.

1094
1095 This amendment is actually a request of the developer of Rolling Hills, who just
1096 recently received approval to rezone the property, and has a subdivision plan
1097 pending with the County. Craig Windsor, the developer of Rolling Hills, is
1098 acquiring this portion of the property from the Church in order to square it off,
1099 and deepen his lots. He is also not in favor of the construction of the fence.
1100 Staff supports this application and recommends approval. I'd be happy to
1101 answer any questions and Mr. Conclin is here.

1102
1103 Mr. Vanarsdall - Any questions of Mr. Lawrence by Commission
1104 members?

1105
1106 Mr. Archer - I don't have any now, Mr. Chairman. I may later.

1107
1108 Mr. Vanarsdall - All right, thank you.
1109
1110 Mr. Lawrence - Thank you.
1111
1112 Mr. Vanarsdall - We'll hear from the opposition or whoever would like to
1113 speak. We'd like to hear from you, sir. You've waited a long time.
1114 Mr. Timberlake - Mr. Chairman, I'm Bill Timberlake, representing the
1115 Chamberlayne Civic Association. In general, the Association does not oppose
1116 this proffer. We think along the same lines that Mr. Windsor does. The
1117 increased depth of the lots will be advantageous to us. But, the Association has
1118 voted, we ask you not to remove the proffer pertaining to the fence, and also that
1119 the 25 feet that's being deeded down to zero be required to remain as a buffer.
1120 Our biggest opposition is, we want to go on record as not letting this be a
1121 precedent setting event for the Church to change their proffers because they
1122 came to the community in good faith, and we accepted them in good faith. Now,
1123 they want to change their proffers which does bother us considerably. In
1124 general, that's our position on it. That information was given to Mr. Windsor's
1125 developer, and also to Ms. Dwyer. Thank you.
1126
1127 Mr. Vanarsdall - Any questions by Commission members?
1128
1129 Mr. Archer - Mr. Timberlake.
1130
1131 Mr. Timberlake - Yes sir.
1132
1133 Mr. Archer - Are you aware that, when the original proffer was made
1134 with the Church, I don't think it was done with the assumption that there would
1135 be a subdivision there at that time.
1136
1137 Mr. Timberlake - That's correct.
1138
1139 Mr. Archer - And, since this fence is on the back side of the proposed
1140 subdivision, how would that aid your community in anyway?
1141
1142 Mr. Timberlake - How would it aid the community?
1143
1144 Mr. Archer - I mean, of what bearing would it have on Chickahominy
1145 Bluffs?
1146
1147 Mr. Timberlake - I can only tell you what the Association voted on. My
1148 personal opinion I don't want to express to you.
1149
1150 Mr. Archer - Okay.
1151

1152 Mr. Timberlake - The community, as a whole, met and the Association
1153 did feel like the fence was necessary. That's all I can tell you.

1154
1155 Mr. Archer - Okay. You know, I can understand it having some
1156 bearing on maybe Shrader Woods, but I don't see where it has any effect at all on
1157 the other communities. There will be a subdivision between you and the fence.

1158
1159 Mr. Timberlake - That's correct, sir.

1160
1161 Mr. Archer - I won't ask you any more. Thank you, sir.

1162 Mr. Timberlake - Yes sir.

1163
1164 Mr. Archer - Mr. Condlin, I know you're itching to say something.

1165
1166 Mr. Vanarsdall - Do you have anything to say?

1167
1168 Mr. Andrew N. Condlin - Mr. Chairman, members of the Commission, my name
1169 is Andy Condlin. I have Angela Galunt here from Faith Landmark Ministries.
1170 The only thing I can say is that, my understanding of it, and I was not involved
1171 in the previous zoning case, but Mr. & Mrs. Wallace Coleman, who were the
1172 property owners of that where Rolling Hills Subdivision currently is, or will be,
1173 hopefully, upon tentative subdivision approval, wanted to retain the value for
1174 any developer that comes in. Quite honestly, Craig Windsor, who has done quite
1175 a bit of work in Henrico County, has stated that he doesn't want to have an alley
1176 condition created when lot owners will usually put a fence at the clearing point of
1177 their lots. Then you have a 100-foot buffer, and then their fence. That creates
1178 an alley. There is some dumping problems. I haven't seen those, personally, but
1179 there has been some reports given to me of dumping behind Shrader Woods and
1180 between the two fences between the lots and where the 100 feet is. That's a
1181 problem that he doesn't want to have to deal with. It is an adjacent property
1182 owner. There will be a subdivision between i.e. Rolling Hills between where the
1183 community will be. Shrader Woods already has a fence. This does nothing
1184 against Shrader Woods. It's only against Rolling Hills, reducing it by 28 feet at
1185 the most, the buffer, and then, otherwise, doing away with the fence.

1186
1187 Mr. Vanarsdall - Any questions of Mr. Condlin?

1188
1189 Mr. Condlin - Thank you.

1190
1191 Mr. Vanarsdall - Thank you. Mr. Archer.

1192
1193 Mr. Archer - Mr. Chairman, I am making note of Mr. Timberlake's
1194 concern as expressed by North Chamberlayne. And I will make sure that Mr.
1195 Thornton is aware of that prior to the time that the Board meets on this. But,
1196 based on the things that we talked about in terms of what little effect this fence

1197 would have at all on North Chamberlayne or Chickahominy Bluffs, I'm inclined,
1198 Mr. Chairman, to move for recommendation of approval of C-30C-00 to the
1199 Board.

1200
1201 Mrs. Quesinberry seconded the motion.

1202
1203 Mr. Vanarsdall - Motion made by Mr. Archer, seconded by Mrs.
1204 Quesinberry. All those in favor say aye— all those opposed by saying nay. The
1205 vote is 5-0 (Mrs. O'Bannon abstained).

1206
1207 **REASON:** Acting on a motion by Mr. Archer, seconded by Mrs. Quesinberry, the
1208 Planning Commission voted 5-0 (one abstention) to recommend that the Board of
1209 Supervisors **grant** the request because the proffers continue to assure a quality
1210 form of development with maximum protection afforded the adjacent properties.

1211 Mr. Vanarsdall - Next case, Mr. Secretary.

1212
1213 **Deferred from the March 9, 2000 Meeting:**

1214 **C-20C-00 Draper Aden Associates for Manorhouse Retirement**

1215 **Centers, Inc.:** Request to amend proffered conditions accepted with rezoning
1216 Case C-4C-98, on Parcel 69-A-92 and part of Parcel 59-A-97, containing 5.07
1217 acres, located on the west line of Skipwith Road approximately 90 feet north of
1218 its intersection with Larkwood Road. The amendment is related to the fencing
1219 material to be used on the property. The Land Use Plan recommends Suburban
1220 Residential 1, 1.0 to 2.4 units net density per acre and Multi-Family, 6.8 to 19.8
1221 units net density per acre.

1222
1223 Mr. Marlles - The staff report will be given by Mr. Mark Bittner.

1224
1225 Mr. Vanarsdall - Any one in the audience in opposition to this case? C-
1226 20C-00 Manorhouse Retirement Center, any opposition? No opposition. Mr.
1227 Bittner.

1228
1229 Mr. Bittner - Thank you, Mr. Vanarsdall. This application would
1230 amend Proffer #9 of C-4C-98 for the new Manorhouse Retirement Center located
1231 at 3000 Skipwith Road. The proffers currently require the installation of a 5-foot
1232 high wooden fence along the border of Parcel 69-A-93. This parcel is adjacent to
1233 the southern boundary of the Manorhouse site. I can point to it with the pen
1234 here (referring to slide). It's right there.

1235
1236 There's a combination of new and existing landscape material along this parcel's
1237 border. This area is also visible from the Skipwith Road right of way. The
1238 applicant does not want to install the required fence material because he feels it
1239 will be detrimental to the existing landscaping. The applicant is proposing
1240 installation of additional landscaping in place of the fence. Staff prefers that no
1241 fence be installed along this parcel and supports this request. This area is

1242 attractively landscaped, and installation of a fence or other material could
1243 potentially detract from its aesthetics.

1244
1245 The applicant has amended the proffers in accordance with the suggestions in
1246 the staff report, with the exception that the landscaping must be installed within
1247 120 days of approval of this amendment, instead of the 90-day limit suggested
1248 by staff. Staff feels that this is a minor point and has no objection to it.

1249
1250 Because this proposal would enhance the aesthetics along Parcel 69-A-93, and
1251 also along the Skipwith Road frontage, staff recommends approval. I'd be happy
1252 to answer any questions you may have.

1253
1254 Mr. Vanarsdall - Any questions for Mr. Bittner by Commission members?
1255 Thank you, Mr. Bittner. Mr. Taylor, do you want to hear from the applicant?

1256
1257 Mr. Taylor - Jeff, are you here?

1258
1259 Mr. Vanarsdall - Good evening.
1260 Mr. Mark Herth - Mr. Chairman, members of the Commission, my name
1261 is Mark Herth. I am Director of Development with Manorhouse Retirement
1262 Centers. I'll try to be as brief as possible. We're here this evening to present a
1263 proposed proffer amendment, as you've heard, regarding our existing assisted
1264 living facility at 3000 Skipwith Road.

1265
1266 On March 11, 1998, the Board of Supervisors approved our Plan of Development
1267 for our facility. We began construction soon thereafter, and opened our facility
1268 on October 1, 1999. One of the proffers in our approved Plan of Development, as
1269 staff has indicated, called for us to construct a wooden fence at least 5-feet in
1270 height along the boundary line between our property, and Parcel 69-A-93
1271 immediately to the south; the house and land owned by Mrs. Michelle Ajamy
1272 who is here this evening.

1273
1274 At the time our contractor was, actually, getting ready to construct the fence, it
1275 became apparent to build it would involve a tremendous amount of disruption to
1276 existing and mature vegetation. And, after consultation with County staff, Mrs.
1277 Ajamy and our consultants, we decided to propose, in lieu of the fence, to add to
1278 the mature landscaping already there, and the landscaping we had installed as
1279 part of the original project.

1280
1281 The final landscape plan was approved by the Planning Commission May 26,
1282 1999. It included the fence along our property boundary with Mrs. Ajamy. What
1283 we'd like to propose this evening would be to delete the requirement for that
1284 fence, and augment the existing landscaping with further additional landscaping
1285 material, particularly evergreens, four to five feet in height. And we would also
1286 propose going beyond the proffer amendment to extend that evergreen

1287 landscape; in essence, a living fence, on another 100 feet of our boundary
1288 further to the west along another adjacent property owner.

1289
1290 All and all, again, here, is an attempt, I think, to work with the existing plant
1291 material and the character of the neighborhood I'd be happy to answer any
1292 questions you might have. I have a graphic representation, if that's needed by
1293 the Commission. And that's the conclusion of my remarks.

1294
1295 Mr. Vanarsdall - All right, any questions by Commission members?
1296

1297 Mr. Taylor - I have a couple of questions to ask of Mr. Herth, if I
1298 might. First, Mr. Herth, I have a letter that was addressed to Mr. Kaechele from
1299 a Mr. Silver, who I believe is one of your neighbors there, asking him, or
1300 recognizing that he had certain requests that he had made of Manorhouse that
1301 seemed relatively minor. He asked to trim back a large tree; remove an old
1302 chicken wire fence, and third, cut down, or, at least, limb up a couple of small
1303 trees on the boundary line. And I thought I might ask you if these were included
1304 in your plans. They seem simple enough.

1305
1306 Mr. Herth - They've already been done.
1307

1308 Mr. Taylor - Already been done?
1309

1310 Mr. Herth - Yes.
1311

1312 Mr. Taylor - Thank you very much. Then the other question relates
1313 to the BMP that you have on that site. I know that's already constructed, but I
1314 recognize that the observation deck for many of your patients overlooks that
1315 corner of your property. And, I wonder if you might find it within your capability
1316 to improve the planting around that area and dress it up a little bit as a part of
1317 your...

1318
1319 Mr. Herth - Yes. We took a look at that. It's, actually, at the back
1320 of our facility which, I don't know if you were aware, actually, the loading dock
1321 faces the BMP. There is extensive landscaping around there now; weeping
1322 willows, Leyland cypress and whatnot. We are going to be augmenting that by
1323 seeding the pond with cattails. We're going to do that for aesthetic reasons, and
1324 recognizing that the pond, itself, could use a little dressing up. It's already
1325 surrounded very extensively by landscaping, and, given where it is, I think
1326 cattails would probably work out well.

1327
1328 Mr. Taylor - Thank you. Mr. Chairman, that's all I have.
1329

1330 Mr. Vanarsdall - All right. We need a motion, then.
1331

1332 Mr. Taylor - Mr. Chairman, I would move that Case C-20C-00
1333 request for amended proffers be approved as presented.

1334
1335 Mr. Archer - Is that it, Mr. Taylor. Second, Mr. Taylor.

1336
1337 Mr. Vanarsdall - Motion made by Mr. Taylor, seconded by Mr. Archer.
1338 All those in favor say aye— all those opposed by saying nay. The vote is 5-0
1339 (Mrs. O'Bannon abstained).

1340
1341 **REASON:** Acting on a motion by Mr. Taylor, seconded by Mr. Archer, the
1342 Planning Commission voted 5-0 (one abstention) to recommend that the Board of
1343 Supervisors **grant** the request because the proffers continue to assure a quality
1344 form of development with maximum protection afforded the adjacent properties.

1345
1346
1347 **C-31C-00 Jay M. Weinberg for Med Atlantic, Inc.:** Request to
1348 conditionally rezone from O-1 Office District and R-3 One Family Residence
1349 District to O-1C Office District (Conditional), Parcels 115-8-A-1, 4, 23 and 24,
1350 described as follows:

1351
1352 Beginning at a point at the northeastern intersection of Monument Avenue and
1353 Byrd Street, such point being the True Point of Beginning; thence along the
1354 eastern right-of-way line of Byrd Street N 36°53'45" E 260.00' to a point at the
1355 southeastern intersection of Byrd and Grace Streets; thence along a curve to the
1356 right having a radius of 15.00' for a length of 23.56' to a point; thence along the
1357 southern right-of-way line of Grace Street S 53°06'15" E 265.00' to a point;
1358 thence leaving the right-of-way line of Grace Street S 36°53'45" W 290.00' to a
1359 point on the northern right-of-way line of Monument Avenue; thence N 53°06'15"
1360 W 265.00' to a point; thence along a curve to the right having a radius of 15.00'
1361 for a length of 23.56' to the True Point of Beginning.

