

1 Minutes of the regular monthly meeting of the Planning Commission of the County of
2 Henrico, Virginia, held in the Board Room of the County Administration Building in the
3 Government Center at Parham and Hungary Springs Roads, Beginning at 9:00 a.m.
4 Wednesday, April 26, 2000.

5

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

12

13 Member Absent: Mrs. Debra Quesinberry, C.P.C., Vice Chairman (Varina)

14

15 Others Present: Mr. John R. Marlles, AICP, Director of Planning, Secretary
16 Mr. Randall R. Silber, Assistant Director of Planning
17 Mr. David D. O'Kelly, Jr., Principal Planner
18 Ms. Leslie A. News, CLA, County Planner
19 Mr. James P. Strauss, CLA, County Planner
20 Mr. E. J. (Ted) McGarry, III, County Planner
21 Mr. Kevin D. Wilhite, County Planner
22 Mr. Mikel C. Whitney, County Planner
23 Mr. Michael F. Kennedy, County Planner
24 Ms. JoAnn Hunter, County Planner
25 Mr. Eric Lawrence, County Planner
26 Mr. Todd Eure, Assistant Traffic Engineer
27 Mr. Jeff Perry, Environmental Engineer
28 Ms. Diana B. Carver, Recording Secretary

29

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

32

33

34 Mr. Vanarsdall - Good morning everybody. The Planning Commission will now come to
35 order. I'll now turn the meeting over to our Secretary, Mr. Silber.

36

37 Mr. Silber - Thank you, Mr. Chairman. Good morning everyone. We do have a
38 quorum this morning. We do have a couple of Commission members that are not here. Mrs.
39 Quesinberry will not be here today and Mrs. O'Bannon will be arriving shortly, but we do
40 have a quorum so we can conduct business. The first item of business would be to hear the
41 requests for deferral and withdrawals. Mr. Wilhite.

42

43 Mr. Wilhite - Good morning, Mr. Chairman and Commission members, ladies and
44 gentlemen. The first request for deferrals appears on page 7.

45

46 **SUBDIVISION (Deferred from the March 22, 2000 Meeting)**

47

Four Mile Run
(January 2000 Plan)

TIMMONS for Pendragon Development Company: The 97.53 acre site is located at the eastern terminus of Four Mile Run Drive, approximately 0.33 mile north of New Market Road (U.S. Route 5) on parcels 238-A-31 and part of 249-A-48. The zoning is R-2AC, One-Family Residential District (Conditional) and A-1, Agricultural District and ASO (Airport Safety Overlay District). County water and sewer. **(Varina)** 172 Lots

48

49 Mr. Wilhite - The applicant is requesting deferral until May 24, 2000.

50

51 Mr. Vanarsdall - Is there anyone in the audience in opposition to the deferment of this
52 case? This is Four Mile Run in the Varina District. No opposition. All right. We need a
53 motion Ms. Dwyer.

54

55 Ms. Dwyer - Are we straight on the fee situation for this?

56

57 Mr. Wilhite - Yes, we are.

58

59 Ms. Dwyer - We are deferring it to when, Mr. Wilhite?

60

61 Mr. Wilhite - May 24, 2000.

62

63 Ms. Dwyer - I move that the Commission defer Four Mile Run subdivision (January
64 2000 Plan) to our meeting on May 24, 2000, at the applicant's request.

65

66 Mr. Taylor - Second.

67

68 Mr. Vanarsdall - The motion was made by Mrs. Dwyer and seconded by Mr. Taylor. All
69 in favor say aye...all opposed say nay. The motion carries.

70

71 At the request of the applicant, the Planning Commission deferred Four Mile Run (January
72 2000 Plan) to its May 24, 2000, meeting. Mrs. O'Bannon was absent.

73

74 **SUBDIVISION**

Pine Creek
(April 2000 Plan)

Engineering Design Associates for Urban Corridor Property, Inc. and H. W. Owens, Inc.: The 35.94 acre site is located on the eastern terminus of Howard Street between Old Williamsburg Road and I-64 on part of parcels 164-A-42 and 165-A-12A and 12B. The zoning is A-1, Agricultural District, R-4AC, One-Family Residence District (Conditional) and ASO (Airport Safety Overlay) District. County water and sewer. **(Varina)** 50 Lots

75 Mr. Wilhite - Next on page 13, Pine Creek (April 2000 Plan). The applicant request
76 deferral to May 24, 2000.

77

78 Mr. Vanarsdall - Is there anyone in the audience in opposition to Pine Creek being
79 deferred to May 24, 2000? This is also in the Varina District. No opposition. Entertain a
80 motion.

81

82 Ms. Dwyer - Okay. I move that Pine Creek subdivision (April 2000 Plan) be deferred
83 to May 24, 2000, at the applicant's request.

84

85 Mr. Archer - Second.

86

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

89

90 At the request of the applicant, the Planning Commission deferred Pine Creek (April 2000
91 Plan) to its May 24, 2000, meeting. Mrs. O'Bannon was absent.

92

93 **PLAN OF DEVELOPMENT**

94

POD-22-00

The Goddard School - Town
Center @ Twin Hickory

**Balzer & Associates and RealtiCorp for Retlaw 100 L.L.C.
and Katherman & Company:** Request for approval of a plan
of development as required by Chapter 24, Section 24-106 of
the Henrico County Code to construct a one-story, 10,305
square foot day care facility in a shopping center. The 1.43
acre site is located along the south line of Old Nuckols Road
approximately 600 feet west of Nuckols Road on part of parcel
18-A-22E. The zoning is B-2C, Business District
(Conditional). County water and sewer. **(Three Chopt)**

95

96 Mr. Wilhite - On page 16, POD-22-00, The Goddard School - Town Center @ Twin
97 Hickory, the applicant originally requested a deferral to May 24, 2000. Erin Breed from the
98 engineering firm is here. I think they want to make a request to defer this to your night
99 meeting, the first meeting in May.

100

101 Mr. Vanarsdall - Is there anyone in the audience in opposition to POD-22-00, The
102 Goddard School being deferred to May 11, 2000? This is in the Three Chopt District. No
103 opposition. Mr. Taylor.

104

105 Mr. Taylor - The date that that will be deferred to is May 11?

106

107 Mr. Wilhite - Staff was recommending May 24. The engineer is here and I think they
108 want to make a request to put it on the night agenda, the first meeting in May.

109

110 Mr. Taylor - What day would that be?

111 Mr. Wilhite - That would be May 11.

112

113 Mr. Taylor - Mr. Chairman, I move that POD-22-00, The Goddard School - Town
114 Center @ Twin Hickory, be deferred to May 11, 2000, at the applicant's request.

115

116 Ms. Dwyer - Second.

117

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

120

121 At the request of the applicant, the Planning Commission deferred POD-22-00, The Goddard
122 School - Town Center @ Twin Hickory, to its May 11, 2000, meeting at 7:00 p.m. Mrs.
123 O'Bannon was absent.

124

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

126

POD-80-99 (Revised)
Downtown Short Pump -
Silver Diner

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

127

128 Mr. Wilhite - On page 25, POD-80-99 (Revised), Downtown Short Pump, the
129 applicant request deferral to May 24, 2000.

130

131 Mr. Vanarsdall - Is there anyone in the audience in opposition to POD-80-99, Downtown
132 Short Pump, being deferred to May 24, 2000? This is in the Three Chopt District. No
133 opposition. Mr. Taylor.

134

135 Mr. Taylor - Mr. Chairman, I move that POD-80-99 (Revised) Downtown Short
136 Pump, be deferred to May 24, 2000, meeting, at the applicant's request.

137

138 Ms. Dwyer - Second.

139

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

142 At the request of the applicant, the Planning Commission deferred POD-80-99 (Revised)
143 Downtown Short Pump - Silver Diner, to its May 24, 2000, meeting. Mrs. O'Bannon was
144 absent.

145

146 **LANDSCAPE PLAN (Deferred from the March 22, 2000, Meeting)**

147

LP/POD-124-98 **Hourigan Martone and James River Nurseries:** Request for
Crown, Cork & Seal - a approval of a landscape plan as required by Chapter 24,
Expansion - Lewis Road Sections 24-106 and 24-106.2 of the Henrico County Code.
The 8.8 acre site is located at the south east corner of Lewis
and Norman Roads on parcel 173-A-14. The zoning is M-1,
Light Industrial District and ASO (Airport Safety Overlay
District). **(Varina)**

148

149 Mr. Wilhite - Finally, on page 26, landscape plan, LP/POD-124-98, Crown, Cork &
150 Seal, the applicant request deferral to May 24, 2000.

151

152 Mr. Vanarsdall - Is there anyone in the audience in opposition to the deferment of
153 LP/POD-124-98, this would be the landscape plan for Crown, Cork, & Seal Expansion? No
154 opposition. Entertain a motion.

155

156 Ms. Dwyer - I move the Commission defer LP/POD-124-98, Crown, Cork & Seal to
157 May 24, 2000, meeting, at the applicant's request.

158

159 Mr. Archer - Second.

160

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

163

164 At the request of the applicant, the Planning Commission deferred the landscape plan for
165 LP/POD-124-98, Crown, Cork & Seal Expansion, to its May 24, 2000, meeting. Mrs.
166 O'Bannon was absent.

167

168 **AT THIS TIME MR. MARLLES ENTERS AND REPLACE MR. SILBER WHO WAS**
169 **STANDING IN FOR HIM.**

170

171 Mr. Vanarsdall - That's it, isn't it, Mr. Wilhite for the deferrals and withdrawals?

172

173 Mr. Wilhite - Yes, sir.

174

175 Mr. Vanarsdall - All right. Now we will start on the Expedited Agenda. Right, Mr.
176 Secretary?

177

178 Mr. Marlles - Good morning, Mr. Chairman, members of the Commission. The
179 Expedited Agenda will be presented also by Mr. Wilhite.

180 Mr. Wilhite - Mr. Chairman, of 32 items that we have scheduled 17 are up for
181 expedited approval. The first one is on page 2.

182

183 **TRANSFER OF APPROVAL**

184

POD-118-98
Springfield Office Park

LeClair Ryan for RAS, LLC: Request for a transfer of approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, from HBR Associates and Barton Real Estate to RAS, LLC. The 1.945 acre site is located along the west line of Springfield Road (State Route 157), approximately 300 feet north of Gaskins Road on parcels 48-A-15A and 16. The zoning is O-2C, Office District (Conditional). **(Three Chopt)**

185

186 Mr. Wilhite - The staff is recommending approval.

187

188 Mr. Vanarsdall - Is there anyone in the audience in opposition to the transfer of approval
189 for POD-118-98, Springfield Office Park? No opposition. Mr. Taylor.

190

191 Mr. Taylor - I would move, Mr. Chairman that POD-118-98, the transfer of
192 approval, be approved, at the applicant's request.

193

194 Mr. Vanarsdall - With the conditions and the annotations on the plan. Do we have a
195 second?

196

197 Mr. Archer - Second, Mr. Chairman.

198

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

201

202 The Planning Commission approved the transfer of approval request for POD-118-98,
203 Springfield Office Park. Mrs. O'Bannon was absent.

204

205 **SUBDIVISION FOR RECONSIDERATION**

206

Bowman Acres
(September 1999 Plan)

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

207

208 Mr. Wilhite - On page 3, Bowman Acres Reconsideration, staff recommends approval.

209

210 Mr. Vanarsdall - Is there anyone in the audience in opposition to Bowman Acres in Three

211 Chopt? No opposition. Mr. Taylor.

212

213 Mr. Taylor - Mr. Chairman, I move that the subdivision plan for Bowman Acres
214 (September 1999 Plan) amended by the Commission be substituted and the revised condition
215 No. 13 is offered and other conditions as attached to the original conditional approval would
216 remain unchanged.

217

218 Ms. Dwyer - Second.

219

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

222

223 The Planning Commission granted conditional approval to subdivision Bowman Acres
224 (September 1999 Plan) Reconsideration subject to the standard conditions attached to these
225 minutes for subdivision served by public water and septic tank/drainfield, the annotations on
226 the plans and the following revised condition. Mrs. O'Bannon was absent.

227

228 13. **REVISED** - The record plat shall show the recorded easement at the southern boundary
229 of the subdivision, and the subdivider shall submit a copy of the recorded quitclaim
230 deed executed by the owner of Section B, Block C, Lot 9 of Shady Grove Estates. The
231 plat shall also show the deed book and page numbers of the recorded easement and
232 quitclaim deed.

233

234 **PLAN OF DEVELOPMENT (Deferred from the March 22, 2000, Meeting)**

235

POD-14-00

Health South Medical Center
MRI Addition & Master
Plan (POD-88-93 Revised)

**TIMMONS for HealthSouth of Virginia and Health Care
Realty Trust, Inc.:** Request for approval of a revised plan of
development as required by Chapter 24, Section 24-106 of the
Henrico County Code to construct a one-story, 6,500 square
foot MRI addition, a master plan for future dining area,
emergency room and lobby additions. The 23.35 acre site is
located on the north line of Parham Road 1,100 feet east of
Shrader Road on parcel 60-A-24 and 22. The zoning is O-3,
Office District. County water and sewer. **(Brookland)**

236

237 Mr. Wilhite - On page 5, POD-14-00, Health South Medical Center MRI Addition &
238 Master Plan, staff recommends approval.

239

240 Mr. Vanarsdall - Is there anyone in the audience in opposition to POD-14-00, Health
241 South Medical Center Addition? No opposition. I move that POD-14-00, Health South
242 Medical Center, be approved on the expedited agenda on the staff's recommendation, the
243 annotations on the plans, the standard conditions and additional conditions Nos. 23 through 34
244 and I would like to add No. 9 amended.

245

246

247 Ms. Dwyer - Second.

248

249 Mr. Vanarsdall - The motion was made by Mr. Vanarsdall and seconded by Ms. Dwyer.

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

251

252 The Planning Commission approved POD-14-00, Health South Medical Center MRI Addition
253 & Master Plan (POD-88-93 Revised) subject to the standard conditions attached to these
254 minutes, the annotations on the plan and the following additional conditions. Mrs. O'Bannon
255 was absent.

256

257 9 **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for
258 review and Planning Commission approval prior to the issuance of any occupancy
259 permits.

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

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

267 25. A standard concrete sidewalk shall be provided along the north side of Parham Road.

268 26. Outside storage shall not be permitted.

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

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

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

278 30. Storm water retention, based on the 50-10 concept, shall be incorporated into the
279 drainage plans.

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

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

286 33. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the
287 Planning Office and approved prior to issuance of a certificate of occupancy for this
288 development.

289 34. The conceptual master plan, as submitted with this application, is for planning and
290 information purposes only. All subsequent detailed plans of development and
291 construction plans needed to implement this conceptual plan may be administratively

292 reviewed and approved and shall be subject to all regulations in effect at the time such
293 subsequent plans are submitted for review/approval.

294

295 **PLAN OF DEVELOPMENT & MASTER PLAN**

296

POD-32-00

Crestview Apartments,
Phase 1

E. D. Lewis & Associates for New Apartments, LLC:
Request for approval of a plan of development and master plan as required by Chapter 24, Section 24-106 of the Henrico County Code to construct 18, two-story, apartment buildings totaling 131 units. The 9.34 acre site is located on the northwest corner of Horsepen Road and Miami Avenue on parcels 102-9-D-1 thru 15. The zoning is R-5, General Residence District and R-5C, General Residence District (Conditional). County water and Sewer. **(Three Chopt)**

297

298 Mr. Wilhite - On page 8, POD-32-00, Crestview Apartments, Phase I, staff
299 recommends approval.

300

301 Mr. Vanarsdall - Is there anyone in the audience in opposition to POD-32-00, Crestview
302 Apartments, Phase 1? This is a Three Chopt case. No opposition. Entertain a motion, Mr.
303 Taylor.

304

305 Mr. Taylor - Mr. Chairman, I move the Commission approve POD-32-00, Crestview
306 Apartments, Phase I, subject to the annotations on the plan, the standard conditions for
307 developments of this type and conditions Nos. 23 through 31.

308

309 Mr. Archer - Second, Mr. Chairman.

310

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

313

314 The Planning Commission approved POD-32-00, Crestview Apartments, Phase 1, subject to
315 the standard conditions attached to these minutes, the annotations on the plan and the following
316 additional conditions. Mrs. O'Bannon was absent.

317

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

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

327 25. The required building setback shall be measured from the proposed right-of-way line

- 328 and the parking shall be located behind the proposed right-of-way line.
- 329 26. The developer shall provide fire hydrants as required by the Department of Public
330 Utilities in its approval of the utility plans and contracts.
- 331 27. Any necessary off-site drainage easements must be obtained in a form acceptable to the
332 County Attorney prior to final approval of the construction plans by the Department of
333 Public Works.
- 334 28. Deviations from County standards for pavement, curb or curb and gutter design shall
335 be approved by the County Engineer prior to final approval of the construction plans by
336 the Department of Public Works.
- 337 29. Storm water retention, based on the 50-10 concept, shall be incorporated into the
338 drainage plans.
- 339 30. Insurance Services Office (ISO) calculations must be included with the utilities plans
340 and contracts and must be approved by the Department of Public Utilities prior to the
341 issuance of a building permit.
- 342 31. The conceptual master plan, as submitted with this application, is for planning and
343 information purposes only. All Subsequent detailed plans of development and
344 construction plans needed to implement this conceptual plan may be administratively
345 reviewed and approved and shall be subject to all regulations in effect at the time such
346 subsequent plans are submitted for review/approval.

347
348 **PLAN OF DEVELOPMENT**

349

POD-33-00 Varina Veterinary Clinic - New Market Road (POD-99-88 Revised)	Engineering Design Associates for New Market Property, LLC: Request for approval of a revised plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code to convert a one-story, 2,930 square foot bank to a veterinary clinic and to enclosed existing drive-thru for a kennel. The 7.29 acre site is located at 1312 New Market Road (State Route 5) at Herman Street on part of parcel 202-A-23. The zoning B-1C, Business District (Conditional). County water and Sewer. (Varina)
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350

351 Mr. Wilhite - On page 12, POD-33-00, Varina Veterinary Clinic. On page 2 of your
352 addendum there is a revised recommendation. Staff is recommending approval. There is an
353 added condition listed on the addendum and there are revised plans.

354

355 Mr. Vanarsdall - Is there anyone in the audience in opposition to POD-33-00, Varina
356 Veterinary Clinic? This is in the Varina District. No opposition. Ms. Dwyer.

357

358 Ms. Dwyer - All right. Let me make sure I understand the revised plan. Has that
359 been given to us this morning?

360

361 Mr. Wilhite - Yes.

362

363 Ms. Dwyer - I've got eight piles of paper up here. Just give me a minute to go

364 through them. Okay. I've got it. What was the revision?

365

366 Mr. Kennedy - The revision to the plan is to delete an animal exercise area, which is not
367 permitted in the district. And there is an added condition that basically states they would not
368 use the enclosed yard for animal exercise area or outdoor kennel until at such time as the
369 property is properly zoned. The property is surrounded by A-1 zoning. If they rezone it to A-
370 1, it's a seven acre parcel and it would meet the five-acre requirement and they could have an
371 outdoor kennel in that case.

372

373 Ms. Dwyer - And the zoning now is?

374

375 Mr. Kennedy - It's now B-1.

376

377 Ms. Dwyer - All right. Thank you for explaining that. All right. I move the
378 approval of POD-33-00, Varina Veterinary Clinic - New Market Road, which is a revision of
379 the POD-99-88 plan. This would include the standard conditions for this type of development,
380 additional conditions Nos. 23 through 30 and the additional condition No. 31 which appears in
381 our addendum.

382

383 Mr. Archer - Second, Mr. Chairman.

384

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

387

388 The Planning Commission approved POD-33-00, Varina Veterinary Clinic - New Market
389 Road (POD-99-88 Revised), subject to the standard conditions attached to these minutes for
390 developments of this type, the annotations on the plan and the following additional conditions.
391 Mrs. O'Bannon was absent.

392

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

395 24. Outside storage shall not be permitted.

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

399 26. This business shall not remain in operation after midnight and no exterior signs shall
400 remain lighted after (12:00 midnight - B-1 zone).

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

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

407 29. Approval of the construction plans by the Department of Public Works does not
408 establish the curb and gutter elevations along the Virginia Department of Transportation

409 maintained right-of-way. The elevations will be set by the contractor and approved by
410 the Virginia Department of Transportation.
411 30. The building shall be constructed of red brick and the brick shall not be painted at any
412 time.
413 31. The area identified as "Phase III – New Enclosed Yard" shall not be used as an
414 exercise yard, run or outdoor kennel, unless the property is rezoned to a district which
415 permits such use.