1362
1363 Mr. Marles - The staff report will be given by Mr. Lee Householder.

1364
1365 Mr. Vanarsdall - Any one in the audience in opposition to this case? Any
1366 opposition to C-31C-00 Med Atlantic, pertaining to the Urology Center. No
1367 opposition. Mr. Householder.

1368
1369 Mr. Lee Householder, County Planner - Thank you, Mr. Chairman. This request
1370 would rezone the subject property from O-1 and R-3 to O-1C, enabling the
1371 Urology Center of Virginia to develop a medical office building on this 1.78 acre
1372 site.

1373
1374 Located at the northeast intersection of Monument Avenue and Byrd Street and
1375 the southeast intersection of Byrd and Grace Streets, this site is adjacent to two
1376 established subdivisions, the North Willow Lawn Subdivision and Shenandoah

1377 Place Subdivision. This is Shenandoah Place here. This is North Willow Lawn
1378 there (referring to slide).

1379
1380 To the north, east, and west, the subject property is zoned R-3, and to the south,
1381 across the street from Monument Avenue, the property is R-6 and the Keswick
1382 Garden Apartments. The subject site consists of four individual parcels bounded
1383 by Monument, Byrd, and Grace, and it contains an existing office structure
1384 pictured here. This is the Urology Center (referring to slide). The remaining two
1385 parcels to the east have existing residential structures.

1386
1387 One of the structures fronts on Monument. The other fronts on Grace. And I
1388 also have pictures of the house on Monument. This is the house on Grace Street
1389 (referring to slide).

1390
1391 The applicant plans to demolish the existing office structure and the two
1392 residential structures next door. They have also filed a plan of development,
1393 POD-86-99 that is currently under review in the Planning Office.

1394
1395 The 2010 Land Use Plan recommends Office and Suburban Residential on this
1396 property. The two existing residences occupy the land that is recommended for
1397 Suburban Residential. The existing residences will be torn down, as I said, to
1398 make way for parking for the expanded medical office.

1399
1400 Staff feels this request is reasonable because the residential area provides
1401 additional development area for this project, and contributes to the overall
1402 quality of the development by providing extra area for landscaping and access
1403 and parking.

1404
1405 The applicant has been working with members of the adjacent community to
1406 come up with ways to let the impact of this expanded office development on the
1407 community. They have offered a number of proffered conditions to assist in
1408 negating impacts on the surrounding neighborhood.

1409
1410 Through proffering of buffers, mature tree preservation, and height limitations,
1411 lighting limitations, screening of trash receptacles, and HVAC units, the
1412 applicant has exhibited interest in minimizing the impact upon its neighbors.

1413
1414 They have also proffered to limit access to only Monument and Byrd Streets and
1415 construct a landscaping screening wall to act as a buffer from the adjacent
1416 residential properties to the east.

1417
1418 I also have pictures of this rear buffer area which they are proffering to remain in
1419 place at this time, and a couple different views of it. This is where they proffered
1420 a 30-foot buffer, and they've proffered to put additional landscaping in this area,
1421 and preserve the existing trees.

1422
1423 This preservation area was a great concern to the members of the community.
1424 Staff does have the following concerns about two of the proffers submitted by the
1425 applicant. Proffer No. 4 about drainage. We feel, as its written, it would put
1426 unnecessary responsibility on the County's Public Works Department. And the
1427 surrounding community is concerned about how this development will impact
1428 the drainage in the area. Staff recommends revised language that would
1429 eliminate focus on the County's Public Works Department.

1430
1431 Also, Proffer No. 7, the side yard screening, as it relates to the buffer. It's kind of
1432 confusing language. It's difficult to follow for a proffer. We recommend, instead,
1433 an exhibit be proffered that showed the approximate location of the wall.

1434
1435 Based on the existing and surrounding uses, and the proposed use, this
1436 proposal is appropriate for this location. The applicant has addressed the main
1437 concerns raised by staff, and surrounding property owners. If they can address
1438 the drainage concerns I mentioned in the proffer related to the buffer, we could
1439 recommend approval of this request. I will take any questions that you may
1440 have.

1441
1442 Mr. Vanarsdall - Any questions for Mr. Householder by Commission
1443 members?

1444
1445 Ms. Dwyer - Mr. Householder, I notice in Proffer 5, there's a mention
1446 that healthy and mature trees will be saved. What's the definition of "mature
1447 trees?"

1448
1449 Mr. Householder - I don't have a definition. I would imagine its open to
1450 interpretation, but I think its trying to relate to the trees that I showed in the
1451 picture. Without providing an exhibit that exactly showed them, I would say
1452 they just tried to word it without showing exactly the ones they...

1453
1454 Ms. Dwyer - Sometimes its defined by the tree caliper. Sometimes a
1455 specific commitment is made in that regard.

1456
1457 Mr. Householder - Possibly. It looks like the applicant is coming forward,
1458 so they might be able to provide a better answer to that question.

1459
1460 Ms. Dwyer - Were there any discussions with the neighbors about
1461 limiting construction entrances or is, in your opinion, the access provision
1462 include construction vehicles as well as...

1463
1464 Mr. Householder - The way its written, it says, "vehicular access to and
1465 from the property." I think that should apply to all vehicular access.

1466

1467 Ms. Dwyer - Thank you.
1468
1469 Mr. Vanarsdall - All right, any other questions? Mr. Weinberg, how are
1470 you tonight?
1471
1472 Mr. Jay M. Weinberg - Mr. Chairman, and members of the Commission, I am
1473 Jay Weinberg.
1474
1475 Mr. Vanarsdall - Do you want to answer that first question of Ms.
1476 Dwyer's?
1477
1478 Mr. Weinberg - Yes. Ms. Dwyer, I would think as a bear minimum,
1479 anything over 3.5-inch caliper and over six feet in height is a mature tree.
1480
1481 Mr. Vanarsdall - Three and one-half inches in diameter.
1482
1483 Mr. Weinberg - It would be really everything you see in the large green
1484 (referring to slide). That is actually a tree. They actually exist. Mr. Chairman,
1485 and members of the Commission, I am Jay Weinberg. I am appearing on behalf
1486 of the Virginia Urology Center. Dr. James Ratcliff, a principle and Terry Coffee
1487 are here, as well as Bruce Tyler from Baskerville, Architect in this case.
1488
1489 As stated by Mr. Householder, it is 1.78 acres of land. Presently, 75 percent of it
1490 is zoned O-1 Office with no proffered conditions, and the remaining 25 percent
1491 are the two adjoining lots. It is also occupied by the Urology Center, who would
1492 want to replace that facility with a new facility, subject to very significant
1493 proffered conditions.
1494
1495 We submit that this does represent the highest and best use of this property for
1496 the following reasons:
1497
1498 First of all, the site fronts on Monument Avenue, which is a major arterial, and is
1499 directly across the street from R-6 zoning, which is occupied by the Keswick
1500 Garden Apartments. As I said, 75 percent of the site, for many years, has been
1501 used for this very purpose.
1502
1503 Also, I think, as the staff, in its report states to you, that, based on the existing
1504 and surrounding and proposed use, this proposal is appropriate in this location,
1505 and that the request is reasonable because the two additional lots will contribute
1506 to the overall quality of the development by providing additional areas of parking
1507 and landscaping and access. For this reason we believe that it would not
1508 adversely affect the health, safety, and welfare of the community, and, in fact,
1509 represents its highest and best use.
1510

1511 If rezoned as requested, the existing medical facility will be demolished in stages,
1512 and the new state of the art facility will be constructed as designed by
1513 Baskerville, with off-street parking, landscaping, and buffering, and fencing
1514 provided.

1515
1516 The facility will be built in strict accordance with some 13 proffers which I will
1517 summarize as follows:

1518
1519 No. 1, there is a use restriction that these two lots on the eastern part, when
1520 those houses are removed, that can only be used for parking, landscaping, and
1521 the wall, and no building or addition to any building can be constructed on that
1522 portion of the property.

1523
1524 Vehicular access to and from the property is restricted to Monument Avenue,
1525 and Byrd Street, which is vitally important to the neighbors, and will not be
1526 permitted on Grace Street. And, I would agree with Ms. Dwyer's interpretation
1527 that means construction traffic also.

1528
1529 Curb drop inlets shall be located on the corner of Byrd and West Grace Street,
1530 and on West Grace Street on the eastern end of the property to collect storm
1531 drainage, not only from the subject property, but, also from the properties on the
1532 east which drain toward it.

1533
1534 The owner will cause its civil engineer to work with the County Public Works
1535 Department to assess and improve the drainage along the south side of Grace
1536 Street, and have agreed to meet Planning Commissioner Taylor and Mr. Tom
1537 McGranahan, area residents, and members of the Department of Public Works
1538 when our equipment is on the site so that we can coordinate and improve the
1539 drainage from the neighborhood properties which comes onto ours.

1540
1541 We have provided for landscape buffers. And I know staff's position on the wall,
1542 but it was decided among the neighbors that they would rather we come back at
1543 the time of Plan of Development with more definitive plans so they will have
1544 input as to the height, the material, and location. As you can see (referring to
1545 slide), that wall is designed to end approximately 10 feet from the property.

1546
1547 The building cannot exceed one story. We have provided for substantial side
1548 yard screening in accordance with mattes that were worked out with the
1549 neighbors. Rooftop heating and air-conditioning equipment must be screened
1550 from public view. And lighting fixtures must be reduced to no more than a half-
1551 foot candle; no more than 20 feet in height, and must be from a concealed
1552 source. Trash receptacles must be screened from public view. Trash pick up
1553 from the property is limited to the hours from 7:00 a.m. to 8:00 p.m., Monday
1554 through Friday, and 9:00 a.m. to 1:00 p.m. on Saturday, and nothing on
1555 Saturday.

1556
1557 We have the customary severance provision, so if any portion of this is
1558 unenforceable, then the rest remains in full effect.

1559
1560 All of the jurisdictional conditions precedent for the Commission to recommend
1561 approval of this case, subject to the proffered conditions, are complied with as we
1562 believe there is a need for the facility to continue the medical needs to the
1563 community. The change is consistent with the orderly development and growth
1564 of the community since 75 percent of the site is already zoned and used for this
1565 purpose. The change conforms to the County's plan for major street
1566 development, and does not adversely affect or impede the normal flow of traffic,
1567 as evidenced by the staff's statement that the adjacent roadway network can
1568 accommodate the additional traffic volumes to be generated by the rezoning, and
1569 Monument Avenue is a major arterial.

1570
1571 We submit that the changes do not constitute spot zoning, but is an orderly
1572 extension of the current Office zoning.

1573
1574 And for all of these reasons, Mr. Chairman, and members of the Commission, we
1575 respectfully request that you recommend approval of the case to the Board,
1576 subject to the proffered conditions. I'll be happy to answer any questions.

1577
1578 Mr. Vanarsdall - Any questions of Mr. Weinberg by Commission
1579 members?

1580
1581 Mr. Weinberg - Thank you.

1582
1583 Mr. Taylor - Mr. Weinberg, I have one. I know your engineer is here
1584 tonight, and, perhaps, Mr. Tyler would enjoy discussing the two issues that you
1585 have, particularly with regard to the drainage, because I know that's of some
1586 concern to the neighborhood. And then we have one representative from the
1587 neighborhood here representing the association.

1588
1589 Mr. Bruce Tyler - With regards to the drainage, currently, the site
1590 drainage goes down West Grace Street, and water comes off this site and runs
1591 down into the adjacent property owner's property. What we're going to be doing
1592 is, basically, on this property introducing new drop inlets at the corner of Byrd
1593 and Grace Street, and at the eastern boundary. And, by doing that, we'll have all
1594 the stormwater that is being pushed down the stream, collected at that point,
1595 brought onto the site, and then connected to the storm sewer system that carries
1596 up on Byrd Street.

1597
1598 Mr. Taylor - Would you please describe, by bringing it onsite, that
1599 that's an underground system?

1600

1601 Mr. Tyler - That is an underground system, similar to what a BMP
1602 pond that you see. Instead of having a pond on this site, we're going to literally
1603 enlarge the pipes under the parking area to absorb the drainage and take it off at
1604 the reasonable rate required by law now.

1605
1606 Mr. Taylor - Would you provide any estimate with regard to the
1607 capacity of that underground system?

1608
1609 Mr. Tyler - We have not done the final calculations on that at this
1610 time. We will do that when we address the Plan of Development.

1611 Mr. Taylor - The drainage here is of utmost concern.

1612
1613 Mr. Tyler - Absolutely.

1614
1615 Mr. Taylor - ...to the neighborhood. And we have had numerous
1616 questions and comments, suggestions as to what we might do, and this involves
1617 also the County.

1618
1619 Mr. Tyler - That's correct.

1620
1621 Mr. Taylor - And I've talked to Mr. Weinberg about this. I'd like for
1622 the neighborhood to understand, to the extent possible, Mr. Weinberg and the
1623 engineer have agreed to do whatever we can to resolve the drainage. And, it
1624 becomes indeterminate exactly what can be done, because we don't know exactly
1625 what the problem is. But I am assured, to the degree we can define the problem,
1626 we will be able to solve it. I would like to hear from the neighborhood because I
1627 know they have concerns.

1628
1629 Mr. Marles - Sir, before you leave the podium, would you mind
1630 stating your name?

1631
1632 Mr. Tyler - I'm sorry. My name is Bruce Tyler with Baskerville.

1633
1634 Mr. Dan Johnston - My name is Dan Johnston. I live and own the property
1635 at 5259 West Grace Street, which is the second house from the house that
1636 they're going to tear down. We were originally opposed to this when they first
1637 come up with it I think four years ago. But, this time, I think its probably the
1638 best compromise that we can make both ways, because those two residences are
1639 unoccupied. I would much rather have them torn down and a wall up there,
1640 than two empty houses to begin with.

1641
1642 There is a bad drainage situation on our street. I had water standing in my ditch
1643 for the last two months. And, on Monument Avenue, when the last rain we had,
1644 I had 1.4 inches in my rain gauge. The County put up a sign, "Watch out for

1645 high water” on Monument Avenue right across from the house that they’re going
1646 to tear down.