416

417 **SUBDIVISION**

418

Turkey Island Bluffs
(March 2000 Plan)

Engineering Design Associates for G & G Ltd.: The 145.8
acre site is suited on the south line of Warriner Road,
approximately 0.4 mile south of Charles City Road on parcel
254-A-2. The zoning is A-1, Agricultural District. Individual
Well and Septic Tank/Drainfield. **(Varina)** 32 Lots

419

420 Mr. Wilhite - The next item appears on page 14, Turkey Island Bluffs (March 2000
421 Plan)? Staff is recommending approval.

422

423 Mr. Vanarsdall - Is there anyone in the audience in opposition to Turkey Island Bluffs
424 (March 2000 Plan) subdivision. No opposition. All right, we need a motion.

425

426 Ms. Dwyer - All right. I move for the approval of subdivision Turkey Island Bluffs
427 (March 2000 Plan) including standard conditions for this type of development and additional
428 conditions Nos. 11 and 12.

429

430 Mr. Taylor - Second.

431

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

434

435 The Planning Commission granted conditional approval to subdivision Turkey Island Bluffs
436 (March 2000 Plan), subject to the standard conditions for subdivisions not served by public
437 utilities, the annotations on the plan and the following additional conditions. Mrs. O'Bannon
438 was absent.

439

440 11. The detailed plant list and specifications for the landscaping to be provided within the
441 25-foot-wide planting strip easement along Warriner Road shall be submitted to the
442 Planning Office for review and approval prior to recordation of the plat.

443 12. Prior to final approval, the engineer shall furnish the Planning Staff a plan showing the
444 existing dwelling situated on Lot 3, Block A to determine if the lot design is adequate
445 to meet the requirements of Chapter 24, of the Henrico County Code.

446 **SUBDIVISION**

447

Ackley Commerce Center **Bay Design Group, P.C. for Wilhook, LLC and Wilton**
(March 2000 Plan) (A **Development Corporation:** The site is located at the northeast
dedication of a 310 foot terminus of Ackley Avenue approximately 1,300 feet north of
portion of Ackley Avenue) its intersection with Parham Road on part of parcel 61-A-75.
The zoning is M-1, Light Industrial District. County water and
sewer. **(Brookland)** 0 Lot

448

449 Mr. Wilhite - On page 15, another subdivision, Ackley Commerce Center (March
450 2000 Plan). Staff is recommending approval.

451

452 Mr. Vanarsdall - Is there anyone in the audience in opposition to Ackley Commerce
453 Center (March 2000 Plan) subdivision? No opposition. I move that Ackley Commerce
454 Center (March 2000 Plan) (A dedication of a 310 foot portion of Ackley Avenue) be approved
455 on the expedited agenda from the staff's recommendation, the annotations on the plan and No.
456 12 on the agenda.

457

458 Mr. Archer - Second.

459

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

462

463 The Planning Commission granted conditional approval to subdivision Ackley Commerce
464 Center (March 2000 Plan) (A dedication of a 310 foot portion of Ackley Avenue), subject to
465 the standard conditions for subdivisions served by public utilities, the annotations on the plan
466 and the following additional condition. Mrs. O'Bannon was absent.

467

468 12. The final plat shall be submitted for final approval and recorded prior to issuance of an
469 occupancy permit for POD-36-00.

470

471 **PLAN OF DEVELOPMENT**

472

POD-27-00 **Balzer & Associates, P.C. for Millmont Limited**
AAMCO - Laburnum Green **Partnership and Robert C. King Jr.:** Request for approval of
Shopping Center - a revised plan of development as required by Chapter 24,
5271 Laburnum Avenue Section 24-106 of the Henrico County Code to construct a one-
(POD-32-90 Revised) story, 1,950 square foot quick lube, a one-story, 4,000 square
foot transmission shop and a one-story 1,600 square foot future
transmission shop. The 1.29 acre site is located at 5271
Laburnum Avenue on parcel 172-7-A-3. The zoning is B-3,
Business District. County water and Sewer. **(Varina)**

473

474 Mr. Wilhite - On page 18, POD-27-00, AAMCO - Laburnum Green Shopping Center.
475 On page 3 of your addendum there is a revised staff recommendation of approval. There is
476 also revised plans.

477

478 Mr. Vanarsdall - Is there anyone in the audience in opposition to POD-27-00, AAMCO.
479 No opposition.

480

481 Ms. Dwyer - I would like to ask Michael, again, if he could just briefly tell me the
482 content of the revised plan.

483

484 Mr. Kennedy - The plan would call for a later addition to the AAMCO transmission
485 shop. The original plan, actually, encroached into a yard for the addition. They had to revise
486 the plans so the building addition would not be within the 50-foot yard. They moved the
487 building and then it was approvable.

488

489 Ms. Dwyer - Okay.

490

491 Mr. Vanarsdall - Thank you, Mr. Kennedy. All right.

492

493 Ms. Dwyer - All right. I move for approval of POD-27-00, AAMCO at Laburnum
494 Green Shopping Center. This motion is to include the standard conditions for this type of
495 development, additional conditions Nos. 23 through 36 and it is an approval of the revised
496 plan dated on April 20, 2000. Including the revised plans submitted April 20, 2000.

497

498 Mr. Wilhite - It's April 26, 2000.

499

500 Ms. Dwyer - April 26?

501

502 Mr. Wilhite - Yes.

503

504 Ms. Dwyer - Correct that. Including the revisions on the revised plans submitted
505 April 26, 2000.

506

507 Mr. Archer - Second.

508

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

511

512 The Planning Commission approved POD-27-00, AAMCO - Laburnum Green Shopping
513 Center - 5271 Laburnum Avenue (POD-32-90 Revised), subject to the standard conditions
514 attached to these minutes for developments of this type, the annotations on the plan and the
515 following additional conditions. Mrs. O'Bannon was absent.

516

517 23. The ground area covered by all the buildings shall not exceed in the aggregate 25
518 percent of the total site area.

- 519 24. No merchandise shall be displayed or stored outside of the building(s) or on
520 sidewalk(s).
- 521 25. The easements for drainage and utilities as shown on approved plans shall be granted to
522 the County in a form acceptable to the County Attorney prior to any occupancy permits
523 being issued. The easement plats and any other required information shall be submitted
524 to the County Real Property Agent at least sixty (60) days prior to requesting
525 occupancy permits.
- 526 26. All repair work shall be conducted entirely within the enclosed building.
- 527 27. Outside storage shall not be permitted.
- 528 28. Any necessary off-site drainage easements must be obtained in a form acceptable to the
529 County Attorney prior to final approval of the construction plans by the Department of
530 Public Works.
- 531 29. Deviations from County standards for pavement, curb or curb and gutter design shall
532 be approved by the County Engineer prior to final approval of the construction plans by
533 the Department of Public Works.
- 534 30. The loading areas shall be subject to the requirements of Chapter 24, Section 24-97(b)
535 of the Henrico County Code.
- 536 31. In the event of any traffic backup which blocks the public right-of-way as a result of
537 congestion caused by the drive-up facilities, the owner/occupant shall close the drive-up
538 facilities until a solution can be designed to prevent traffic backup.
- 539 32. Approval of the construction plans by the Department of Public Works does not
540 establish the curb and gutter elevations along the Henrico County maintained right-of-
541 way. The elevations will be set by Henrico County.
- 542 33. The owners shall not begin clearing of the site until the following conditions have been
543 met:
544
- 545 (a) The site engineer shall conspicuously illustrate on the plan of development or
546 subdivision construction plan and the Erosion and Sediment Control Plan, the
547 limits of the areas to be cleared and the methods of protecting the required
548 buffer areas. The location of utility lines, drainage structures and easements
549 shall be shown.
- 550 (b) After the Erosion and Sediment Control Plan has been approved but prior to any
551 clearing or grading operations of the site, the owner shall have the limits of
552 clearing delineated with approved methods such as flagging, silt fencing or
553 temporary fencing.
- 554 (c) The site engineer shall certify in writing to the owner that the limits of clearing
555 have been staked in accordance with the approved plans. A copy of this letter
556 shall be sent to the Planning Office and the Department of Public Works.
- 557 (d) The owner shall be responsible for the protection of the buffer areas and for
558 replanting and/or supplemental planting and other necessary improvements to
559 the buffer as may be appropriate or required to correct problems. The details
560 shall be included on the landscape plans for Planning Commission approval.
- 561 34. The conceptual master plan, as submitted with this application, is for planning and
562 information purposes only. All Subsequent detailed plans of development and
563 construction plans needed to implement this conceptual plan may be administratively

564 reviewed and approved and shall be subject to all regulations in effect at the time such
565 subsequent plans are submitted for review/approval.
566 35. The developer shall provide fire hydrants as required by the Department of Public
567 Utilities in its approval of the utility plans and contracts.
568 36. Insurance Services Office (ISO) calculations must be included with the utilities plans
569 and contracts and must be approved by the Department of Public Utilities prior to the
570 issuance of a building permit.

571

572 **PLAN OF DEVELOPMENT**

573

POD-23-00
Daniels Office Building -
Brook Road and Maryland
Avenue

Michael E. Doczi & Associates, PLLC for Kenneth N. & Janet Daniels: Request for approval of a plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code to convert a one and a half story, 2,000 square foot single-family dwelling to an office. The 0.69 acre site is located at the intersection of Brook Road (U.S. Route 1) and Maryland Avenue on parcel 53-1-21-1. The zoning is O-1C, Office District (Conditional). County water and sewer.
(Fairfield)

574

575 Mr. Wilhite - The next item is on page 20, POD-20-00, Daniels Office Building. On
576 page 3 of your addendum there is also a revised recommendation and revised plans for this
577 project as well.

578

579 Mr. Vanarsdall - Is there anyone in the audience in opposition to POD-23-00, Daniels
580 Office Building on Brook Road and Maryland Avenue in the Fairfield district? No opposition.
581 Mr. Archer.

582

583

584 Mr. Archer - Mr. Chairman, I move approval of POD-23-00, Daniels Office
585 Building, subject to the standard conditions, the annotations on the plan, conditions Nos. 23
586 through 29 and the additional recommendation in the addendum.

587

588 Ms. Dwyer - Do we have a new revised plan on that?

589

590 Mr. Kennedy - Yes, there is a revised plan with that as well.

591

592 Mr. Archer - What's the date of that?

593

594 Mr. Kennedy - April 19.

595

596 Mr. Archer - April 19?

597

598 Mr. Kennedy - Yes.

599

600 Mr. Archer - And subject to the April 19 revision.

601

602 Ms. Dwyer - Second.

603

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

606

607 The Planning Commission approved POD-23-00, Daniels Office Building Brook Road and
608 Maryland Avenue, subject to the standard conditions attached to these minutes for
609 developments of this type, the annotations on the plan and the following additional conditions.

610 Mrs. O'Bannon was absent.

611

612 23. The entrances and drainage facilities on Brook Road (State Route 1) shall be approved
613 by the Virginia Department of Transportation and the County.

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

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

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

623 27. Approval of the construction plans by the Department of Public Works does not
624 establish the curb and gutter elevations along the Virginia Department of Transportation
625 maintained right-of-way. The elevations will be set by the contractor and approved by
626 the Virginia Department of Transportation.

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

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

633

634 **PLAN OF DEVELOPMENT**

635

POD-28-00
Twin Hickory Office
Building

**Jordan Consulting Engineers, P.C. for Brandywine
Operating Partnership, L. P.:** Request for approval of a plan
of development as required by Chapter 24, Section 24-106 of
the Henrico County Code to construct a three-story, 74,500
square foot office building. The 6.97 acre site is located on the
southeast corner of Nuckols Road and Twin Hickory Lane on
parcels 18-A-25 and 25A. The zoning is O-2C, Office District.
County water and Sewer. **(Three Chopt)**

636

637 Mr. Wilhite - On page 23, POD-28-00, Twin Hickory Office Building. On page 4 of
638 your addendum there is a revised recommendation. Staff recommends approval.

639

640 Mr. Vanarsdall - Is there anyone in the audience in opposition to POD-28-00, Twin
641 Hickory Office Building in the Three Chopt District? No opposition. Mr. Taylor.

642

643 Mr. Taylor - Mr. Chairman, I move that the Commission approve POD-28-00, Twin
644 Hickory Office Building, subject to the standard conditions for developments of this type, and
645 additional conditions Nos. 23 through 32.

646

647 Mr. Archer - Second, Mr. Chairman.

648

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

651

652 The Planning Commission approved POD-28-00, Twin Hickory Office Building, subject to the
653 standard conditions attached to these minutes for developments of this type, the annotations on
654 the plan and the following additional conditions. Mrs. O'Bannon was absent.

655

656 23. The right-of-way for widening of Nuckols Road and Twin Hickory Lane as shown on
657 approved plans shall be dedicated to the County prior to any occupancy permits being
658 issued. The right-of-way dedication plat and any other required information shall be
659 submitted to the County Real Property Agent at least sixty (60) days prior to requesting
660 occupancy permits.

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

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

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

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

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

676 29. The loading areas shall be subject to the requirements of Chapter 24, Section 24-97(b)
677 of the Henrico County Code.

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

681 31. Approval of the construction plans by the Department of Public Works does not

682 establish the curb and gutter elevations along the Henrico County maintained right-of-
683 way. The elevations will be set by Henrico County.
684 32. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the
685 Planning Office and approved prior to issuance of a certificate of occupancy for this
686 development.

687

688 **LANDSCAPE PLAN**

689

LP/POD-85-99 **Architects Dayton Thompson & Associates:** Request for a
Crestar Bank @ Virginia approval of a landscape plan as required by Chapter 24,
Center Marketplace Sections 24-106 and 24-106.2 of the Henrico County Code.
The 1.01 acre site is located on an outparcel of Virginia Center
Market Place Shopping Center along the west line of Brook
Road (U. S. Route 1) approximately 900 feet north of its
intersection with J.E.B. Stuart Parkway on part of parcel 24-A-
9D. The zoning is B-3C, Business District (Conditional).
(Fairfield)

690

691 Mr. Wilhite - On page 27, a landscape plan LP/POD-85-99, Crestar Bank @ Virginia
692 Center Marketplace. Staff is recommending approval.

693

694 Mr. Vanarsdall - Is there anyone in the audience in opposition to the landscape plan for
695 LP/POD-85-99, Crestar Bank @ Virginia Center Marketplace? No opposition. Mr. Archer.

696

697 Mr. Archer - Was there anything on the addendum with regard to that?

698

699 Mr. Wilhite - No, sir.

700

701 Mr. Archer - Okay. Mr. Chairman, I recommend approval for LP/POD-85-99,
702 Crestar Bank at Virginia Center Marketplace, subject to the annotations on the plan and the
703 standard conditions for landscape plans.

704

705 Mr. Taylor - Second.

706

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

709

710 The Planning Commission approved the landscape plan for LP/POD-85-99, Crestar Bank @
711 Virginia Center Marketplace, subject to the annotations on the plan and the standard conditions
712 for landscape plans. Mrs. O'Bannon was absent.

713

714 **LIGHTING PLAN**

715

LP/POD-13-99 **DPR Construction Inc.:** Request for approval of a lighting plan as required by Chapter 24, Section 24-106 of the Henrico County Code. The 7.88 acre site is located on the west line of Cox Road, approximately 900 feet south of Waterfront Place on parcel 38-3-B-7. The zoning is O-3C, Office District (Conditional). **(Three Chopt)**

716

717 Mr. Wilhite - Also on page 27, lighting plan, LP/POD-POD-13-99, Banks Brothers
718 First Health II. Staff is recommending approval.

719

720 Mr. Vanarsdall - Is there anyone in the audience in opposition to the lighting plan for
721 LP/POD-13-99, Banks Brothers First Health II in the Three Chopt District? No opposition.

722 Mr. Taylor.

723

724 Mr. Taylor - Mr. Chairman, I move that the Commission approve LP/POD-13-99,
725 Banks Brothers First Health II subject to the annotations on the plans and the standard
726 conditions for lighting plans.

727

728 Ms. Dwyer - Second.

729

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

732

733 The Planning Commission approved the lighting plan for LP/POD-13-99, Banks Brothers First
734 Health II, subject to the annotations on the plan and the standard conditions for lighting plans.

735 Mrs. O'Bannon was absent.

736

737 **LANDSCAPE & LIGHTING PLAN**

738

LP/POD-58-99 **Burgess & Niple, Inc.:** Request for a approval of a landscape
KBS Inc., Office Warehouse and lighting plan as required by Chapter 24, Sections 24-106
and 24-106.2 of the Henrico County Code. The 9.3 acre site is
located along the north line of Technology Park Drive,
approximately 600 feet west of J.E.B. Stuart Parkway on
parcel 33-A-64E. The zoning is M-1C, Light Industrial
District (Conditional). **(Fairfield)**

739

740 Mr. Wilhite - Page 28. We have a landscape and lighting plan for LP/POD-58-99,
741 KBS Inc., Office Warehouse. On page 5 of your addendum there is a revised recommendation
742 and there is also revised plans. Staff is recommending approval.

743

744 Mr. Vanarsdall - Is there anyone in the audience in opposition to the landscape and
745 lighting plan for LP/POD-58-99, KBS Inc., Office Warehouse in the Fairfield District? No

746 opposition. Mr. Archer.

747

748 Mr. Archer - Mr. Chairman, I recommend approval of landscape and lighting plan
749 LP/POD-58-99, KBS Ins., Office Warehouse, subject to the annotations on the plan, the
750 standard conditions and the revised plans for April 26, 2000.

751

752 Mr. Taylor - Second.

753

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

756

757 The Planning Commission approved the landscape and lighting plan for LP/POD-58-99, KBS
758 Inc., Office Warehouse, subject to the annotations on the plan and the standard conditions for
759 landscape and lighting plans. Mrs. O'Bannon was absent.

760

761 Mr. Wilhite - Mr. Chairman, that concludes our Expedited Agenda for the nine
762 o'clock agenda. The other four items our scheduled for the ten o'clock agenda.

763

764 Mr. Vanarsdall - Would it be in our advantage to announce the ten o'clock cases just in
765 case someone is here?

766

767 Mr. Wilhite - Yes. I can tell you which ones are on the ten o'clock agenda for
768 expedited approval.

769

770 Mr. Vanarsdall - Of course, we can't take any action on it until ten o'clock.

771

772 Mr. Wilhite - First, on page 35, it's Sadler Glen (April 2000 Plan) subdivision. Page
773 36, Harvest Glen @ Twin Hickory (April 2000 Plan). Page 40, Rolling Hills (March 2000
774 Plan) and on page 41 another subdivision Moss Estates (April 2000 Plan).

775

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

777

778 Ms. Dwyer - Mr. Wilhite, on that last one KBS, the revised plan, was that a part of
779 our packet?

780

781 Mr. Wilhite - Yes. I've been told that's included in your packet.

782

783 Ms. Dwyer - Okay. I didn't see that. Does anybody else have that?

784

785 Mr. Archer - Yes, I have it.

786

787 Ms. Dwyer - Okay.

788

789 Mr. Vanarsdall - Yes, I have it too.

790

791 Mr. Archer - Mr. Chairman, I believe we need a paper break.
792

793 Mr. Vanarsdall - Ms. Dwyer, do you want Ms. News to tell you what the revisions are on
794 that?
795

796 Ms. News - The revised plan just had an annotation to change some shrubs at the
797 request of an adjacent neighbor who preferred a different shrub adjacent to her home.
798

799 Ms. Dwyer - Okay.
800

801 Mr. Vanarsdall - Thank you, Ms. News. All right. Mr. Marlles, I think we are starting
802 on page 4.
803

804 Mr. Marlles - The next item on the agenda, Mr. Chairman, is subdivision extensions of
805 conditional approval. This information is being presented for informational purposes only.
806 We have three subdivisions that have requested one-year extension: Hunters Run, Hunton
807 Park and White Oak Forest. Staff is recommending a one-year extension on those particular
808 subdivisions.
809

810 Mr. Vanarsdall - We don't have to take any actions on those, you do that, right?
811

812 Mr. Marlles - That's correct.
813

814 Mr. Vanarsdall - Okay. Are you ready.
815

816 Mr. Marlles - Yes, sir. The first item on the nine o'clock agenda for the
817 Commission's action is a landscape and lighting plan for LP/POD-122-98. This is for the
818 Steward School.
819

820 **LANDSCAPE & LIGHTING PLAN (Deferred from the March 22, 2000, Meeting)**
821

LP/POD-122-98 Steward School	Van Yahres/Vince Narron: Request for a approval of a landscape and lighting plan as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code. The 35.7 acre site is located at the northwest corner of Gayton Road and Ryandale Road on parcels 77-A-4, 77-A-20 and 77-A-21. The zoning is A-1, Agricultural District. (Tuckahoe)
---------------------------------	---

822

823 Mr. Vanarsdall - Is there anyone in the audience in opposition to LP/POD-122-98,
824 Steward School, landscape and lighting plan? All right. We will be right with you, Mr.
825 Haigh. Good morning, Mr. Strauss.
826

827 Mr. Strauss - Good morning and thank you, Mr. Chairman. This application was
828 deferred at the applicant's request at our last meeting in order to give the neighborhood on
829 Baypines Lane an opportunity to meet with the applicant and discuss the proposed lighting and

830 landscaping for the Steward School. Since that time, the school has met with the neighbors on
831 two occasions and a revised plan has been filed, which you have received in your addendum
832 this morning. In the interest of the neighbors, staff has proposed some additional conditions to
833 this application, which the applicant is agreeable to. Those conditions have to do primarily
834 with the height of the light poles, vehicular access on the site and future supplemental
835 landscaping if needed. Since the applicant is agreeable to these additional conditions, staff can
836 now recommend approval and I'll be happy to answer any additional questions that you may
837 have. Thank you.