1647
1648 I had talked to several people today. I had a name. I didn’t bring it with me in
1649 the Public Works Department. And, I asked if there was any plans in the
1650 development by the County for Monument or Grace? He checked, and he came
1651 back and he said that, it is for Monument Avenue, but not for Grace Street.

1652
1653 I really feel that the only answer is going to ever be is to get curbs and gutter
1654 down that street. It will solve the problem. But, until we do, I’ve got a ditch to
1655 clean the mess out of it all the time. I’m always calling the County to unplug the
1656 pipes. They’ll go underneath the driveways. It’s just a bad situation. Thank
1657 you. We’re not opposed, with the proffers that he has mentioned, we agreed
1658 with, and feel very strongly that they should begin.

1659
1660 Mr. Vanarsdall - Any questions by Commission members? Thank you.
1661 Mr. Taylor - Thank you, Mr. Johnson.

1662
1663 Mr. Tyler - Other questions?
1664

1665 Mr. Taylor - I don’t really have any additional questions, except to
1666 the degree that we can work together, both the developer, the contractor, and the
1667 County to invoke whatever solution we have to this complicated problem,
1668 because, its obviously, a problem of some longstanding. And, while I recognize
1669 that you’re taking a lot of the hydraulic load off of this site, by virtue of your
1670 underground system. I feel its necessary that we work with the people in the
1671 neighborhood to do whatever we can to mitigate their problems.

1672
1673 Mr. Tyler - And that’s why we put this proffer in place.
1674

1675 Mr. Taylor - We will enjoy working with you in some degree of
1676 harmony.
1677

1678 Mr. Tyler - Okay.
1679

1680 Mr. Taylor - As we have in the past.
1681

1682 Ms. Dwyer - Mr. Taylor, I’m just making note of the staff report
1683 which addresses Proffer No.4, which addresses drainage. And the staff report
1684 says that proffer is difficult to enforce and may put unnecessary responsibility on
1685 the County’s Public Works Department, and recommends that it eliminate
1686 references to the County’s Public Works Department, and focus on whatever it is
1687 the applicant needs to do regarding drainage. I don’t think that’s been
1688 addressed.
1689

1690 Mr. Taylor - The difficulty with that, Ms. Dwyer, is the problem of
1691 the drainage involves the road which is a Henrico County asset, and it also
1692 involves the individual landowners areas. There is a difficult boundary between
1693 what we can do on private property, and what we hope the contractor will do on
1694 private property. And we can do whatever is necessary to work with them on
1695 County property to address whatever drainage.

1696
1697 Mr. Weinberg - The County out there has to give us permission to go on
1698 the County's right of way, as well as the private people. I can make the absolute
1699 representation that the drainage will be improved after full development. It will
1700 be significantly better than what it is today. But it requires the cooperation and
1701 assistance of the County, permitting us to go on the right of way, and approving
1702 what it is we attempt to do.

1703
1704 But I think the best evidence of our good faith in that is, in order to preserve all
1705 of those large trees in that 30 foot buffer across the northern part on Grace
1706 Street, the first plan, years ago, had a BMP in the middle of that. At significant
1707 expense, we're going to put that underground to keep that beautification and
1708 supplement which will take the water, as you say, it will discharge a tremendous
1709 amount of hydraulic load, and, therefore, make room for the water coming from
1710 Willow Lawn going west through our property. But everybody needs to be out
1711 there at that time with a cooperative spirit, and I commit for the record that
1712 cooperative spirit on our part.

1713 Ms. Dwyer - I understand that, and I'm sure that the County's
1714 Public Works Department will be glad to work with you. It's just that, normally,
1715 in a proffer, applicants don't commit the County to do anything. And I think
1716 that's what the staff was objecting to.

1717
1718 Mr. Weinberg - I think its language that the neighbors wanted. It's
1719 there because the neighbors wanted that comfort level. And we feel we made a
1720 commitment.

1721
1722 Mr. Tyler - I mean, we had several meetings with members of the
1723 community. And drainage was one of the No. 1 issues with regards to this
1724 discussion. So, we felt it was important, from our perspective, to work with the
1725 neighbors and try to resolve this issue. So, that's why we put the proffer there.

1726
1727 Mrs. O'Bannon - I'd like to ask a question. Since this would be part of a
1728 redevelopment of this property, what's the current height of the light fixtures
1729 around the property at this time?

1730
1731 Mr. Tyler - I am not sure of the current height of the light fixtures.
1732 I can tell you that the light fixtures that we're going to install are going to be
1733 similar to the ones that are at St. Mary's Hospital in terms of the low lighting

1734 which you see around, and in terms of the height which is approximately 15 to
1735 20 feet.

1736

1737 Mrs. O'Bannon - Because that's been a concern of neighbors when you're
1738 in a neighborhood like that.

1739

1740 Mr. Tyler - Absolutely.

1741

1742 Mrs. O'Bannon - That the 20-foot height, often they'll adjust it lower. I
1743 notice you have spent some time about the filament and bulb not extending
1744 below the frame, and so on and so forth and that they be that type of thing.

1745

1746 Mr. Tyler - ...and away from...

1747

1748 Mrs. O'Bannon - And directed away. And I know that will come up at the
1749 landscape and lighting plans.

1750

1751 Mr. Weinberg - It has to be directed away from the neighbors and it
1752 can't exceed a half of a foot candle at any of the perimeters of the property.

1753

1754 Mrs. O'Bannon - It's just that, in the past with redevelopments,
1755 particularly in the residential neighborhoods like this, or in development of any
1756 kind that's next to neighborhoods, I have a concern about this 20-foot tall light
1757 fixture.

1758

1759 Mr. Tyler - We can reduce the height of that light fixture, and we
1760 will just add additional polls to make up the difference.

1761

1762 Mrs. O'Bannon - And, I guess my first questions was, if the neighbors
1763 had ever had a concern over the lighting that's there now?

1764

1765 Mr. Weinberg - It was brought up in discussions. Yes.

1766

1767 Mrs. O'Bannon - He has some concern about the lighting in discussions?

1768

1769 Mr. Tyler - There was more concern expressed in the sense that
1770 there's a development near this community that everyone pointed to and said,
1771 "This is the type of light fixture we would like to have." And I cannot remember
1772 the exact location. I think its part of the Richmond Medical Office Park in that
1773 area, that light fixture there.

1774

1775 Mr. Marlles - Mr. Householder, could I ask you a couple of questions,
1776 please? Regarding Proffer No. 4, has either the County Attorney's Office or
1777 Public Works expressed any comments or an opinion on this proffer?

1778

1779 Mr. Householder - In their comments, they did not comment on that
1780 proffer in particular.
1781

1782 Mr. Marlles - Okay.
1783

1784 Mr. Householder - We just used our knowledge to make that comment.
1785

1786 Mr. Marlles - Okay.
1787

1788 Mr. Taylor - Mr. Marlles, if I may, I have personally discussed this
1789 with Mr. Thompson. And, the difficulty, as I stated before, we are trying to solve
1790 a problem we haven't yet been able to define. To the extent that we can define it,
1791 the Urology Center has been steadfast in whatever it is. They'll fix it with the
1792 help of the County. It's one of these things, "We'll know it when we see it." We'll
1793 figure out how to fix it. And the contractors for the Urology Center have agreed
1794 that they will fix it at minimal or no cost to the County. And I say that because
1795 it may be some parts that the County or pieces that the County may have to
1796 assist them with. Is that pretty correct, Mr. Tyler?
1797

1798 So, with that, even though we can't define it, I'm confident we'll know it when we
1799 see it and the engineers will be able to solve it when it comes up.
1800

1801 Mr. Vanarsdall - All right, any more questions by Commission members?
1802 All right, Mr. Taylor.
1803

1804 Mr. Taylor - Mr. Chairman, I would recommend that Case C-31C-00
1805 and Proffers 1 through 13 be approved as presented to conditionally rezone from
1806 O-1 Office and R-3 One Family Residence District to O-1 Office District, Parcels
1807 115-8-A-1, 4, 23, and 24 as proffered and as proposed.
1808

1809 Mr. Vanarsdall - Approval to the Board?
1810

1811 Mr. Taylor - For approval to the Board.
1812

1813 Mr. Vanarsdall - Thank you. Need a second?
1814

1815 Ms. Dwyer - Would these be the 3/31/2000 proffers? The ones
1816 dated 3/31?
1817

1818 Mr. Taylor - Yes. They would. I'm sorry; the proffers dated
1819 3/31/00.
1820

1821 Ms. Dwyer - Wait a minute. It's handwritten 3/31 and at the
1822 bottom, its 3/30; typed 3/30.
1823

1824 Mr. Vanarsdall - Which date should we use, Mr. Weinberg?
1825
1826 Mr. Taylor - All right, Mr. Chairman, I'll refine that to be the proffers
1827 dated 3/30/2000.
1828
1829 Mr. Vanarsdall - I need a second.
1830
1831 Mrs. Quesinberry seconded the motion.
1832
1833 Mr. Vanarsdall - Motion made by Mr. Taylor, seconded by Mrs.
1834 Quesinberry. All those in favor say aye— all those opposed by saying nay. The
1835 vote is 5-0 (Mrs. O'Bannon abstained).
1836
1837 **REASON:** Acting on a motion by Mr. Taylor, seconded by Mrs. Quesinberry, the
1838 Planning Commission voted 5-0 (one abstention) to recommend that the Board of
1839 Supervisors **grant** the request because it would not adversely affect the adjoining
1840 area if properly developed as proposed.
1841
1842
1843 **P-2-00 Denise Kranich for Innsbrook Foundation:** Request
1844 for a provisional use permit in accordance with Sections 24-62.2(f) and 24-122.1
1845 of Chapter 24 of the County Code in order to locate the outdoor Innsbrook
1846 Pavilion (temporary entertainment pavilion), on Parcel 28-1-B-100, containing
1847 7.402 acres, located on the south line of I-295 and approximately 320 feet north
1848 of the northern terminus of Lake Brook Drive. The site is zoned M-1C Light
1849 Industrial District (Conditional).
1850
1851 Mr. Marlles - The staff report will be given by Mr. Eric Lawrence.
1852
1853 Mr. Vanarsdall - Any one in the audience in opposition to P-2-00? No
1854 opposition. Mr. Lawrence.
1855
1856 Mr. Lawrence - Thank you, Mr. Chairman. This request would enable
1857 the Innsbrook Pavilion to temporarily remain on the subject property. The
1858 pavilion and concert series were temporarily located to the site in the spring of
1859 last year, while a permanent site was being selected. To date, a permanent
1860 location has yet to be selected.
1861
1862 The County issued a festival permit last year, which enabled the concert series to
1863 operate through last year's season. A provision of that festival permit stated that
1864 a Provisional Use Permit must be obtained prior to further consideration for a
1865 festival permit at this location.
1866
1867 Just looking at the map here, this is the North Innsbrook area. Currently, the
1868 festival pavilion is down in this area (referring to slide), if you can imagine the

1869 southeastern corner of the property. They're proposing to move it over where the
1870 label is (referring to slide) which is the western quadrant of the property.

1871
1872 The request to temporarily operate the Innsbrook Pavilion concert series from the
1873 property appears to be reasonable. If the Planning Commission determines the
1874 request is acceptable, staff recommends that the approval be made subject to the
1875 following conditions:

1876
1877 Condition No. 1. The Provisional Use Permit will expire on December 31, 2002
1878 whereas at such time that the construction of the parking area, as depicted on
1879 POD-84-97 is necessary to obtain a Certificate of Occupancy, whichever comes
1880 first.

1881
1882 What that condition does is currently there's a POD that's been approved for this
1883 property; actually three office buildings. So, what this provision would do is
1884 allow the Innsbrook Pavilion to operate on the site until the office buildings were
1885 completed, in which case the occupancy would be a trigger. And, if the office
1886 buildings are not built, there's a "drop-dead date," if you will, December 31,
1887 2002. That keeps it as a temporary use.

1888
1889 Condition No. 2. Security measures including, but not limited to fencing and
1890 security personnel will be provided to restrict unauthorized access to portions of
1891 the property for site improvements associated with POD-84-97 under
1892 construction.

1893
1894 Essentially, just keep the participants away from the construction site.

1895
1896 Condition No. 3. All musical and/or festival events shall obtain a festival permit
1897 as required by Article 4, Chapter 4, of the Henrico County Code.

1898
1899 Condition No. 4. The pavilion location and associated zoning ordinance
1900 requirements shall be illustrated on construction plans to be submitted to, and
1901 administratively approved by the Henrico County Planning Office. The pavilion
1902 shall be located in an area of the subject property's western boundary at a
1903 location furthest from the office building construction area. An addendum to
1904 POD-84-97 shall be submitted to, and administratively approved by the County
1905 addressing the parking area affected by the temporary location of the pavilion.

1906
1907 Staff believes the nature of this pavilion, a temporary use, is appropriate and
1908 suitable at this location. And with these four conditions, staff feels the
1909 application would be appropriate. I know there are representatives from the
1910 Innsbrook Foundations here this evening to address any of your concerns, and I
1911 would be happy to do the same.

1912

1913 Mr. Vanarsdall - Any questions for Mr. Lawrence by Commission
1914 members?
1915
1916 Mr. Marlles - Mr. Lawrence, the effect of this is just to give Innsbrook
1917 a little bit of time in order to find a permanent location for the pavilion?
1918
1919 Mr. Lawrence - That's correct. When they came to the site last year,
1920 they viewed it as a temporary site until they found a permanent location. They're
1921 still seeking a permanent location. So, with approval of this, they would have
1922 about three years, or when the office building is constructed to relocate from the
1923 site.
1924
1925 Mr. Vanarsdall - Mr. Taylor.
1926
1927 Mr. Taylor - Anybody else want to talk? We're ready for a motion,
1928 sir?
1929
1930 Mr. Vanarsdall - Yes sir.
1931
1932 Mr. Taylor - Mr. Chairman, then I recommend that Provisional Use
1933 Permit P-2-00, in accordance with Section 24-62.2(f) and 24-122.1 of Chapter 24
1934 of the County Code be approved as requested.
1935
1936 Mrs. Quesinberry - With the conditions?
1937
1938 Mr. Taylor - With the conditions...
1939
1940 Mr. Vanarsdall - One through four.
1941
1942 Mr. Taylor - With the Conditions 1 through 4.
1943
1944 Mrs. Quesinberry seconded the motion.
1945
1946 Mr. Vanarsdall - Motion made by Mr. Taylor, seconded by Mrs.
1947 Quesinberry. All those in favor say aye— all those opposed by saying nay. The
1948 vote is 5-0 (Mrs. O'Bannon abstained).
1949
1950 **REASON:** Acting on a motion by Mr. Taylor, seconded by Mrs. Quesinberry, the
1951 Planning Commission voted 5-0 (one abstention) to recommend that the Board of
1952 Supervisors **grant the requested revocable provisional use permit**, subject to
1953 the following conditions:
1954
1955 1. The Provisional Use Permit will expire on December 31, 2002, or at such time
1956 that construction of the parking area, as depicted on POD-84-97, is necessary
1957 to obtain a Certificate of Occupancy, whichever occurs first.