838

839 Mr. Vanarsdall - Are there any questions for Mr. Strauss? Mr. Archer would you like to
840 hear from the applicant?

841

842 Mr. Archer - I don't believe so, unless some of the others would.

843

844 Mrs. O'Bannon enters at this time.

845

846 Mr. Vanarsdall - Good morning, Mrs. O'Bannon. I know you had a late hour last night.

847

848 Mrs. O'Bannon - You were there also. Yeah, it ran a little late last night. I apologize for
849 being late getting here.

850

851 Mr. Vanarsdall - No problem.

852

853 Mrs. O'Bannon - Yes. We did have meetings with the citizens and I'm really pleased to
854 see the addition of the 12-foot light poles. I think that's a good move and I appreciate them
855 doing that.

856

857 Mr. Archer - Mr. Strauss, was this all the light poles or just those as indicated in the
858 conditions?

859

860 Mr. Strauss - Only the four light poles adjacent to the rear lots of Baypines would be
861 12 feet in height.

862

863 Mr. Archer - Okay. Thank you.

864

865 Mr. Vanarsdall - All right. We do have some opposition. Come down, sir.

866

867 Mr. Haigh - My name is Dick Haigh and I'm a neighbor. In fact, I live right behind
868 the school. My comments are not in opposition, in fact, it's the other way. We neighbors
869 behind the school appreciate the Steward School going along with our recommendations and
870 all the work that the Henrico County people have put on this. However, we do hope that the
871 next time that they plan a meeting with the neighbors that they make the meeting later in the
872 evening so that the homeowners that work can attend. We highly recommend the meeting
873 time to be at 7:00 p.m. rather than at 5:00 p.m. And, again, I thank everybody. Thank you
874 very much.

875 Mr. Vanarsdall - Thank you for your comments, Mr. Haigh. Are there any questions of
876 Mr. Haigh by Commission members? Mr. Archer.

877

878 Mr. Archer - Mr. Chairman, with that, I move approval of LP/POD-122-98, Steward
879 School, subject to the annotations on the plans and the standard conditions for landscape and
880 lighting plans and the new conditions Nos. 5, 6, 7 and 8. That's it.

881

882 Mr. Taylor - Second.

883

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

886

887 The Planning Commission approved the landscape and lighting plan for LP/POD-122-98,
888 Steward School, subject to the annotations on the plan, the standard conditions for landscape
889 and lighting plans and the following additional conditions:

890

891 5. The property shall be developed as shown on the annotated plan filed with the case and no
892 changes or additions to the layout shall be made without the approval of this Commission.

893 6. The light poles along the rear yards of the lots on Baypines Lane will be limited to a
894 height of twelve (12) feet, as measured from finish grade to the lens of the fixture. After
895 10:00 p.m. lights in the parking area will be reduced in accordance with the agreement
896 dated April 10, 2000.

897 7. The exterior building mounted lights on the north side of the gymnasium will be operated
898 by a motion detector.

899 8. The applicant agrees to restrict vehicular access to the gymnasium from Ryandale Road
900 with a traffic barrier. Access would be restricted after normal hours of operation. Access
901 to the rear of the fine arts building from Gayton Road will be limited to emergency use
902 only. In both cases, the traffic barrier may be either bollards or a gate, as approved by
903 the Fire Marshall.

904 9. The applicant agrees to meet with the neighbors of Baypines to discuss supplementary
905 planting in the buffer area by the end of May 2000. If mutual agreement regarding
906 supplemental planting is not achieved, the Planning Commission will reconsider the
907 landscape plan for this area.

908 **PLAN OF DEVELOPMENT, TRANSITIONAL BUFFER DEVIATION & SPECIAL**
909 **EXCEPTION**

910

POD-13-00
Tarmac Block Plant
Addition
(POD-47-80 Revised)

E. D. Lewis & Associates for Tarmac America, Inc.:
Request for approval of a revised plan of development, transitional buffer deviation and special exception for a building exceeding 50 feet in height, as required by Chapter 24, Sections 24-106, 24-106.2 and 24-94(g) of the Henrico County Code to construct a one-story, 1,800 square foot addition to an existing 34,025 square foot concrete block plant that exceeds 50 feet in height. The 5.0 acre site is located at 1650 Darbytown Road, 762 feet north of the CSX Railroad right-of-way, on parcel 181-A-44A. The zoning is M-2, General Industrial District. County water and sewer. **(Varina)**

911

912 Mr. Vanarsdall - Is there anyone in the audience in opposition to POD-13-00, Tarmac
913 Block Plant Addition (POD-47-80 Revised)? No opposition. Mr. Kennedy.

914

915 Mr. Kennedy - There is a revised plan, Mr. Chairman. There are several unique
916 circumstances surrounding this. There is a transitional buffer deviation. There is also a
917 special height exception as well. This is required with the approval of this plan. The original
918 POD for this site was approved in 1980. It was for the Darbytown Industrial Park. There was
919 an administrative amendment approved in 1988 that permitted the Tarmac Plant, which was a
920 concrete product plant, to be built in 1988. At that time, they were also given a variance to
921 build the plant within 300 feet of residential property, which was across the street. At that
922 time, there was no transitional buffer requirement. There was a fence required as a part of the
923 POD on the front of the property. The plant was not constructed in accordance with the
924 approved POD and there was a lift for the materials to go into the product, to go into the
925 plant, they are stone and concrete, and that exceeds the height limit. That was built in 1988.
926 That's where the height exception comes in. It's not with the current plan. The current plan
927 is for an addition to enclose a packaging of products, which they already do outside the
928 building right now. So, actually, when they enclose the outdoor process they will be
929 providing additional protection for the neighborhood. As far as the Board of Zoning Appeals,
930 they reviewed this case in March of this year because of the plant addition, again, it's within
931 300 feet of residential so it needed a variance. A variance was approved subject to POD
932 conditions as may be approved by the Planning Commission. So, it comes back to the
933 Planning Commission as opposed to the BZA approving the site plan. The Board of Zoning
934 Appeals felt that the Planning Commission should be the best place to deal with the transitional
935 buffer issues.

936

937 The applicants have submitted a revised plan which is before you. They have come back in and
938 they have agreed to provide a, where the addition is, a 7-foot-high, block wall, 10 feet back.
939 So that is still a variation from the required transitional buffer, it's a deviation as opposed to
940 an approved alternate from the 35-foot transitional buffer. So it does require transitional
941 buffer deviation approval. Staff is recommending that 25 foot, the typical landscaping that

942 would go into a 25-foot buffer, be put into the 10-foot buffer in that section. And that would
943 extend along the property line and the annotations on the plan require it along the parking lot
944 on the plan to wrap to the 35-foot transitional point on that side. The developer has also
945 agreed to replace the fence that was previously approved along the front of the building to
946 extend to the eastern property line. Basically, what that would do is have a fence along the
947 property line.

948

949 Ms. Dwyer - Repeat what you just said, please.

950

951 Mr. Kennedy - What they have agreed to is what there was originally on the original
952 1988 plan, which was a fence along the right-of-way line. And what the applicant has agreed
953 to do is replace that fence along the right-of-way line from the point where the block wall is
954 shown to their eastern property line, to the other building. That would provide buffering. The
955 applicant has indicated that they can't put the block wall 10 foot back at that point because it
956 would restrict their process activity within that area.

957

958 Ms. Dwyer - So we have a seven-foot split face block wall and then....

959

960 Mr. Kennedy - A fence will be provided. It would offset to the right-of-way and then
961 extend along the right-of-way line.

962

963 Ms. Dwyer - Along Darbytown.

964

965 Mr. Kennedy - Yes, along Darbytown Road.

966

967 Ms. Dwyer - And what kind of fence would that be?

968

969 Mr. Kennedy - They've indicated that it would be a wood fence and would have rolling
970 gates.

971

972 Ms. Dwyer - A wood fence with rolling gates?

973

974 Mr. Kennedy - Yes, with rolling gates. Staff conditions, the annotations on the plan
975 calls for a structural screen to be approved by staff so that whatever final design... They are
976 contemplating trying to put block at that point. What they are looking at is trying to see where
977 they can build it. A fence could be put right on the property line, block may have to be offset
978 because of the footings and things so there is some sort of concern about that.

979

980 Ms. Dwyer - They are concerned about being able to extend the block wall?

981

982 Mr. Kennedy - To build a block wall along that section.

983

984 Ms. Dwyer - So, that is why they are only committing to the wood fence.

985

986 Mr. Kennedy - Right.

987

988 Ms. Dwyer - So, there's a possibility that we may have a consistent block wall along
989 that whole frontage?

990

991 Mr. Kennedy - Yes.

992

993 Ms. Dwyer - So, we just don't know, yet. What's holding up the decision on that?

994

995 Mr. Kennedy - We have just been dealing with Public Works recently on this as far as
996 what can be done. And the Fire Marshall has also expressed concern and now that they have
997 agreed, they are putting in gates anyway along there, so it's not going to be fully consistent
998 anyway. The object was just to give some sort of flexibility to staff to be able to resolve the
999 issue and try to achieve the maneuvering that they need behind the wall to maintain their
1000 process. And this plant was approved in 1988. So, it's kind of hard to move. It was forced
1001 in that location because it was a former railroad right-of-way behind them. So, it was agreed
1002 in 1988 that it was an okay location.

1003

1004 Ms. Dwyer - To push it forward.

1005

1006 Mr. Kennedy - To push to the right-of-way. The problem is, as far as Public Works is
1007 concern, is they want to make sure that there is a fence there so there is no maneuvering back
1008 into the right-of-way. Planning's concern is the aesthetics to make sure it is screened. Fire's
1009 concern is they don't want a full block wall because they need access. So, it's like we are
1010 trying to juggle these issues. And what we have come up with is a way that we can resolve
1011 these details at construction plan stage. And the applicant has acted in good faith and we feel
1012 that we can resolve it and come up with something which is most appropriate to meet all those
1013 needs at the same time.

1014

1015 Ms. Dwyer - Okay. Are there any conditions that address this unanswered question
1016 about the extended fence?

1017

1018 Mr. Kennedy - It does have to come back for landscape plan approval. We are
1019 recommending that it do come back for No. 9 amended. So, that is an opportunity for it to
1020 come back so that the Planning Commission can see how it looks.

1021

1022 Ms. Dwyer - To examine the fence.

1023

1024 Mr. Kennedy - To examine the fence at that point, as a landscape detail.

1025

1026 Ms. Dwyer - Either way there is not going to be space for landscaping between
1027 Darbytown and whatever fence or wall is put in that location.

1028

1029 Mr. Kennedy - In that location, no, there won't be.

1030

1031 Ms. Dwyer - But where we show the wall at this plan there will be....

1032
1033 Mr. Kennedy - There will be a place to put landscaping, yes.
1034
1035 Ms. Dwyer - Have they agreed to the transitional buffer 25 landscaping?
1036
1037 Mr. Kennedy - Yes, they have.
1038
1039 Ms. Dwyer - The quantity and quality of materials along there?
1040
1041 Mr. Kennedy - Yes they have. What we did, just so that the Planning Commission
1042 could see something (staff was putting pictures on document camera at this time).... Basically,
1043 on the lower photo you can see how it kinds of open up to the street. The plan that we have
1044 done, we've actually drawn in with Photo Paint a wall showing what it would look like with
1045 typical landscaping. We tried to soften it up.
1046
1047 Ms. Dwyer - Could you darken the picture a little bit, on my copy it's wash out?
1048
1049 Mr. Kennedy - Sorry, the color document camera is not working so it's hard to make
1050 the adjustments. So, basically, what we tried to do is come up with a plan that provides
1051 buffering and is an improvement to the actual existing situation and what they are also doing is
1052 also improving by containerizing their packaging so their process is now within the building.
1053 All those things we think are positive things and we think that this is the best one we can move
1054 forward at this time.
1055
1056 Ms. Dwyer - So, the transitional buffer deviation and special exception for height
1057 really are because of what's existing.
1058
1059 Mr. Kennedy - Exactly.
1060
1061 Ms. Dwyer - And we are not really approving any additional encroachments to
1062 anything, we are just approving what's already there.
1063
1064 Mr. Kennedy - Exactly.
1065
1066 Ms. Dwyer - And then with the wall and the additional landscaping is an attempt to
1067 screen somewhat that existing operation.
1068
1069 Mr. Kennedy - Right. And, basically, where they are really responsible for their
1070 transitional buffering is really where the new addition is and where the new parking area is.
1071
1072 Ms. Dwyer - Because I look at this picture and I think the transitional buffer 25 call
1073 for a certain number of deciduous trees, I'm thinking maybe all evergreens would be better at
1074 this location. But, we can deal with that at landscaping time.
1075
1076 Mr. Kennedy - Yes, we can deal with that at landscape time. Part of the problem with

1077 having evergreens is that basically they limit sight distance as well. So it is a combination of
1078 those two things. We need to get sight distance. The wall close to the right-of-way, they still
1079 need to be able to see. So, we are, again, juggling a very tight site.

1080 Ms. Dwyer - Well, we hope it will be better when we are finish with it this time.

1081

1082 Mr. Kennedy - Well, I'm sure it will be better.

1083

1084 Ms. Dwyer - As far as the residents are concern.

1085

1086 Mr. Kennedy - As far as the residents are concern and the appearance along the road. I
1087 think it would be a cleaner site and it would be safer because they won't have that wide, open
1088 space where they can do transitions into the right-of-way and protect the right-of-way.

1089

1090 Ms. Dwyer - Okay. Thank you.

1091

1092 Mr. Vanarsdall - Are there any other questions for Mr. Kennedy? All right. Are you
1093 ready for a motion, Ms. Dwyer?

1094

1095 Ms. Dwyer - Mr. Secretary, do we need a separate motion for transitional buffer
1096 deviation and a special exception for height.

1097

1098 Mr. Marlles - Yes, ma'am.

1099

1100 Mr. Vanarsdall - Yes we do. We need one for POD, one for the deviation and one for the
1101 special exception.

1102

1103 Ms. Dwyer - We need three motions then or just two? How would you like to have
1104 your motions?

1105

1106 Mr. Marlles - My preference is to have them as separate motions.

1107

1108 Ms. Dwyer - All right. For POD-13-00, Tarmac Block Plant, I move that the
1109 transitional buffer deviation be approved as indicated on the plans submitted. Again, this is a
1110 situation which is existing and we are trying to dot all of our I's and cross all of our T's and
1111 try to improve the aesthetics from the roadway. So, I move for the approval of transitional
1112 buffer deviation. I need a second.

1113

1114 Mr. Taylor - Second.

1115

1116 Mr. Vanarsdall - The motion was made by Ms. Dwyer and seconded by Mr. Taylor. All
1117 in favor say aye...all opposed say nay. The motion carries.

1118

1119 The Planning Commission approved the transitional buffer deviation for POD-13-00, Tarmac
1120 Block Plant Addition (POD-47-80 Revised).

1121

1122 Ms. Dwyer - Again, there is an existing building structure that exceeds what is the
1123 limit set forth in the code. I believe the BZA has already approved that height extension, is
1124 that correct?

1125 Mr. Kennedy - No, they approved the separation from the residential property.
1126

1127 Ms. Dwyer - Okay. Sorry. That was a separate issue. We don't have to make a
1128 motion on that one. So, I move that we approve the special exception for building height
1129 exceeding 50 feet in this case.

1130
1131 Mr. Archer - Second, Mr. Chairman.
1132

1133 Mr. Vanarsdall - The motion was made by Ms. Dwyer and seconded by Mr. Archer. All
1134 in favor say aye...all opposed say nay. The motion carries.
1135

1136 The Planning Commission approved the special exception for height limitation for POD-13-00,
1137 Tarmac Block Plant Addition (POD-47-80 Revised).
1138

1139 Ms. Dwyer - Now for approval of POD-13-00, I move for approval including the
1140 standard conditions for this type of development, additional conditions Nos. 23 through 29 and
1141 adding No. 9 amended the landscaping plan to come back so that we can look at the
1142 landscaping along Darbytown roadway. And this is a revised plan dated April 19, 2000.
1143

1144 Mr. Taylor - Second.
1145

1146 Mr. Vanarsdall - The motion was made by Ms. Dwyer and seconded by Mr. Taylor. All
1147 in favor say aye...all opposed say nay. The motion carries.
1148

1149 The Planning Commission approved POD-13-00, Tarmac Block Plant Addition (POD-47-80
1150 Revised) subject to the standard conditions attached to these minutes, the annotations on the
1151 plan and the following additional conditions.
1152

1153 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for
1154 review and Planning Commission approval prior to the issuance of any occupancy
1155 permits.

1156 23. The easements for drainage and utilities as shown on approved plans shall be granted to
1157 the County in a form acceptable to the County Attorney prior to any occupancy permits
1158 being issued. The easement plats and any other required information shall be submitted
1159 to the County Real Property Agent at least sixty (60) days prior to requesting
1160 occupancy permits.

1161 24. The developer shall provide fire hydrants as required by the Department of Public
1162 Utilities in its approval of the utility plans and contracts.

1163 25. Deviations from County standards for pavement, curb or curb and gutter design shall
1164 be approved by the County Engineer prior to final approval of the construction plans by
1165 the Department of Public Works.

1166 26. The loading areas shall be subject to the requirements of Chapter 24, Section 24-97(b)

1167 of the Henrico County Code.
1168 27. Insurance Services Office (ISO) calculations must be included with the utilities plans
1169 and contracts and must be approved by the Department of Public Utilities prior to the
1170 issuance of a building permit.
1171 28. Approval of the construction plans by the Department of Public Works does not
1172 establish the curb and gutter elevations along the Henrico County maintained right-of-
1173 way. The elevations will be set by Henrico County.
1174 29. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the
1175 Planning Office and approved prior to issuance of a certificate of occupancy for this
1176 development.

1177

1178 **PLAN OF DEVELOPMENT**

1179

POD-24-00
Wawa, Inc. - Mountain Rd.
and Brook Road (Rt. 1)

Jordan Consulting Engineers, P.C. for Church Zed J. and Joan A. Wampler, Jr. and Wawa, Inc.: Request for approval of a plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a one-story, 4,848 square foot Wawa Food Market with fuel pumps. The 3.10 acre site is located on Brook Road (U.S. Route 1) and Mountain Road on parcels 53-A-40 and 53-A-41. The zoning is B-3, Business District. County water and sewer. **(Fairfield)**

1180

1181 Mr. Vanarsdall - Is there anyone in the audience in opposition to POD-24-00, Wawa,
1182 Inc.? No opposition. Mr. Kennedy. We also have another revised plan dropped out of the
1183 ceiling on us.

1184

1185 Mr. Kennedy - I got a lot of revised plans that came in on Friday, late last week. This
1186 is actually a conceptual landscape plan, for your benefit. There is a large detention area in the
1187 front of the Wawa. And, basically, we wanted to have you take note of that. Wawa is a
1188 convenience store. This is a new company entering the Richmond market. They like to
1189 themselves as the Ukrop's of convenience stores. They have a very clean look. I do have
1190 some photos. These photos doesn't quite do them justice. Wawa has worked diligently with
1191 the staff. The one condition that we were concern about with this conceptual plan is there are
1192 some very large 100-year-old trees that are there, on the plan, and they have regarded this site
1193 and that's one of the things that show on the conceptual plan. It's regraded to save the 100-
1194 year-old trees. However, staff is concerned about with regard to conceptual plan that it
1195 doesn't meet the guidelines of the stormwater management guidelines as far as screening of the
1196 detention areas. So, we would like to recommend that the Planning Commission consider No.
1197 9 amended and because it is a convenience store and because of light levels, No. 11 amended
1198 as well.

1199

1200 Ms. Dwyer - Is this the first Wawa store in Henrico?

1201

1202 Mr. Kennedy - This is the first Wawa in Henrico, there's one in Chesterfield County
1203 that's under construction.

1204

1205 Ms. Dwyer - I remember meeting with the Wawa people some time ago. Are the
1206 Wawa folks familiar with our policies regarding lighting fixtures and recess lighting and
1207 canopies?