- 1958 2. Security measures, including but not limited to fencing and security
 1959 personnel, will be provided to restrict unauthorized access to portions of the
 1960 property where site improvements associated with POD-84-97 are under
 1961 construction.
 1962
 1963 3. All musical and/or festival events shall obtain a festival permit as required by
 1964 Article IV, Chapter 4 of the Henrico County Code.
 1965
 1966 4. The pavilion location and associated Zoning Ordinance requirements shall be
 1967 illustrated on construction plans to be submitted to, and be administratively
 1968 approved by, the Henrico County Planning Office. The pavilion shall be
 1969 located in an area at the subject property's western boundary, at a location
 1970 furthest from the office building construction area. An addendum to
 1971 POD-84-97 shall be submitted to and approved by the County addressing the
 1972 parking area affected by the temporary location of the pavilion.
 1973

1974 The Planning Commission's recommendation was based on the fact that the
 1975 Provisional Use Permit is reasonable in light of the surrounding uses and
 1976 existing zoning on the property; and it would not be expected to adversely affect
 1977 public safety, health or general welfare.
 1978
 1979

1980 **C-32C-00 James W. Theobald for Stuart E. Haynes, Jr.:**

1981 Request to conditionally rezone from A-1 Agricultural District to B-3C Business
 1982 District (Conditional), Parcel 59-A-5, described as follows:
 1983

1984 BEGINNING at a point on the south right-of-way line of West Broad Street Road,
 1985 781.15 feet west of the west line of Tuckemuck Drive; thence departing said
 1986 right-of-way line S31°15'05"W, 1351.45 feet to a point; thence N63°32'15"W,
 1987 339.10 feet to a point; thence N33°19'05"E, 1373.09 feet to a point on the south
 1988 right-of-way line of Broad Street Road; thence along said fight-of-way line
 1989 S63°49'44"E, 290.08 feet to the POINT OF BEGINNING, containing 9.857 acres
 1990 of land, all as shown on plat by Foster & Miller P.C., entitled "Plat of 9.857 Acres
 1991 Located on the South Line of West Broad Street Road, Three Chopt District,
 1992 Henrico County, Virginia", dated 5-21-97 and 5-27-97.
 1993

1994 Mr. Marles - The staff report will be given by Mr. Lawrence.
 1995

1996 Mr. Vanarsdall - Any one in the audience in opposition to Hayes Jeep?
 1997 No opposition. Mr. Lawrence.
 1998

1999 Mr. Lawrence - Thank you, Mr. Chairman. There's some proffers being
 2000 distributed to you right now. These were recent modifications that the applicant
 2001 made to address some of the last minute staff concerns. They were just received
 2002 today, so you'll have to waive the time limit if you feel they're acceptable.

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This application is a request to rezone approximately 10 acres from A-1 to B-3C enabling the construction of an automobile dealership. The subject property is located on West Broad Street adjacent to the Moore's Cadillac dealership and the Hickory Creek and Sundance Station Apartment complexes.

Just looking at the map, the large building just to the east, this would be the Moore's Cadillac. Just to the west is Sundance Station Apartments, and just to the, I guess it would be the southeast, this would be Hickory Creek Apartments.

This proposal is consistent with the 2010 Land Use Plan's commercial concentration designation for this site. It's proximity to residential uses should be considered in designing the site layout to lessen any impacts upon the existing residential uses surrounding it.

A number of proffered conditions have been submitted with this application. The applicant has revised these proffered conditions, and the most recent have been distributed to you. These most recent conditions address most of the concerns identified by staff.

The proffered conditions offer a number of things. They offer a 25-foot landscape strip along W. Broad Street. Within that 25-foot strip, there would be no parking or display of vehicles. So, it would be a natural open area.

They've proffered to increase the transitional buffer against the apartment complexes. Currently, the zoning ordinance requires 35 feet for the transitional buffer. They have proffered 39.5 feet for the area. The way it's written, it's 500 feet off Broad Street. So, it would be the area along the back half of the property if you can picture that.

The applicant has also proffered a maximum sign height of 30 feet. Staff feels that 30 feet is acceptable, but would also encourage the applicant to consider putting a limitation on the size of the sign. Presently, the Ordinance allows for a 150 square foot sign. Staff feels that may be a little excessive for this area with the apartments nearby. The restaurants, Tripps and Rockola, straight across the street, which share a sign and have combined square footage of 150; the two businesses. Staff feels 100 square feet is more appropriate. We've discussed this with the applicant, and the applicant feels that 150 is appropriate. That's why it has not been proffered up to this point.

Overall, staff feels that this application is acceptable. It is compatible with surrounding uses. And, through the proffered conditions, efforts have been made to lessen the impacts on the residential areas. Again, just to reiterate, staff feels that a smaller sign would be more appropriate. And, staff could support this application if the sign size was reduced.

2048
2049 I'd be happy to answer any questions you have, and Mr. Theobald is here to
2050 represent the applicant this evening.

2051
2052 Mr. Vanarsdall - All right, any questions for Mr. Lawrence by
2053 Commission members?

2054 Mr. Taylor - Mr. Chairman, I have one. What size sign would you
2055 recommend?

2056
2057 Mr. Lawrence - Staff believes 100-square feet is reasonable. Just based
2058 on a quick survey of the area, looking at the apartments nearby, and the newer
2059 development in the area seem to be having smaller signs.

2060
2061 It is mentioned the applicant was utilizing McGeorge Mercedes as an example of
2062 a nice designed site and staff concurred with that. It's a nice looking facility.
2063 McGeorge Mercedes has about a 83 square foot sign. So, staff feels if they're
2064 able to have that and have a nice design, this location that we're looking at for
2065 the new dealership, its proximity to the apartments seems like it should have a
2066 more reasonable size sign also. Staff feels 100 square feet would suit that.

2067
2068 Mr. Taylor - Thank you.

2069
2070 Ms. Dwyer - Mr. Lawrence.

2071
2072 Mr. Lawrence - Yes.

2073
2074 Ms. Dwyer - Is this going to be a ground-mounted sign?

2075
2076 Mr. Lawrence - What has been proffered is just 30 feet. I'll let the
2077 applicant address what type of sign he was considering.

2078
2079 Ms. Dwyer - Just looking at the ordinance, if it's a ground-mounted
2080 monument-style sign, which part of the sign counts toward the signage
2081 requirement? Is it just the face that has the writing on it, or it is the entire
2082 monument?

2083
2084 Mr. Lawrence - I believe its just the face; the actual display. It's not the
2085 body holding up the sign. It's the face that displays the business. Looking at the
2086 Infinity Dealership, that's considered a monument sign. And it's about an 80-
2087 square foot sign also, maybe 90. I forget the numbers. Obviously, that's not
2088 looking at the whole sign. That's just looking at the face.

2089
2090 Ms. Dwyer - Okay. Thank you.

2091
2092 Mr. Vanarsdall - Any other questions? Thank you.

2093
2094 Mr. Lawrence - Thank you. You want to hear from Mr. Theobald, don't
2095 you, Mr. Taylor?
2096
2097 Mr. Taylor - Yes, if he'd like to talk.
2098
2099 Mr. James W. Theobald - I'll be brief, unless you require
2100 a more lengthy presentation. Mr. Chairman, ladies and gentlemen, my name is
2101 Jim Theobald. I'm here on behalf of Haynes Jeep, Chrysler-Plymouth. This is a
2102 request to rezone approximately 10 acres adjacent to Moore's Cadillac for an
2103 automobile dealership.
2104
2105 Mr. Vanarsdall - You don't have any opposition. You know that, don't
2106 you?
2107
2108 Mr. Theobald - Sir?
2109
2110 Mr. Vanarsdall - You don't have any opposition.
2111
2112 Mr. Theobald - Let me, then, basically, say that this is an effort to just
2113 separate the Jeep, and Chrysler Dealership. We worked very hard with staff and
2114 the Planning Commissioner to come up with these proffered conditions.
2115
2116 This is a locally owned and operated business, and we believe that this will
2117 significantly increase your tax base, and have no effort on schools.
2118
2119 I will not summarize the proffers as, I know you all have had a chance to read
2120 them. I'd be more than happy to answer any questions.
2121
2122 Mr. Archer - Mr. Theobald, do you have any response to the Staff's
2123 concern about the sign?
2124
2125 Mr. Theobald - I do, sir. We have, basically, proffered a B-2 standard
2126 for signage by lowering it to 30 feet in height. The square footage for B-2 and B-
2127 3 signage is 150 square feet. I would note that the example cited by Mr.
2128 Lawrence of Tripps and Rockolo, while he mentioned they were two businesses,
2129 those signs sit one on top of another. So, it is, in effect, a 150-foot sign with
2130 Tripps being rectangular at the bottom with the Rockola medallion sitting
2131 directly on top of it. Moore's Cadillac appears to have in excess of a 150-foot
2132 sign immediately next door. And, on my way to the County this evening after
2133 stopping at Tripps for a bite to eat on the way in, noticing the sign, I also noticed
2134 that the Oldsmobile dealer and the Pontiac dealer appear on Broad have a
2135 similar rectangular sign. It looks like its approximately 150 square feet.
2136

2137 To give you some sense of the current sign that Haynes has is 150 square feet at
2138 their existing location. The Mercedes sign that was referenced, that was also a
2139 matter that I handled, and Mr. McGeorge literally moved his sign to a new
2140 dealership rather than fabricating another one. So, we're just asking to be
2141 treated, basically, like every other car dealership who, by the way, don't have 20
2142 some proffered conditions, and retain signage.

2143
2144 The apartment project, if you're familiar, you can see, this is really the second
2145 entrance (referring to slide) to that apartment site over here closest, and this is
2146 fully treed over here with their water feature on both sides of this road. So, the
2147 first building isn't until you get pretty far back into the site. They won't even see
2148 the sign from where they are, based on the buffering. This sign, frankly, it is
2149 consistent with the signage in the area. And, to do otherwise, I think would be
2150 treating us differently than our next door neighbor.

2151
2152 Mr. Vanarsdall - Thank you.

2153
2154 Mr. Taylor - May I ask one question, Mr. Theobald? Where is the
2155 sign going to be? Right in the center?

2156
2157 Mr. Theobald - It will be approximately in the center. There is a
2158 median break here that we will align our entrance drive, and the sign will be to
2159 the right or left of that on that entrance drive.

2160
2161 Mr. Taylor - Is there a possibility of a compromise here? Staff is
2162 looking for 100. You're looking for 150? So, can we strike a median figure, and
2163 make everybody joyful?

2164
2165 Mr. Theobald - And go home early. That we could do.

2166
2167 Mr. Taylor - Reduce it to 130?

2168
2169 Mr. Theobald - One hundred thirty (130) would work, yes sir.

2170
2171 Mr. Taylor - One hundred thirty (130), Mr. Chairman?

2172
2173 Mr. Vanarsdall - Yes sir.

2174
2175 Mrs. Quesinberry - Works for me.

2176
2177 Mr. Vanarsdall - Its up to you.

2178
2179 Mr. Theobald - I'm happy to write down on the original set, tonight, or
2180 refile it tomorrow. It's your pleasure.

2181

2182 Mr. Taylor - With that, Mr. Chairman, I would move that Case C-
2183 32C-00 to conditionally rezone from A-1 Agricultural to B-3C Business District
2184 (Conditional), the site containing 9.857 acres and Proffers 1 through 16, 17
2185 Amended to be 130 square feet for the area of the sign, and No. 18 be approved,
2186 as proffered.

2187
2188 Mrs. Quesinberry seconded the motion.

2189
2190 Mr. Vanarsdall - Motion made by Mr. Taylor, seconded by Mrs.
2191 Quesinberry. All those in favor say aye— all those opposed by saying nay. The
2192 vote is 5-0 (Mrs. O'Bannon abstained). Next case, Mr. Secretary.

2193
2194 **REASON:** Acting on a motion by Mr. Taylor, seconded by Mrs. Quesinberry, the
2195 Planning Commission voted 5-0 (one abstention) to recommend that the Board of
2196 Supervisors **grant** the request because it would not adversely affect the adjoining
2197 area if properly developed as proposed.

2198
2199 Mr. Marlles - The next two cases, Mr. Chairman, are companion
2200 cases. They're in the Tuckahoe District.

2201
2202 **C-21C-00 Gloria L. Freye for GHK Developments, Inc.:** Request
2203 to conditionally rezone from R-2A One Family Residence District, R-6C General
2204 Residence District (Conditional) and B-1 Business District to O-2C Office District
2205 (Conditional) and B-2C Business District (Conditional), Parcel 79-A-36 and 39,
2206 and part of Parcel 79-A-38A, described as follows:

2207
2208 Parcel A:
2209 Commencing at a point on the south line of Tuckaway Lane and the west line of
2210 Three Chopt Road: thence along the west line of Three Chopt Road S40°06'46"E a
2211 distance of 118.42 feet to a point, the point of beginning; thence continuing
2212 along the west line of Three Chopt Road S40°06'46"E a distance of 133.79 feet to
2213 a point,' thence S51°50'05"E a distance of 44.11 feet to a point,' thence
2214 S34°38'00"E a distance of 95.00 feet to a point,' thence S55°22'00" W a distance
2215 of 8.00 feet to a point, thence along a curve to the right having a radius of
2216 295.00 feet, an arc length of 272.88 feet, a chord bearing of S08°08'01"E. And a
2217 chord distance of 263.26 feet to a point.' thence S18°22'00"W a distance of 80.00
2218 feet to a rod found; thence departing the west line of Three Chopt Road N54°54'
2219 36" W a distance of 116.67 feet to a stone monument found: thence S58°04'10 W
2220 a distance of 22.50 feet to a point, thence N26°19'51"W a distance of 273.46 feet
2221 to a point,' thence along a curve to the right having a radius of 69.00 feet, an arc
2222 length of 40.97 feet. A chord bearing of N09'19'11" W and a chord distance of
2223 40.37 feet to a point; thence N70°41'29" E a distance of 37.29 feet to a point"
2224 thence N23°26'05" E a distance of 71.55 feet to a point; thence N67'56'12" W. a
2225 distance of 41.66 feet to a point, thence along a curve to the right having a
2226 radius of 316.56 feet, an arc length of 113.32 feet, a chord bearing of

2227 N36°36'52"E, a chord distance of 12.72 feet to a point on the west line of Three
2228 Chopt Road, the point of beginning, containing 90,788.9 square feet or 2.084
2229 acres.