1208

1209 Mr. Kennedy - Yes, they are. And basically what they have shown is that the fixtures
1210 are behind the canopy so they would not be exposed.

1211

1212 Ms. Dwyer - This photo seems to show some spot lights below the canopy that's why
1213 I asked.

1214

1215 Mr. Kennedy - Right, and they have been advised of that. And as additional assurance,
1216 No. 11 amended would have it coming back.

1217

1218 Mr. Vanarsdall - Are there any other questions by Commission members? Mr. Archer,
1219 do you have any questions?

1220

1221 Mr. Archer - I don't believe so, Mr. Chairman.

1222

1223 Mr. Vanarsdall - All right. We are ready for a motion.

1224

1225 Mr. Archer - Well, I did receive a call yesterday at home from one of the Wawa
1226 personnel who indicated that they are willing to go along with whatever it is we suggest in
1227 terms of improving this. And with that, Mr. Chairman, I move approval of POD-24-00,
1228 Wawa Inc., subject to the standard conditions for developments of this type, the annotations
1229 and the additional conditions Nos. 23 through 41 adding Nos. 9 and 11 amended.

1230

1231 Ms. Dwyer - Second.

1232

1233 Mr. Vanarsdall - The motion was made by Mr. Archer and seconded by Ms. Dwyer. All
1234 in favor say aye...all opposed say nay. The motion carries.

1235

1236 The Planning Commission approved POD-24-00, Wawa, Inc., subject to the standard
1237 conditions attached to these minutes for developments of this type, the annotations on the plans
1238 and the following additional conditions:

1239

1240 9 **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office
1241 for review and Planning Commission approval prior to the issuance of any occupancy
1242 permits.

1243 10. **AMENDED** - Prior to the installation of the site lighting equipment, a plan including
1244 depictions of light spread and intensity diagrams and fixture mounting height details
1245 shall be submitted for Planning Office review and Planning Commission approval.

1246 23. Bulk storage of fuel shall be underground.

1247 24. There shall be no exterior display of merchandise except on pump islands and on paved
1248 walkway areas within three (3) feet of building.

- 1249 25. Lighting fixtures shall not exceed a height greater than twenty (20) feet.
- 1250 26. No temporary storage of wrecked or inoperative vehicles or rental of vehicles, trailer campers, vans or similar equipment shall be permitted.
- 1251
- 1252 27. Not more than two (2) electronic amusement games shall be permitted.
- 1253 28. Not more than two (2) vending machines for food and beverage and similar merchandise shall be permitted on the premises outside of an enclosed building.
- 1254
- 1255 29. The right-of-way for widening of Rook Road (U.S. Route 1) as shown on approved plans shall be dedicated to the County prior to any occupancy permits being issued.
- 1256
- 1257 The right-of-way dedication plat and any other required information shall be submitted to the County Real Property Agent at least sixty (60) days prior to requesting occupancy permits.
- 1258
- 1259
- 1260 30. The easements for drainage and utilities as shown on approved plans shall be granted to the County in a form acceptable to the County Attorney prior to any occupancy permits being issued. The easement plats and any other required information shall be submitted to the County Real Property Agent at least sixty (60) days prior to requesting occupancy permits.
- 1261
- 1262
- 1263
- 1264
- 1265 31. The entrances and drainage facilities on Brook Road (U.S. Route 1) shall be approved by the Virginia Department of Transportation and the County.
- 1266
- 1267 32. A notice of completion form, certifying that the requirements of the Virginia Department of Transportation entrances permit have been completed, shall be submitted to the Planning Office prior to any occupancy permits being issued.
- 1268
- 1269
- 1270 33. The developer shall provide fire hydrants as required by the Department of Public Utilities in its approval of the utility plans and contracts.
- 1271
- 1272 34. A standard concrete sidewalk shall be provided along the west side of Brook Road (U.S. Route 1).
- 1273
- 1274 35. Outside storage shall not be permitted.
- 1275 36. Deviations from County standards for pavement, curb or curb and gutter design shall be approved by the County Engineer prior to final approval of the construction plans by the Department of Public Works.
- 1276
- 1277
- 1278 37. Insurance Services Office (ISO) calculations must be included with the utilities plans and contracts and must be approved by the Department of Public Utilities prior to the issuance of a building permit.
- 1279
- 1280
- 1281 38. Approval of the construction plans by the Department of Public Works does not establish the curb and gutter elevations along the Henrico County maintained right-of-way. The elevations will be set by Henrico County.
- 1282
- 1283
- 1284 39. Approval of the construction plans by the Department of Public Works does not establish the curb and gutter elevations along the Virginia Department of Transportation maintained right-of-way. The elevations will be set by the contractor and approved by the Virginia Department of Transportation.
- 1285
- 1286
- 1287
- 1288 40. The owners shall not begin clearing of the site until the following conditions have been met:
- 1289
- 1290
- 1291 (a) The site engineer shall conspicuously illustrate on the plan of development or subdivision construction plan and the Erosion and Sediment Control Plan, the limits of the areas to be cleared and the methods of protecting the required
- 1292
- 1293

- 1294 buffer areas. The location of utility lines, drainage structures and easements
 1295 shall be shown.
- 1296 (b) After the Erosion and Sediment Control Plan has been approved but prior to any
 1297 clearing or grading operations of the site, the owner shall have the limits of
 1298 clearing delineated with approved methods such as flagging, silt fencing or
 1299 temporary fencing.
- 1300 (c) The site engineer shall certify in writing to the owner that the limits of clearing
 1301 have been staked in accordance with the approved plans. A copy of this letter
 1302 shall be sent to the Planning Office and the Department of Public Works.
- 1303 (d) The owner shall be responsible for the protection of the buffer areas and for
 1304 replanting and/or supplemental planting and other necessary improvements to
 1305 the buffer as may be appropriate or required to correct problems. The details
 1306 shall be included on the landscape plans for Planning Commission approval.
- 1307 41. Any necessary off-site drainage easements must be obtained in a form acceptable to the
 1308 County Attorney prior to final approval of the construction plans by the Department of
 1309 Public Works.

1310

1311 **PLAN OF DEVELOPMENT**

1312

POD-26-00
 New Bridge Baptist Church
 Master Plan, Phase 1 -
 Old Williamsburg Road &
 Elko Road

Draper Aden Associates for New Bridge Baptist Church:
 Request for approval of a plan of development as required by
 Chapter 24, Section 24-106 of the Henrico County Code to
 construct in Phase I a two-story, 43,200 square foot church and
 in Phase II a two-story, 36,000 square foot church. The 51.466
 acre site is located at the corner of Elko Road (State Rt. 156)
 and Old Williamsburg Road on parcel 177-A-40B. The zoning
 is A-1, Agricultural District. County water and Septic
 Tank/Drainfield. **(Varina)**

1313

1314 Mr. Vanarsdall - Is there anyone in the audience in opposition to POD-26-00, New Bridge
 1315 Baptist Church Master Plan, Phase 1? No opposition. I wouldn't think anybody would be
 1316 opposing New Bridge Baptist Church but I have to ask that. And we do have a distinguish
 1317 guest here, I think, on behalf of that, and that's Mr. James Nunnally, member of the BZA.
 1318 Jim, are you here in behalf of the church or are you spying on us?

1319

1320 Mr. Nunnally - I'm spying on you.

1321

1322 Mr. Vanarsdall - Ha ha. No opposition to this case. Mr. Kennedy.

1323

1324 Mr. Kennedy - We need a waiver for time limit because they submitted a revised plan,
 1325 which is on the document screen now, which addresses some of the Fire Marshall's conditions
 1326 about having fire lanes around the building. We have gotten some calls from one of the
 1327 neighbors, Mr. Campbell. I don't know if he's in the audience or not. He's spoken to the
 1328 engineer and staff about concerns about drainage, and these concerns have been addressed by
 1329 annotations on the plans.

1330

1331 Mr. Vanarsdall - So, they have been addressed?

1332

1333 Mr. Kennedy - Yes, by annotations on the plans.

1334

1335 Ms. Dwyer - Which annotations address the drainage concerns?

1336

1337 Mr. Kennedy - Well there's an annotation that refer... well, it's not directly on the plan
1338 it's referring back to the comments which there is a comment by Public Works that they have
1339 to provide stormwater routing that show channels through the property and show adequacy of
1340 those channels or require adequate easements. And the easements are standard conditions but
1341 the adequacy of channels is a condition by Public Works. The applicant has agreed to do that
1342 because they need to do that in order to meet our standards. Basically, it's a two-phase plan.
1343 Phase one being basically a school building, which is here, and then an auditorium here. They
1344 will later add a sanctuary building here and then the parking and the future parking and a
1345 future access.

1346

1347 Mr. Vanarsdall - Are there any other questions for Mr. Kennedy?

1348

1349 Mr. Kennedy - We need to waive the time limits for the revised plans.

1350

1351 Ms. Dwyer - All right. I move that we waive the time limits required for POD
1352 submittals for POD-26-00.

1353

1354 Mr. Archer - Second, Mr. Chairman.

1355

1356 Mr. Vanarsdall - The motion was made by Ms. Dwyer and seconded by Mr. Archer. All
1357 in favor say aye...all opposed say nay. The motion carries.

1358

1359 The Planning Commission approved to waive the limits of time to accept the revised plans.

1360

1361 Ms. Dwyer - I move for approval of POD-26-00, New Bridge Baptist Church Master
1362 Plan, Phase I, including standard conditions for this type of development and additional
1363 conditions Nos. 23 through 36 and adding Nos. 9 and 11 amended.

1364

1365 Mr. Taylor - Second.

1366

1367 Mr. Vanarsdall - The motion was made by Ms. Dwyer and seconded by Mr. Taylor. All
1368 in favor say aye...all opposed say nay. The motion carries.