2230
2231 Parcel B:
2232 Commencing at a point on the south line of Tuckaway Lane and the west line of
2233 Three Chopt Road, the point of beginning: thence along the west line of Three
2234 Chopt Road S40°06'46" E., a distance of 118.42 feet to a point, thence departing
2235 the west line of Three Chopt Road, along a curve to the left having a radius of
2236 316.56 feet an arc length of 113.32 feet, a chord bearing of S. 36°52"W, and a
2237 chord of 112.72 feet to a point, thence S67°56'12"E a distance of 41.66 feet to a
2238 point,' thence S23°26'05"W a distance of 71.55 feet to a point; thence
2239 S.07°41'29" W, a distance of 19.89 feet to a point; thence S58°34'25"W., a
2240 distance of 194.81 feet to a point,' thence S30°48'10" E, a distance of 246.22 feet
2241 to a point on the south line of Tuckaway Lane; thence along the south line of
2242 Tuckaway Lane N58°01'30"E a distance of 325.08 feet to a point on the west line
2243 of Three Chopt Road, the point of beginning: containing 71,890 square feet or
2244 1.650 acres.

2245
2246 Beginning at a point; thence S. 58°04'10" W., at a distance of 22.5' to a point;
2247 thence N. 26°19'51" W., at a distance of 278.3' to a point around a curve to the
2248 right through a central angle of 20°50'20", an arc distance of 141.6', a chord
2249 bearing of N. 11°27'04" E., at a distance of 140.8' to a point; thence N. 67° 27'
2250 28" W., at a distance of 33.3' to a point around a curve to the right through a
2251 central angle of 28°15'33" an arc distance of 120.8', a chord bearing of N. 36°40'
2252 19" E., at a distance of 119.6' to a point; thence S. 40°08'33" E., at a distance of
2253 134.3' to a point; thence S. 58°34'25" W., at a distance of 7.8' to a point' thence
2254 S. 51°50'05" E., at a distance of 44.1' to a point' thence S. 34°37' 57" E., at a
2255 distance of 45.2' to a point; thence S. 34°37'60" E., at a distance of 48.8' to a
2256 point around a curve to the right through a central angle of 46°29' 45" an arc
2257 distance of 274.4' a chord bearing of S. 06°35'39" E., at a distance of 266.9' to a
2258 point; thence S. 18°22'00" W., at a distance of 80.0' to a point; thence N.
2259 54°54'36" W., at a distance of 116.7' to a point to the Point of Beginning,
2260 containing 91585.9311 square feet or 2.1015 acres more or less.

2261
2262 All testimony heard under Case P-3-00?

2263
2264 **P-3-00 Gloria L. Freye for GHK Developments, Inc.:** Request
2265 for a provisional use permit in accordance with Sections 24-58.2(a) and 24-122.1
2266 of Chapter 24 of the County Code in order to permit 24-hour operation of a
2267 drugstore, on Parcel 79-A-36 and part of Parcels 79-A-38A and 39, containing
2268 2.1 acres located at the southwest intersection of Parham and Three Chopt
2269 Roads. The site is proposed to be rezoned to O-2C Office District (Conditional)
2270 and B-2C Business District (Conditional).

2271
2272 Mr. Marlles - The staff report will be given by Ms. Jo Ann Hunter.
2273
2274 Mr. Vanarsdall - The first case is C-21C-00. Is any one opposition to this
2275 case? I'll call this again, just for now, the companion case is...
2276
2277 Mr. James L. Jenkins - Mr. Chairman, we've been diligently meeting with Ms.
2278 Freye and the developer and the respective owner of the parcel trying to resolve
2279 the issues in this case. And its my understanding that the developer is going to
2280 offer an amendment that will proffer out, in addition to those proffers which you
2281 already have before you, which were just offered this afternoon, the amended
2282 version. There will be an additional amendment to proffer out any restaurant
2283 use. And we are looking not so much as what the initial use will be, but what
2284 the possible use will be, if, for any reason, a decision was made at some point, in
2285 the future, Henrico County wasn't going to be supportive of any other free-
2286 standing drug store and then what would happen to the property.
2287
2288 Mr. Vanarsdall - Mr. Jenkins, I'm going to cut you off. We're getting
2289 ahead of the case.
2290
2291 Mr. Jenkins - Yes.
2292
2293 Ms. Gloria L. Freye - Yes, Mr. Vanarsdall. His comments depend on whether
2294 we make that commitment, and we have made that commitment.
2295
2296 Mr. Vanarsdall - We have to finish the case. I appreciate your remarks.
2297 The companion case is for 24-hour service. Is there any one here in the
2298 audience in opposition to the 24 hours? All right, we're going to take these
2299 separately. Ms. Hunter.
2300
2301 Ms. Hunter - Thank you, Mr. Chairman. Members of the
2302 Commission, the applicant is requesting the rezoning in order to allow the re-
2303 development of the southwestern quadrant of Parham and Three Chopt Roads.
2304 The applicant is requesting B-2C zoning for 2.1 acres, and O-2C zoning for 1.65
2305 acres. A Walgreens Pharmacy is proposed for the B-2C portion, and an existing
2306 Post Office would be used for the O-2C portion.
2307
2308 If the rezoning is approved, the applicant is proposing to demolish the existing
2309 Exxon at Parham and Three Chopt Roads, and the Post Office entry would be
2310 relocated to have a shared entrance with the Walgreen facility. This fueling
2311 facility that is currently associated with the Post Office would be removed as part
2312 of proffers in the case (referring to slide). The applicant has proffered that the O-
2313 2 portion of the property would be limited to only Post Office use.
2314

2315 Revised proffers have been handed out to you this evening. You will need to
2316 waive the time limit to accept these proffers. They were submitted today.
2317 However, the applicant has been working with staff for the last several weeks to
2318 resolve the outstanding issues with the case.

2319
2320 As part of the case, the applicant has proffered this conceptual plan (referring to
2321 slide). And I want to show you where the existing property lines are to familiarize
2322 you with the case. (All referring to slide) This is the existing Exxon here. The
2323 building sits right about here. And the existing post office boundary goes up to
2324 the back of there and comes along right here now. And, then there's an existing
2325 single-family house that's located here (referring to slide).

2326
2327 With putting these three properties together, the applicant would construct the
2328 Walgreens on, let me clear off the old ones and put up the new ones (referring to
2329 renderings). The Walgreens would be constructed on this property line. The
2330 post office boundary would now go all the way over to Tuckaway Lane, and
2331 continue. This is the existing post office (all referring to slide).

2332
2333 With this proffered exhibit, the applicant is restricting the access. There would
2334 be only one access to Three Chopt Road and one access to Parham. This access
2335 here at Three Chopt would be shared between the Walgreens and the Post Office.
2336 This is a gated restricted entrance, just as it is currently with the post office.
2337 And the fueling facility that's currently located there would be removed.

2338
2339 We think it's a major benefit to go down from three access points on Three Chopt
2340 Road down to one shared access for all uses on that property.

2341
2342 The applicant has also proffered a 50-foot buffer along here (referring to slide)
2343 which is Tuckaway Lane.

2344
2345 Staff did have concerns in the staff report regarding the architecture of the site.
2346 The applicant is proposing to build the proto-type building which can be found
2347 at Hungary Springs and Broad. The applicant has amended their proffers to try
2348 to address staff's concerns and state that they would provide visual relief along
2349 the expanse of the wall along Parham and Three Chopt to break that up and to
2350 provide some visual relief.

2351
2352 Staff also recommended a 25-foot buffer along the entire frontage of the property.
2353 The applicant has committed to a 25-foot buffer along Parham Road, and a
2354 buffer that ranges between 10 and 15 feet on Three Chopt.

2355
2356 The applicant has committed to the landscaping requirements of the transitional
2357 buffer 25-foot requirements, exclusive of height, to address staff's concerns of
2358 additional landscaping.

2359

2360 Other proffers include: limiting signage to a monument-styled sign with a
2361 maximum height of 10 feet, a 50-foot buffer adjacent to Tuckaway Lane, and
2362 prohibition on the sale of alcohol and lottery tickets. Redevelopment of our
2363 oldest commercial properties is encouraged, and the proposed B-2C and O-2C
2364 zonings are consistent with our 2010 Land Use Plan. Staff supports this
2365 request.

2366
2367 There is a companion zoning case for extension of hours. Would you like to take
2368 questions on the rezoning, or would you like me to go ahead and review that?
2369 The applicant had requested a 24-hour Provisional Use Permit which is P-3-00. I
2370 just found out about five minutes ago that they do want to amend that request
2371 and request 2:00 o'clock a.m. It would be for the store and for the drive-thru.

2372
2373 The Zoning Ordinance permits hours of operation until midnight. The properties
2374 immediately adjacent include a combination of office and commercial uses.
2375 However, there are several residential neighborhoods near the subject property.

2376
2377 This intersection has developed more as an Office/Service node and does not
2378 include retail uses. The majority of the businesses in the immediate vicinity
2379 close at 11:00 p.m., and Parham Road is not considered one of our major retail
2380 corridors.

2381
2382 However, in 1996, Westbury Pharmacy, which is located at Three Chopt and
2383 Ridge, applied and was granted 24-hour operation for a pharmacy. However,
2384 they currently only operate until 1:00 a.m.

2385
2386 With most of the businesses closing in the area at 11:00 p.m. and property being
2387 in close proximity to surrounding residential neighborhoods, staff would support
2388 the drive-thru only being open until 2:00 a.m., subject to the conditions in the
2389 staff report. I'd be happy to answer any questions on either one of the cases.

2390
2391 Mr. Vanarsdall - Any questions for Ms. Hunter by Commission
2392 members? You said they have revised the proffers for the store and drive-up to
2393 2:00 a.m.?

2394
2395 Ms. Hunter - They have revised their Provisional Use Permit request
2396 until 2:00 a.m.

2397 Mr. Vanarsdall - Westbury doesn't have a drive-in at all, does it?

2398
2399 Ms. Hunter - They do not. No.

2400
2401 Mr. Taylor - What time in the morning would they open? If they
2402 close at 2:00 a.m., they reopen again at?

2403
2404 Ms. Hunter - 6:00 a.m.

2405
2406 Mr. Taylor - 6:00 a.m.? So that would be a 20-hour a day operation.
2407
2408 Mr. Vanarsdall - Any other questions for Ms. Hunter? Thank you, Ms.
2409 Hunter. You want to hear from the applicant, don't you, Ms. Dwyer?
2410
2411 Ms. Dwyer - Yes, I definitely do.
2412
2413 Mr. Vanarsdall - Good evening.
2414
2415 Mrs. Gloria Freye - Good evening, Mr. Chairman, members of the
2416 Commission. My name is Gloria Freye. I'm an attorney here on behalf of the
2417 applicant, GHK Development. Also here with me this evening is Gordon H.
2418 Cobb, the President of GHK. Also, Clark Jones, is the realtor that we want to
2419 give a lot of credit to for working for five years between the Post Office, the Best
2420 and Lloyd families, and Exxon to put this property together. It was quite a feat
2421 to assemble it.
2422
2423 This is a proposed redevelopment of an existing commercial property. The Exxon
2424 today, I think it would be agreed, doesn't meet today's standards and it has no
2425 proffered conditions on its zoning. So, this is a great opportunity to bring a site;
2426 redevelop it so that we not only bring it up to today's development standards, but
2427 also include zoning protections that the neighborhood would not otherwise have.
2428
2429 Not only has it been a challenge to put together from a real estate perspective,
2430 it's also a challenge from a development perspective. We do have some irregular
2431 property lines. We have irregular right-of-way lines. We do have constraints
2432 where we have to accommodate the Post Office's continued use without
2433 interfering their use. But we do have opportunities to make improvements here.
2434
2435 We did have two full community meetings. We've also talked with people by
2436 phone. We did hear a lot of concerns from the neighbors. And the revisions in
2437 the proffers that you see are the result of addressing those concerns the best we
2438 can, and also the concerns of the staff and the Commissioner, as well, who has
2439 worked very closely with us to try to the very best that we can, given the
2440 constraints that this property has.
2441
2442 We do have amended proffers that are before you. As Ms. Hunter explained, you
2443 will need to waive the 48-hour rule be accepted for review with this case. And I
2444 would like to make a further change that Mr. Jenkins referred to earlier. He
2445 wanted to condition his position of whether to oppose or not oppose this case on
2446 the fact that we were willing to make that proffered amendment.
2447
2448 We are willing to make that amendment. And in Proffer No. 4, where it talks
2449 about use restrictions, we would like to add a letter "p" that restricts restaurants.

2450 I do have Power of Attorney, and I'll be glad to make that written change, initial
2451 that this evening, and provide you with a corrected copy of it tomorrow.

2452
2453 I know that Ms. Hunter did a very good job going over the proffers with you, but I
2454 would like to highlight some of the proffers, particularly, that we were very
2455 sensitive to the Tuckaway Lane neighbors. I know that some of those neighbors
2456 are here this evening.

2457
2458 A very important proffer to those neighbors was the 50-foot buffer along
2459 Tuckaway Lane, and that area would be landscaped and that we would provide
2460 an 8-foot fence located 50 feet inside the property.

2461
2462 We also proffered that there would not be any access to Tuckaway Lane. And
2463 that there would be no lighting in that 50-foot buffer. And, I think the most
2464 important proffer that we revised was that the portion that would end up
2465 belonging to the post office would only be used as a Post Office.

2466
2467 We have proffered the conceptual plan that you have there. It's very helpful to
2468 show the irrigated landscaped buffer areas along Parham and Three Chopt. That
2469 was an area of particular difficulty to work with because of the irregularities and
2470 constraints of the property. Where we are able to give 25 feet, we have proffered
2471 that. And, actually, there are areas along that buffer that will exceed the 25 feet.
2472 However, where we get down to an area where we can't guarantee more than 10
2473 feet, plus the sidewalk, we've also proffered sidewalks. What we have done to
2474 mitigate to offset that space, is to plant it with a quantity, the same number of
2475 plants that would be required in a 25-foot buffer.

2476
2477 We know that we will work very closely with the neighbors and with the
2478 Commission at the time of Plan of Development review when our landscape plan
2479 comes forward.

2480
2481 I think its important that, in a buffer, you have distance that is helpful, but you
2482 also have plantings and there are ways that you can offset. And, I think that,
2483 while this will not be just one regular 25-foot strip, it will be places where it's 50
2484 feet, 25. And even in the 10-foot area, we have taken out parking spaces and
2485 bumped it out so that you would have depth in area where you have deeper than
2486 25 feet, even in the area where we can only guarantee 10. And I hope that's not
2487 confusing. But, I think on the Plan that I have on your screen, you'll see that it
2488 does narrow. I know this is not a landscape plan by any stretch of the
2489 imagination. And this doesn't purport to show you the 25-foot transitional buffer
2490 planting. But it does show you how we can widen it greater than 25 feet. And
2491 even in the most narrow places, how we can compensate for that is by adding
2492 additional plantings which we can deal with in particularly when we get to the
2493 Plan of Development review.

2494 We have proffered sidewalks, as I mentioned. And we have restricted the height
2495 of signs to 10 feet.

2496
2497 I'd be glad to discuss any of the other proffers that we have in there. Most of the
2498 others really go toward benefiting the public at large and the other neighbors
2499 that come through that intersection.

2500
2501 One of the major improvements in this development is the elimination of three of
2502 the access drives. This is a very busy intersection. It's a large intersection.
2503 Consistently from almost every person of the neighbors that we talked to, traffic
2504 was a major concern that they had.

2505
2506 We are proposing right and left turn lanes into this property which will improve
2507 traffic flow and it will make getting in and out of the property and through this
2508 intersection, people trying to on through the intersection who won't be backed
2509 up by others trying to get in and out of the property to make it safer than it
2510 currently is.

2511
2512 Because traffic has been a concern, we have tried to be very attuned to the
2513 recommendations that the County Traffic Engineer has made. One
2514 recommendation was that we be sure that the access on Three Chopt be at least
2515 150 feet from Tuckaway Lane. We had not shown that originally, but we have
2516 accommodated that suggestion as well. Another suggestion was that we extend
2517 the right turn lane in off of Three Chopt all the way down to Tuckaway Lane
2518 which we can do, and are willing to do that.

2519
2520 So that we are willing to make any recommendation that the Traffic Department
2521 is going to recommend, because not only do we want it to be safe for the
2522 neighbors, we want it to be safe for the customers to get in and out of this site.

2523
2524 It is our understanding that, and I don't want to over speak or misstate. I know
2525 that the Traffic Engineer is here. But, from what we understand, with the
2526 improvements that have been recommended and suggested, that the turning
2527 movements would be considered safe. That there is adequate stacking and it is
2528 adequate sight lines for what we're proposing.

2529
2530 In conclusion, we feel that this proposal is consistent with the Land Use Plan,
2531 and that it is compatible with the surrounding development. The development
2532 does promote the County's goals of revitalizing older commercial areas, and it
2533 builds in protections that the neighbors would not otherwise have. And for these
2534 reasons, we ask that you recommend approval of the rezoning. I'd be glad to
2535 answer questions about that or if you'd like...

2536
2537 Mr. Vanarsdall - Are there any questions - by Commission members for
2538 Ms. Freye?

2539
2540 Ms. Dwyer - Mrs. Freye, you mentioned one change adding
2541 Paragraph P.
2542
2543 Ms. Freye - Yes ma'am.
2544
2545 Ms. Dwyer - ...restricted uses. I believe that you mentioned that
2546 there was a correction on the listing of distances for the landscape buffer, a
2547 change from 115 to 130?
2548 Ms. Freye - And I believe that that should be marked in my
2549 handwriting on the handout that you have, from 115 to 130. When I got the
2550 conceptual plan in, I saw the 115, and thought that that was correct from the
2551 engineer. So, I went ahead and changed it to the 115. And when I questioned
2552 him on it, he said, "Oh no. The 130 was correct." So, I hand wrote that on your
2553 copies, and I do have typed substitute pages to submit to the case.
2554
2555 Ms. Dwyer - One other difference I noticed between the copy that
2556 you faxed to me at 6:55 a.m. this morning...
2557
2558 Ms. Freye - Started early today.
2559
2560 Ms. Dwyer - That's right. I woke up this morning to the sound of my
2561 fax machine. But anyway, the copy that we have. So, they're both dated today.
2562 But, I'm looking at the sidewalk proffer.
2563
2564 Ms. Freye - Yes ma'am.
2565
2566 Ms. Dwyer - And there does seem to be a difference. This morning's
2567 said, "...Sidewalks will be constructed on Parham and Three Chopt Roads rights-
2568 of-way where possible..." I think we had some discussion about the "where
2569 possible." Then, tonight's version says, "only along the B-2 portion."
2570
2571 Ms. Freye - That's correct. And, when I talked with Ms. Hunter
2572 about that, the way it was drafted before, it really wasn't clear that the sidewalks
2573 were only proposed for the commercial part. And also the way it was written, it
2574 wasn't clear that the "where possible," might have allowed some leeway, or some
2575 discretion about whether the sidewalks would be provided. So, I wanted to
2576 clarify that we were going to definitely provide the sidewalks on the commercial
2577 part.
2578
2579 When we had discussions with people in the community about sidewalks, we
2580 had really strong feelings against, and we had really strong feelings for. We
2581 thought that, as a compromise position, it was best to keep the sidewalks on the
2582 commercial corner, because people that would be walking and using the
2583 sidewalks would probably be in a situation where they would have to cross the

2584 intersection. And that's where they would be walking to would be the
2585 commercial areas and not necessarily walking to Tuckaway Lane or other
2586 residential areas.

2587
2588 So, in talking with the people along Tuckaway, it seemed like a reasonable
2589 compromise with them, is that the sidewalks would stay in the commercial area.
2590 So, that's why we worded it that way.

2591
2592 Ms. Dwyer - What about the people, I guess I'm thinking in the
2593 neighborhoods; Pine Creek Village, and I guess further down Three Chopt, who
2594 might want to walk up to McDonalds or walk to this drug store? It seems to me
2595 that providing a sidewalk along the entire frontage would facilitate their
2596 pedestrian access.

2597
2598 Ms. Freye - Ms. Dwyer, I felt like I was in a position, in talking with
2599 the applicant, and the applicant felt sort of "between a rock and a hard place,"
2600 that we were going to dissatisfy some people. The people who really wanted the
2601 sidewalks wanted to promote people who do walk along Parham, and to facilitate
2602 that and make it safer for them not to be in the right of way. The people who
2603 really did not want them were the residents, the people that live in houses, and
2604 said, "You know, we just really don't see why anybody would be walking down to
2605 our neighborhood." And, granted, some of the people I talked to were older
2606 people who said they probably would not walk themselves, and so they did not
2607 support the idea of having sidewalks there.

2608
2609 Now, in speaking for the applicant, he has told me, he is willing to do what is
2610 going to be the most desired by the County. So, we wrote that proffer as a way of
2611 trying to address the division that we had in the community, but we will be
2612 differential to what the County would desire in that situation.

2613
2614 Ms. Dwyer - I don't have any more questions at this time.

2615
2616 Mr. Taylor - With regard to your last point, the sidewalk, then,
2617 would not extend along the roadway frontage of that parking median that goes
2618 from Three Chopt Road and then curves around Parham Road. Is that correct?

2619
2620 Ms. Freye - The sidewalk, I'll show you where it would not be, what
2621 we had not proposed. We had not proposed the sidewalk in this area (referring
2622 to slide).

2623
2624 Mr. Taylor - Okay.

2625
2626 Ms. Freye - Across the office park that's not going to be developed.
2627 We would not propose a sidewalk there.

2628

2629 Mr. Taylor - Would a sidewalk be proposed from the corner with
2630 those four trees along Three Chopt going...

2631
2632 Ms. Freye - Yes sir. We're proposing a sidewalk would go all the
2633 way along this curve.

2634
2635 Mr. Taylor - All the way along? Okay. Now, in your cross-section,
2636 which I believe is Section A on the right side of this design sheet, it does not
2637 show; its blurry.

2638
2639 Ms. Freye - The sidewalks are not shown. No sir. This was drawn
2640 before we committed to do the sidewalks which was just Tuesday that we worked
2641 out the sidewalk proffer. So, they are not shown on this. No sir. This is not
2642 really illustrative of that.

2643
2644 Mr. Taylor - This one, Section A, that you have here, though, and I
2645 congratulate you on your thorough thoughtful landscaping scheme. But this
2646 looks like the median is bermed, and it is shrubbed on Section A, as I look at,
2647 which is before the sidewalk.

2648 Ms. Freye - Balzer & Associates is one of the civil engineers who
2649 drew this, and he is not here with us this evening. I know that there is some
2650 elevation changes in there. And I don't know if he was trying to depict that or
2651 not. But we really had not planned to put a berm in. So, if that makes you
2652 think we were going to put a berm in, we had not intended to do that.

2653
2654 Mr. Taylor - I guess, following that thought, if a berm in there with
2655 landscaping, a little maintenance landscaping may be preferable to a sidewalk,
2656 given that that sidewalk would just really go right along Parham and Three
2657 Chopt. And, as an alternative, there is adequate walkway inside of Walgreens
2658 and, perhaps, a sidewalk along the back by the Post Office would be a more
2659 suitable alternative.

2660
2661 Ms. Freye - I'm not a landscape architect. I know the County has
2662 those. I wouldn't say that we wouldn't consider that. I know that we've had
2663 problems with berming and planting and the irrigation system. Sometimes with
2664 a narrow space like that, you need a slope to make sure that the water retention.
2665 And, being an engineer with your background, I'm sure you probably know
2666 more about this than I do. What I would like to do is reserve the specific
2667 treatment of how we compensate for the smaller width, and where we locate the
2668 sidewalk at the time we do our landscape plan. And then we can show,
2669 specifically, what we could do, or what we could try to do and consider.

2670
2671 And, so, I would be glad to consider that, but I would like to defer that until we
2672 get to our landscape plan, and we can really see what the elevation is and what
2673 we have to work with.

2674
2675 Mr. Taylor - That's fine. Because one of the novel thoughts I had, is
2676 that landscaping is irrigated, that strip, and you're irrigating it at the same time
2677 people are walking, you would be providing free showers for any pedestrian that
2678 might be going that way.

2679
2680 Ms. Freye - Hopefully, we will time it that it maybe hopefully be off
2681 during the use times. We try to be more sensitive to pedestrians.

2682
2683 Mrs. O'Bannon - I spent Sunday, Monday, and Tuesday with the
2684 Chesapeake Bay Commission, working on the Chesapeake Bay 2000 agreement
2685 that's going to be coming up in June. One of the things that came up, was
2686 they're encouraging, you know, walking versus automobile use for air pollution.
2687 But, they're also encouraging "growing greens", as they call it, and doing green
2688 development to encourage, you know, for water runoff and all of that. Obviously,
2689 you have a kind of mix here. They want to encourage people to walk, and also
2690 want to encourage lots of trees, shrubs and grass.

2691
2692 I just throw that out there to that it's one of the things that I know is going to be
2693 coming up in the future, is a lot of "green" development and encouraging people
2694 to walk. And I think, I'm not sure that the Post Office, do they want you to enter
2695 the Post Office through this back entrance? I know there's some kind of gate
2696 there. They don't want you to enter the Post Office?

2697
2698 Ms. Freye - No ma'am. It is a secure site, and it will be gated.

2699 Mrs. O'Bannon - The idea, though, was to get people to walk more. And I
2700 agree with you. They're going to be coming from other neighborhoods. They, at
2701 least, need the safety of walking across the street at that intersection, things like
2702 that. I just wanted to point that out, that, having been at that meeting, and been
2703 totally full of "growing green and walking." I wanted to just point that out.
2704 That's something that we try to encourage. It's also something that our PDC is
2705 planning on paying a consultant to do a total regional area study of sidewalks
2706 and walking patterns, and bike paths. All this is the kind of thing that they're
2707 trying to encourage.

2708
2709 Ms. Freye - That was another thing we considered, Mrs. O'Bannon,
2710 is where this sidewalk would connect to. And that's why we thought, localizing it
2711 more toward the intersection where we've seen and heard that people do walk
2712 would be the most appropriate placement for it. But, again, the developer is
2713 willing to defer to the wishes of the County.

2714
2715 Mrs. O'Bannon - If I can mention, too, there's a Rite Aid at Ridge and
2716 North Ridge Roads. And they have a sidewalk along the front edge of that
2717 property. I've noticed that quite a few people will cross the street from the
2718 shopping center across the street. They really appreciate having that sidewalk

2719 there to enter the shopping center across the street. So, it does encourage
2720 people to come to the shopping center.

2721

2722 Ms. Freye - That's a good thing.

2723

2724 Ms. Dwyer - So, if I understand your commitment, Ms. Freye, you'd
2725 be willing to take out the reference to the B-2 portion for the sidewalk, and put
2726 the sidewalk along the entire property?

2727

2728 Ms. Freye - Could I consult with the developer?

2729

2730 Ms. Dwyer - Certainly.

2731

2732 Ms. Freye - Yes, Ms. Dwyer. We would be willing to make that
2733 amendment to the proffers.

2734

2735 Ms. Dwyer - So, it would say, "...Parham Road frontage of the
2736 property?"

2737

2738 Ms. Freye - Yes ma'am. We just strike, "in the B-2."

2739

2740 Ms. Dwyer - Thank you. I don't have any more questions at this
2741 time.

2742

2743 Mr. Vanarsdall - All right, does any one else have any?

2744

2745 Ms. Freye - Mr. Vanarsdall, did you want me to go ahead and speak
2746 to the Provisional Use Permit, at this point, or did you want to follow through
2747 with the zoning case?

2748

2749 Mr. Vanarsdall - We're going to take action on this...

2750

2751 Ms. Freye - Yes sir.

2752

2753 Mr. Vanarsdall - and then do the provisional use.

2754

2755 Ms. Freye - Yes sir.

2756

2757 Mr. Vanarsdall - All right, Ms. Dwyer, are you ready for a motion?

2758

2759 Ms. Dwyer - I would like to hear if there is any opposition. There
2760 seemed to be some earlier on.

2761

2762 Mr. Vanarsdall - Oh. I thought we only had that on the hours?

2763

2764 Ms. Dwyer - Was there any one else who wanted to speak?
2765
2766 Mr. Vanarsdall - Mr. Jenkins, do you want to speak?
2767
2768 Mr. James L. Jenkins - I just want to clarify for the record, I'm James L.
2769 Jenkins, and I represent the Pinedale Farms community, which is to the west of
2770 the subject parcel. We certainly had our concerns as it was initially proposed.
2771 Not so much for the use of the property for a Walgreens, but the problems that
2772 could arise as a result of precedent setting by way of B-2 zoning, and by way of a
2773 use permit for a 24-hour a day operation. Looking ahead, if the parcel was ever
2774 to be used by another occupant, and also the possibility of others who might
2775 come forward, particularly, at the northwest corner and propose B-2 uses.
2776
2777 We feel, however, that the proffers that have been offered, including the one that
2778 was added tonight, to proffer out uses for a restaurant, and the fact that there's
2779 a proffer for no alcoholic beverages, and now they're coming forward on the use
2780 permit to limit hours of operation not beyond 2:00 a.m. That you have so
2781 constricted the use to B-2 zoning, that you don't establish the same precedent
2782 that you had otherwise established. Therefore, we take comfort from that and we
2783 would go ahead and support the application.
2784
2785 Mr. Vanarsdall - All right. Thank you, Mr. Jenkins.
2786
2787 Ms. Dwyer - Thank you, Mr. Jenkins.
2788
2789 Mr. Vanarsdall - Any one else? I believe that's all, Ms. Dwyer.
2790
2791 Ms. Dwyer - All right, ready for a motion. I want to thank Ms. Freye
2792 for her diligence and early faxes. We've had a number of issues to work out and
2793 have been dealing with this fairly consistently for the last several weeks, and I
2794 think that's evidenced in the proffers.
2795
2796 I still have some remaining concerns about this 25-foot landscape buffer along
2797 the front, but there has been a commitment to beef up the landscaping in
2798 accordance with the transitional 25 foot requirements. So, we will be looking
2799 forward to seeing how that works out along here. And parking spaces have been
2800 removed in the narrowest portion to allow an island of landscaping that will be
2801 larger, at least, in that one portion of the smallest section of the landscape
2802 buffer. So, that is some compensation on that issue.
2803
2804 I think the case has a number of positive proffers to recommend it, particularly,
2805 the number of uses that have been proffered out. The elimination of alcohol and
2806 lottery sales go a long way to make this an acceptable case.
2807

2808 The access restrictions, I know in neighborhood meetings, there were some
2809 concern about the traffic at this intersection. It's notorious, I think, for numbers
2810 of accidents. Recently, in the Henrico County Leader, it was reported as one of
2811 the top 10 accident-prone intersections in the County.
2812

2813 We are taking, by my count, five access points and limiting it now to two access
2814 points. By eliminating three potential points of conflict along here, I think this is
2815 a substantial improvement, and I hope would improve the safety situation at the
2816 intersection.
2817

2818 There is also some concern about left hand turns out of this store. People
2819 making left hand turns going west bound on Three Chopt. And, I spoke to Mr.
2820 Foster who assured me that there's adequate site distance to make a safe
2821 maneuver there. How frequently you might be able to make it, in light of the
2822 traffic situation is another issue. But, we have to assume that people will make
2823 safe maneuvers if the characteristics of the intersection allow for that. And I'm
2824 assured by Mr. Foster that is the case.
2825

2826 I think the sidewalks are very important. I think we want to promote pedestrian
2827 access throughout the County. It's often difficult in a district such as Tuckahoe,
2828 because we're so fully developed, and we were developed at a time when
2829 sidewalks were not in favor. So, I'm happy to see that, and glad that you're
2830 willing to extend that.
2831

2832 So, I'm going to recommend to the Board that Case C-21C-00 be approved, with
2833 three changes that I'll review. Some of them are already in this version of the
2834 proffers that have been submitted, but I'm going to review them again, for the
2835 record.
2836

2837 The first is the addition of Subparagraph (p) in Paragraph 4 of the proffers which
2838 eliminates restaurants as a permitted use. And Proffer 10, Subparagraph B,
2839 there's a change from 115 feet to 130 feet. And, then in Proffer No. 12, the
2840 reference to the B-2 portion of the property has been eliminated so that the
2841 sidewalk will extend along the entire frontage of the property.
2842

2843 I move to waive the time limits. Excuse me.
2844

2845 Mr. Vanarsdall - I believe we're going to have to do that, because its
2846 dated the 13th.
2847

2848 Ms. Dwyer - All right. I move we waive the time limits on the case.
2849

2850 Mrs. Quesinberry seconded the motion.

2851 Mr. Vanarsdall - Motion made by Ms. Dwyer, seconded by Mrs.
2852 Quesinberry. All those in favor say aye— all those opposed by saying nay. The
2853 vote is 5-0 (Mrs. O'Bannon abstained). Thank you.

2854
2855 Ms. Dwyer - Now, I'd like to ditto everything I said before, and move
2856 that we recommend C-21C-00 to the Board of Supervisors for approval.

2857
2858 Mrs. Quesinberry seconded the motion.

2859
2860 Mr. Vanarsdall - Motion made by Ms. Dwyer, seconded by Mrs.
2861 Quesinberry. All those in favor say aye— all those opposed by saying nay. The
2862 vote is 5-0 (Mrs. O'Bannon abstained). Now, we'll have the portion of the case,
2863 the Provisional Use Permit P-3-00. I've already called for opposition, and there is
2864 opposition.

2865
2866 **REASON:** Acting on a motion by Ms. Dwyer, seconded by Mrs. Quesinberry, the
2867 Planning Commission voted 5-0 (one abstention) to recommend that the Board of
2868 Supervisors **grant** the request because it would not adversely affect the adjoining
2869 area if properly developed as proposed; and the proffered conditions will provide
2870 appropriate quality assurances not otherwise available.

2871
2872
2873 Ms. Dwyer - I believe Ms. Hunter has already made her presentation
2874 on this issue.

2875
2876 Mr. Vanarsdall - Right. Ms. Hunter has already done it.

2877
2878 Ms. Freye - Thank you, Mr. Chairman. Members of the
2879 Commission, my name is Gloria Freye. I'm an attorney here on behalf of the
2880 applicant who has submitted an application asking for a Provisional Use Permit
2881 to allow 24 hours operation at this proposed Walgreens Drug Store.

2882
2883 We would, at this time, like to amend that application to request, instead of 24-
2884 hour operation, that we ask for extended hours for the drug store until 2:00 a.m.
2885 And we have very closely reviewed with Walgreens line by line, the conditions
2886 that have been recommended by staff, including the security guard, the
2887 surveillance cameras, all the security measures that are outlined in those
2888 conditions are wholeheartedly endorsed and accepted by Walgreens, and they
2889 would be complied with.

2890
2891 Walgreens wants to serve the needs of its customers around the close.
2892 Unfortunately, there were very strong feelings in the community that 24-hours
2893 seemed excessive to people. We received comments that there were other 24-
2894 hour facilities that people could go to if they were in dire need. And, that they
2895 didn't think that 24 hours should be here.

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And, primarily, the rationale for that, people were very much concerned about precedent. However, people have needs; medical and otherwise all times of the day and night. Walgreens would like to be able to serve its customers and be a convenient service at that. And, also, Walgreens wants to be in a competitive position with the other drug store that is located nearby. There is a drug store within a half mile that has a permit to be open for 24 hours. They have chosen not to, at this point in time, but they could if they so desired.

But in deference to the concerns, the very strong feelings that have been expressed to Walgreens about the 24 hours, we do now want to amend the application back to just be open to 2:00 a.m. And they are in agreement with the conditions, as I said. Walgreens is not in anyone's back yard. There are neighbors fairly close by. I think it would be helpful for you to know that, most of the people that we talked to on Tuckaway said, "If you're going to be a good neighbor, you'll be a good neighbor all the time." And we felt like that, with the protections that we built, particularly for the Tuckaway Lane people; the worst I heard about the hours from the Tuckaway residents was, "Well I'm not for it and I'm not against it. I'm probably going to get my prescriptions somewhere else because she's a customer of another facility," which is fine. But I think that the closest neighbors there at Tuckaway Lane were not opposed to it being opened 24 hours, and would not be opposed to the extension to the 2:00 a.m.

We did check the crime reports for this property operating as an Exxon. There were five reported incidents last year. And the breakdown on that was, there was one vehicle accident. There was one larceny; one suspicious situation, and two vandalism incidents that were reported on this property.

I think its important that there were no crimes against persons here. And, with the security measures that are being imposed, and would be adhered to, I think it would be a safe secure situation not only for the customers using this facility after hours, but also the public at large.

So, for those reasons, we would ask that you recommend approval of the extension of hours to 2:00 a.m. I'd be glad to respond to any questions that you have.

Mr. Vanarsdall - Any questions for Ms. Freye?

Ms. Dwyer - Ms. Freye, the staff recommended a 2:00 a.m. closing, but only for the drive through. So, if this is for emergency purposes, why is it that having just the drive-through until 2:00 a.m., why wouldn't that be sufficient?

2940 Ms. Freye - Ms. Dwyer, if you will note in my comments, I didn't say
2941 that it was only for emergency. I said that people have needs at all hours of the
2942 day and night. There are lots of people who work shift. There are a lot of
2943 professional people who work late at night. There are needs other than medical,
2944 necessarily, that arise in the middle of the night. And, at times, that's not
2945 necessarily convenient for people to take advantage of when other facilities are
2946 open to meet those needs.

2947
2948 The overhead is going to be the same for the store. It really doesn't make
2949 economic sense for them to just have the drive through open. So, it would be
2950 extremely important for them to have both the drug store proper and the
2951 pharmacy, as well, open until 2:00 a.m.

2952 Ms. Dwyer - In your other stores, do you have great volume of
2953 business in the store after Midnight?

2954
2955 Ms. Freye - I have not done a comparison. There is a 24-hour
2956 operation at W. Broad and Libbie. And I haven't gotten any statistics about that,
2957 but they've been in operation, I think for 3 years and have found it to be worth
2958 their while to have those extended hours.

2959
2960 Ms. Dwyer - Thank you.

2961
2962 Mr. Vanarsdall - Any other questions? All right, we'd like to hear from
2963 the opposition now, whoever wants to be first. Yes sir.

2964
2965 Mr. Willis McCauley - My name is Willis McCauley, and I live on Michael
2966 Road, which is approximately 300 yards from the location. I think the main
2967 opposition we have to it is the 24-hour opening. And I have a question, I'm not
2968 really clear. They're talking about having the drive-thru open until 2:00 a.m., or
2969 all of it open until 2:00 o'clock, because it was some confusion there. That was
2970 the main thing...

2971
2972 Mr. Vanarsdall - That was a revision that they put in tonight. Staff
2973 recommended 2:00 a.m. for the drive-through only.

2974
2975 Mr. McCauley - I think, so far as we in the neighborhood are concerned,
2976 of course, that would come under the lighting and landscaping is the low volume
2977 of lights there that would reflect into the neighborhood. And, with assisted living
2978 facilities right at the corner of the intersection of Michael and Parham Roads,
2979 you have some areas there. Otherwise, I don't see that much opposition to it so
2980 far as we are concerned, as long as the hours are kept and not allowed for 24
2981 hours.

2982
2983 Ms. Dwyer - So, you're not opposed to the 2:00 a.m.? Is that what
2984 you said, sir? What did you say?

2985
2986 Mr. McCauley - I would say, if Westbury, which is pretty close to there
2987 and they have 24 hours, they didn't see it feasible to stay open 24 hours. I do
2988 not feel that anybody else should be. And, if they can close at 1:00 a.m., I would
2989 think that the other one should be along that same line.

2990
2991 Ms. Dwyer - Thank you, sir.

2992
2993 Mr. Vanarsdall - Thank you. Any one else? All right, no one else.
2994 Thank you. Ms. Dwyer.

2995
2996 Ms. Dwyer - No other opposition? Okay, my main concern about the
2997 extension of hours is the precedent that would be set in this immediate vicinity.
2998 We have a number of restaurants and a gas station across the street. It is my
2999 understanding that they have, over the years, petitioned for increased hours.
3000 And so, each time you make an incremental step, you do increase the pressure
3001 for other businesses in the vicinity also to step up and extend their hours. This
3002 is not Broad Street. It's a fairly busy intersection, but it is not the heavy
3003 commercial area that Broad Street is.

3004
3005 I think I'm amenable to recommending an extension of hours, but an extension
3006 of hours for both the drive through and the store, but till 1:00 o'clock a.m. That
3007 would be my recommendation that the Provisional Use Permit be recommended
3008 for approval to the Board P-3-00 to the Board with a 1:00 o'clock extension of
3009 hours.

3010
3011 Mrs. Quesinberry seconded the motion.

3012
3013 Ms. Dwyer - Excuse me. Let me mention this. It goes without
3014 saying, but with all the other conditions that were recommended by staff.

3015
3016 Mrs. Quesinberry - Likewise, second.

3017
3018 Mr. Vanarsdall - Motion made by Ms. Dwyer, seconded by Mrs.
3019 Quesinberry. All those in favor say aye— all those opposed by saying nay. The
3020 vote is 5-0 (Mrs. O'Bannon abstained). Thank all of you.

3021
3022 **REASON:** Acting on a motion by Ms. Dwyer, seconded by Mrs. Quesinberry, the
3023 Planning Commission voted 4-1 (one abstention) to recommend that the Board of
3024 Supervisors **grant the revocable provisional use permit**, but only with the
3025 extension of hours to 1:00 a.m., instead of the 2:00 a.m. requested by the
3026 applicant. The Planning Commission's recommendation included the following
3027 conditions:

3028

- 3029 1. The Crime Prevention Unit of the Division of Police shall conduct a
3030 Security Survey to identify potential security risks at the location and to
3031 recommend possible preventive measures.
3032
- 3033 2. The Division of Police shall conduct a study of the police incident reports
3034 for the location for the past three years in order to determine past criminal
3035 activity at the location. The Division of Police shall make appropriate
3036 recommendations, if any, for future prevention.
3037
- 3038 3. The owner or operator shall install a security camera and video system
3039 designed by a security specialist. This security system shall include the
3040 following items:
3041
- 3042 a. Exterior surveillance cameras monitoring the entrance(s), parking
3043 area(s), and any other areas deemed necessary by the Division of
3044 Police. Such security cameras shall provide clear imagery of the
3045 establishment's patrons and their vehicles.
3046
- 3047 b. Tapes recording activities in the areas under surveillance shall be
3048 preserved for a period of four (4) months. Authorized
3049 representatives of the Henrico County Police Department or the
3050 Henrico County Planning Department shall have access to such
3051 tapes upon request.
- 3052 4. The owner or operator shall provide adequate lighting for the entrances,
3053 exits, and parking areas serving the use or location are adequately
3054 illuminated. "Adequate lighting" means lighting sufficient for clear visual
3055 and security camera surveillance.
3056
- 3057 5. At least one (1) uniformed security officer shall be on duty during the
3058 extended hours of operation and any other times set forth in the
3059 conditions for the provisional use permit. The security officer shall
3060 periodically monitor the exterior of the premises as well as the interior for
3061 possible criminal activity. Security officers shall either be off duty police
3062 officers or licensed security guards employed by a licensed security service
3063 company.
3064
- 3065 6. The owner or operator shall require customers to leave the premises and
3066 parking areas immediately after the close of business.
3067
- 3068 7. The owner or operator shall not permit loitering, criminal assaults or
3069 public nuisances on the premises during the extended hours of operation.
3070
- 3071 When properly developed and regulated by the recommended special conditions,
3072 it would not be detrimental to the public health, safety, welfare and values in the
3073 are security specialist. This security system shall include the following items:

3074
3075 Mr. Vanarsdall - That is the end of the cases, isn't it.
3076
3077 Mrs. Quesinberry - I may have the same question you have, Mr. Secretary.
3078 I think that we did not waive the proffers for the Stuart E. Haynes case. Is that
3079 your question, Mr. Secretary?
3080
3081 Mr. Marlles - That's correct. That's exactly what I was going to bring
3082 up— C-32C-00.
3083
3084 Mrs. Quesinberry - I would like for us to go back to that case and take care
3085 of that real quick.
3086
3087 Mr. Vanarsdall - All right. Very good that you caught that. That's on
3088 Page?
3089
3090 Mrs. Quesinberry - Page 4.
3091
3092 Mr. Vanarsdall - It appears that we did not waive the proffers on Case C-
3093 32C-00 and we will now do that. Mr. Taylor.
3094
3095 Mrs. Quesinberry - We need a motion, Mr. Taylor, to waive the time limits
3096 on the proffers dated April 13th.
3097
3098 Mr. Taylor - All right, Mr. Chairman, I move that on Case C-32C-00
3099 we move to waive the time limits on the proffers.
3100
3101 Mrs. Quesinberry seconded the motion.
3102
3103 Mr. Vanarsdall - Motion made by Mr. Taylor, seconded by Mrs.
3104 Quesinberry. All those in favor say aye— all those opposed by saying nay. The
3105 vote is 5-0 (Mrs. O'Bannon abstained) to waive the time limits.
3106
3107 Mrs. Quesinberry - Mr. Chairman, I have one more thing, very quickly, if I
3108 might. Gentlemen.
3109
3110 Mr. Vanarsdall - All right, Mrs. Quesinberry.
3111
3112 Mrs. Quesinberry - I would like to make a recommendation, tonight, on a
3113 Resolution to direct the staff to schedule a public hearing at our next meeting on
3114 May 11th to recommend changes to Section 24-52 Paragraph (g). And this
3115 concerns some language. It's a little housekeeping on this particular part of the
3116 Ordinance. So, I do make a recommendation now to approve the resolution
3117 directing the Planning staff, to come back on May 11th with recommendations to
3118 changes of Section 24-52 Paragraph (g).

3119
3120 Ms. Dwyer - May we just have a minute to look at the language?
3121
3122 Mrs. Quesinberry - Sure. We're not recommending any language, tonight...
3123
3124 Ms. Dwyer - Right.
3125
3126 Mrs. Quesinberry - I just want you to understand, I'm just recommending
3127 the Resolution be passed to look at the language next month.
3128
3129 Mr. Vanarsdall - Public hearing on May 11th at the next meeting; next
3130 zoning meeting?
3131
3132 Mrs. Quesinberry - Yes.
3133
3134 Mr. Marlles - Mrs. Quesinberry, are you asking staff to develop
3135 language, or just to schedule the public hearing to receive comments?
3136
3137 Mrs. Quesinberry - Just to schedule the public hearing to receive
3138 comments.
3139
3140 Ms. Dwyer - Because, really, there'd be no preparation.
3141
3142 Mrs. Quesinberry - No. No preparation.
3143
3144 Ms. Dwyer - All you'd be doing is eliminating the word, "fairgrounds"
3145 from...
3146
3147 Mrs. Quesinberry - Correct.
3148
3149 Ms. Dwyer - From that. It's not like drafting...
3150
3151 Mrs. Quesinberry - That's right.
3152
3153 Mr. Archer - Mrs. Quesinberry, I've got one question. In the fifth
3154 "Whereas," this states that Section 24-52 Paragraph (g) has been misinterpreted
3155 to allow certain uses under fairgrounds.
3156
3157 Would it be fairer, or might it be better to just say, "interpreted", instead of
3158 "misinterpreted?"
3159
3160 Mrs. Quesinberry - We could.
3161
3162 Mr. Vanarsdall - What part that, "misinterpreted?"
3163

3164 Mr. Archer - The fifth whereas.
3165
3166 Mr. Vanarsdall - Yes. I see it. Leave the word, "misinterpreted" out,
3167 you're saying?
3168
3169 Mr. Taylor - This says, "has been interpreted."
3170
3171 Mrs. Quesinberry - Sure. We can strike that.
3172
3173 Mr. Marlles - Mr. Archer, the Director of Planning appreciates that
3174 change.
3175
3176 Mrs. Quesinberry - Because the purpose here is, just really, the very last
3177 paragraph, my proposal is to ask for approval of the resolution to direct the staff
3178 to schedule the public hearing next month.
3179
3180 Mr. Archer - Okay. Now, would staff also, well, I guess not. This is
3181 the Resolution that you're asking to pass tonight? Is that correct?
3182
3183 Mrs. Quesinberry - Yes. The Resolution tonight is just as the last
3184 paragraph says, is to direct the Planning Staff to schedule a public hearing to
3185 recommend appropriate changes to Section 24-52, Paragraph G.
3186
3187 Mr. Archer - Which would ultimately have to be approved by the
3188 Board?
3189
3190 Mrs. Quesinberry - Correct. It doesn't change anything about how we
3191 usually proceed with Ordinance Amendments.
3192
3193 Ms. Dwyer - Along the same lines as Mr. Archer's comment, I don't
3194 have a problem doing this generally, but if we take out the "misinterpretation,"
3195 and say, "in A-1 Agricultural Districts that may be deemed incompatible...,"
3196 because, I think if we're asking for public comment, what we're asking for is, we
3197 want to make that determination at the public hearing after discussion and
3198 hearing what people have to say. And then we make the judgement call about,
3199 "yes" this is incompatible or no, it's not." It seems to me that's a judgement that
3200 we would make at the public hearing and not at this point.
3201
3202 Mrs. Quesinberry - That's correct.
3203
3204 Ms. Dwyer - So, I would just maybe neutralize the language a little
3205 bit.
3206
3207 Mrs. Quesinberry - Okay.
3208

3209 Ms. Dwyer - "has been interpreted to allow uses that may be deemed
3210 incompatible for the purpose of Agricultural Districts, and which may not
3211 promote health, safety and welfare." I think that changes what you wanted to
3212 do, Mrs. Quesinberry.
3213

3214 Mr. Vanarsdall - You're going so fast I can't pick it up.
3215

3216 Mrs. Quesinberry - I've got it on here.
3217

3218 Mr. Vanarsdall - Did you get all those words?
3219

3220 Mrs. Quesinberry - Yes. Yes, and that's fine, because, again, the purpose,
3221 tonight, is just; what I'm asking you to do is just pass this resolution so that we
3222 can come back next month and have a public hearing.
3223

3224 Ms. Dwyer - ...and make a determination.
3225

3226 Mrs. Quesinberry - And make a determination at that time.
3227

3228 Mr. Taylor - May we have a quick read of the way it should be?
3229 "Whereas Section..."
3230

3231 Mrs. Quesinberry - It's the Whereas, the fifth paragraph. So, the entire
3232 thing reads, "Whereas, Section 24-52 paragraph (G) has been interpreted to
3233 allow certain uses under the use "fairgrounds" in A-1 Agricultural Districts that
3234 may be deemed incompatible with the purpose of the Agricultural Districts and
3235 which may not promote the health, safety and general welfare of the public in the
3236 County; Now, Therefore, Be It Resolved..."
3237

3238 Mr. Archer - "...which may not promote." Okay.
3239

3240 Mr. Vanarsdall - All right.
3241

3242 Mrs. Quesinberry - I'm looking for a second.
3243

3244 Ms. Dwyer seconded the motion.
3245

3246 Mr. Vanarsdall - Motion made by Mrs. Quesinberry, seconded by Ms.
3247 Dwyer. All those in favor say aye— all those opposed by saying nay. The vote is
3248 5-0 (Mrs. O'Bannon abstained). The ayes have it and we'll turn it over to you,
3249 Mr. Secretary.
3250

3251 Mr. Marlles - I just have a couple of very quick items to cover.
3252

3253 Ms. Dwyer - I'm sorry, about the last issue. I know staff doesn't
3254 need to prepare a draft because we would just be eliminating a word, but will
3255 staff be expected to study it and make a recommendation to the Commission on
3256 this issue?

3257
3258 Mrs. Quesinberry - You know, I would leave that up to the Director of
3259 Planning, because its not necessary in my mind that staff make
3260 recommendations specifically.

3261
3262 Ms. Dwyer - Okay. I just want to clarify staff's responsibilities, as far
3263 as the Commission is concerned on.

3264
3265 Mrs. Quesinberry - But, as far as I'm concerned, the purpose of this
3266 resolution to have the public hearing, staff would not have to necessarily prepare
3267 anything, other than facilitate the discussion.

3268
3269 Ms. Dwyer - Okay.

3270
3271 Mr. Marlles - Mrs. Quesinberry, is part of the concern here that there
3272 really isn't a definition of fairgrounds in the Code. And I know there is certainly
3273 concern with the proposed facility in the A-1 District. Is maybe the objective
3274 here to try to tighten up the Ordinance so that this type of facility would not be
3275 permitted again in the A-1 District, if its deemed so by the Planning
3276 Commission? Is that part where you're going?

3277
3278 Mrs. Quesinberry - Yes. That's partly where we're going, because, I mean
3279 all the discussion around it really is for next month. Fairgrounds is mentioned
3280 in A-1. It is also mentioned in B-3, and Fairs are mentioned in M-1, as most of
3281 us are aware. And we think that looking at this particular paragraph, we need to
3282 go back and do a little housecleaning on that wording, and word smithing in that
3283 particular paragraph to make sure that the meaning is clear of what that
3284 paragraph intends to be allowed in A-1. In other words, in a lot of peoples'
3285 opinion, that paragraph deals primarily with horse related activities and primary
3286 purposes of horse related activities. That's really what I want to draw out of the
3287 public meeting.

3288
3289 Mr. Vanarsdall - Any more questions? Do you understand your
3290 instructions?

3291
3292 Mrs. Quesinberry - I don't think we voted, Mr. Chairman.

3293
3294 Ms. Dwyer - We did.

3295
3296 Mr. Marlles - Ms. Hunter, do you have something you need to talk
3297 about? I have a quick item.

3298 Ms. Hunter - I want to hand something out to the Commission. At
3299 the last meeting on the Ordinance for the Multi-family Standards, the
3300 Commission asked us to look at a density bonus incentive proposal. And we
3301 have it. I wanted to give it to you so you could all read it on the plane when you
3302 go to New York. You will have time to review it before you hear a presentation on
3303 April 26th.

3304
3305 Mr. Marlles - Mr. Chairman, can I cover one thing real quickly?
3306

3307 Mr. Vanarsdall - Yes sir, go ahead.
3308

3309 Mr. Marlles - This is just a reminder, particularly for our newer
3310 members of the Commission that are attending the APA Conference in New York.
3311 Mr. Silber, two days ago, sent out a copy of the travel policy for the County. Mr.
3312 Silber did not send it out. He's handing it out tonight. This is just a reminder
3313 that, again, for those of you had not been with the County long, have not
3314 traveled with the County, the County is a real stickler for receipts. And this is
3315 kind of a warning. If you expect to get reimbursed from the County, you need to
3316 make sure that you save all of your receipts. You need to be aware of what the
3317 per diem is.
3318

3319 Ms. Dwyer - I have a question about that. They expect us to eat for
3320 5 days for \$140.00 in New York City.
3321

3322 Mr. Vanarsdall - In New York City at a hamburger place. Cab drivers
3323 don't give you receipts.
3324

3325 Mr. Marlles - Cab drivers don't give you receipts. Well, don't expect
3326 to be reimbursed from the County if the cab drivers don't give receipts.
3327

3328 Mr. Taylor - Is that receipts for everything?
3329

3330 Mr. Marlles - Save all your receipts.
3331

3332 Okay, the next announcement is, and Randy is handing out a flyer here. Again,
3333 even if you have been to one of these national conferences in the past, its
3334 somewhat traditional on Monday night, there's a reception that's going to be
3335 sponsored by the Virginia Chapter of the American Planning Association. It will
3336 be at the Harland Brewery and you have the information, on Monday evening
3337 between 6:00 and 7:00 p.m. It's a good opportunity to meet other people from
3338 Virginia who are at the national conference. End of announcements.

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There being no further business, the Planning Commission adjourned its meeting at 10:26 p.m. on April 13, 2000.

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

John R. Marlles, AICP, Secretary