1369

1370 The Planning Commission approved POD-26-00, New Bridge Baptist Church Master Plan,
1371 Phase 1, subject to the standard conditions attached to these minutes for developments of this
1372 type, the annotations on the plans and the following additional conditions:

1373

1374 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for

- 1375 review and Planning Commission approval prior to the issuance of any occupancy
1376 permits.
- 1377 11. **AMENDED** - Prior to the installation of the site lighting equipment, a plan including
1378 depictions of light spread and intensity diagrams and fixture mounting height details
1379 shall be submitted for Planning Office review and Planning Commission approval.
- 1380 23. The easements for drainage and utilities as shown on approved plans shall be granted to
1381 the County in a form acceptable to the County Attorney prior to any occupancy permits
1382 being issued. The easement plats and any other required information shall be submitted
1383 to the County Real Property Agent at least sixty (60) days prior to requesting
1384 occupancy permits.
- 1385 24. The limits and elevations of the 100-year frequency flood shall be conspicuously noted
1386 on the plan "Limits of 100 Year Floodplain." In addition, the delineated 100-year
1387 floodplain must be labeled "Variable Width Drainage and Utility Easement." The
1388 easement shall be granted to the County prior to the issuance of any occupancy permits.
- 1389 25. The entrances and drainage facilities on State Route 156 shall be approved by the
1390 Virginia Department of Transportation and the County.
- 1391 26. A notice of completion form, certifying that the requirements of the Virginia
1392 Department of Transportation entrances permit have been completed, shall be submitted
1393 to the Planning Office prior to any occupancy permits being issued.
- 1394 27. The developer shall provide fire hydrants as required by the Department of Public
1395 Utilities in its approval of the utility plans and contracts.
- 1396 28. All exterior lighting fixtures shall be designed and arranged so the source of light is not
1397 visible from the roadways or adjacent residential properties. The lighting shall be low
1398 intensity, residential in character, and the height or standards shall not exceed 15 feet.
- 1399 29. Deviations from County standards for pavement, curb or curb and gutter design shall
1400 be approved by the County Engineer prior to final approval of the construction plans by
1401 the Department of Public Works.
- 1402 30. The applicant shall furnish proof to the Planning Office that conditions satisfactory to
1403 the Health Department have been met that insure the proposed septic tank drainfield
1404 system is suitable for this project prior to the issuance of a building permit.
- 1405 31. Insurance Services Office (ISO) calculations must be included with the utilities plans
1406 and contracts and must be approved by the Department of Public Utilities prior to the
1407 issuance of a building permit.
- 1408 32. Approval of the construction plans by the Department of Public Works does not
1409 establish the curb and gutter elevations along the Henrico County maintained right-of-
1410 way. The elevations will be set by Henrico County.
- 1411 33. The conceptual master plan, as submitted with this application, is for planning and
1412 information purposes only. All Subsequent detailed plans of development and
1413 construction plans needed to implement this conceptual plan may be administratively
1414 reviewed and approved and shall be subject to all regulations in effect at the time such
1415 subsequent plans are submitted for review/approval.
- 1416 34. The owners shall not begin clearing of the site until the following conditions have been
1417 met:
1418
1419 (a) The site engineer shall conspicuously illustrate on the plan of development or

1420 subdivision construction plan and the Erosion and Sediment Control Plan, the
1421 limits of the areas to be cleared and the methods of protecting the required
1422 buffer areas. The location of utility lines, drainage structures and easements
1423 shall be shown.

1424 (b) After the Erosion and Sediment Control Plan has been approved but prior to any
1425 clearing or grading operations of the site, the owner shall have the limits of
1426 clearing delineated with approved methods such as flagging, silt fencing or
1427 temporary fencing.

1428 (c) The site engineer shall certify in writing to the owner that the limits of clearing
1429 have been staked in accordance with the approved plans. A copy of this letter
1430 shall be sent to the Planning Office and the Department of Public Works.

1431 (d) The owner shall be responsible for the protection of the buffer areas and for
1432 replanting and/or supplemental planting and other necessary improvements to
1433 the buffer as may be appropriate or required to correct problems. The details
1434 shall be included on the landscape plans for Planning Commission approval.

1435 35. Any necessary off-site drainage easements must be obtained in a form acceptable to the
1436 County Attorney prior to final approval of the construction plans by the Department of
1437 Public Works.

1438 36. Approval of the construction plans by the Department of Public Works does not
1439 establish the curb and gutter elevations along the Virginia Department of Transportation
1440 maintained right-of-way. The elevations will be set by the contractor and approved by
1441 the Virginia Department of Transportation.

1442

1443 Mr. Vanarsdall - All right, Mr. Secretary, I believe we are now on the ten o'clock
1444 agenda, aren't we?

1445

1446 Mr. Marlles - Yes. But, however, there are two late additions to your addendum on
1447 page 8 that could be handled now by the Planning Commission.

1448

1449 Mr. Vanarsdall - If you don't mind, I would like to take those after we take a break.

1450

1451 Mr. Marlles - Yes, sir.

1452

1453 Mr. Vanarsdall - The Commission will now take a break.

1454

1455 **AT THIS TIME THE COMMISSION TOOK A BREAK**

1456

1457 Mr. Vanarsdall - The Commission will now reconvene. Mr. Marlles, we need to proceed
1458 with the ten o'clock Expedited Agenda, and if we have any deferrals. I don't think we did.

1459

1460 Mr. Marlles - Mr. Chairman, would you like staff to review the Expedited Agenda
1461 before discussing the two new late additions?

1462

1463 Mr. Vanarsdall - Yes, if you don't mind.

1464

1465 Mr. Marlles - Mr. Kevin Wilhite will present the 10:00 a.m. Expedited Agenda.

1466

1467 Mr. Wilhite - Thank you. On the ten o'clock expedited agenda, first on page 35 we
1468 have the Sadler Glen subdivision April 2000 Plan. And on page 6 of your addendum there is
1469 an added condition.

1470

1471 **SUBDIVISION**

1472

Sadler Glen
(April 2000 Plan)

Youngblood, Tyler & Associates, P.C. for James E. Stewart, Jr., Thomas Green, Josephine Green, Dahlia Green Tucker, and Fidelity Properties, Ltd.: The 23.49 acre site is located along the south line of I-295 between Wonder Road (private) and Trexler Road (private) on parcels 27-A-27, 27-A-28, 27-A-29, 27-A-30 and 27-A-31. The zoning is R-3C, One-Family Residence District (Conditional) and R-3AC, One-Family Residence District (Conditional). County water and sewer. **(Three Chopt) 59 Lots**

1473

1474 Mr. Wilhite - Staff recommends approval of this case.

1475

1476 Mr. Vanarsdall - Is there anyone in the audience in opposition to Sadler Green in the
1477 Three Chopt District? No opposition. Mr. Taylor.

1478

1479 Mr. Taylor - Mr. Chairman, I would move then that the Commission act to approve
1480 Sadler Glen (April 2000 Plan), subject to the standard conditions for subdivisions served by
1481 public utilities, and additional conditions Nos. 12, 13, 14, 15, and No. 16 on the addendum.

1482

1483 Mr. Archer - Second.

1484

1485 Mr. Vanarsdall - The motion was made by Mr. Taylor and seconded by Mr. Archer. All
1486 in favor say aye...all opposed say nay. The motion carries.

1487

1488 The Planning Commission granted conditional approval to Sadler Glen (April 2000 Plan),
1489 subject to the standard conditions for subdivisions served by public utilities attached to these
1490 minutes, the annotations on the plans and the following additional conditions:

1491

1492 12. The detailed plant list and specifications for the landscaping to be provided within the
1493 25-foot-wide planting strip easement along Interstate 295 shall be submitted to the
1494 Planning Office for review and approval prior to recordation of the plat.

1495 13. Prior to final approval, a draft of the covenants and deed restrictions for the
1496 maintenance of the common area by a homeowners association shall be submitted to the
1497 Planning Office for review. Such covenants and restrictions shall be in form and
1498 substance satisfactory to the County Attorney and shall be recorded prior to recordation
1499 of the subdivision plat.

1500 14. The developer shall provide signage, the wording and location as deemed appropriate

1501 by the Director of Public Works, which addresses the possible future extensions of the
1502 stub street.
1503 15. The developer shall quitclaim his interest in any private access roads or easements
1504 within the bounds of this subdivision and on adjacent properties prior to the recordation
1505 of this subdivision. Execution of this condition shall in no way preclude the developer
1506 of establishing emergency access to this subdivision by way of Wonder Road.
1507 16. Prior to final subdivision approval of Wonder Road dedication, the applicant shall
1508 provide evidence satisfactory to the County Attorney of its legal right to dedicate a
1509 public road over Wonder Road.

1510
1511 **SUBDIVISION**

1512 Harvest Glen @ Twin Hickory (April 2000 Plan) **Youngblood, Tyler & Associates, P.C. for HHHunt Corporation:** The 7.67 acre site is located on Harvest Glen Drive adjacent to Harvest Glen at Twin Hickory on part of parcel 27-A-2 and 27-A-3A. The zoning is R-2AC, One-Family Residence District (Conditional). County water and sewer. **(Three Chopt) 17 Lots**

1513
1514 Mr. Wilhite - On page 36, Harvest Glen @ Twin Hickory (April 2000 Plan), staff
1515 recommends approval.

1516
1517 Mr. Vanarsdall - Is there anyone in the audience in opposition to subdivision Harvest Glen
1518 @ Twin Hickory? This is also in the Three Chopt District. No opposition. Mr. Taylor.

1519
1520 Mr. Taylor - Mr. Chairman, then, I would move that the Commission approve
1521 subdivision plan for Harvest Glen @ Twin Hickory (April 2000 Plan), subject to the standard
1522 conditions for subdivisions served by public utilities, the annotations on the plan and additional
1523 conditions Nos. 12, 13, 14 and 15.

1524
1525 Ms. Dwyer - Second.

1526
1527 Mr. Vanarsdall - The motion was made by Mr. Taylor and seconded by Ms. Dwyer. All
1528 in favor say aye...all opposed say nay. The motion carries.

1529
1530 The Planning Commission granted conditional approval to Harvest Glen @ Twin Hickory
1531 (April 2000 Plan), subject to the standard conditions for subdivisions served by public utilities
1532 attached to these minutes, the annotations on the plans and the following additional conditions:

1533
1534 12. The detailed plant list and specifications for the landscaping to be provided within the 15-
1535 foot-wide planting strip easement along The Westerly Subdivision Boundary shall be
1536 submitted to the Planning Office for review and approval prior to recordation of the plat.

1537 13. A County standard sidewalk shall be constructed along the east side of Harvest Glen Drive
1538 and on the south side of Autumwood Way.

1539 14. Any necessary off-site drainage easements must be obtained prior to final approval of the

1540 construction plans by the Department of Public Works.
1541 15. Prior to final approval, a draft of the covenants and deed restrictions for the maintenance
1542 of the common area by a homeowners association shall be submitted to the Planning Office
1543 for review. Such covenants and restrictions shall be in form and substance satisfactory to
1544 the County Attorney and shall be recorded prior to recordation of the subdivision plat.

1545

1546 **SUBDIVISION**

1547

Rolling Hills
(March 2000 Plan)

Q.M.T. for Bessie H. Willis Estate, James A. Willis, Jr. Executor, Half Interest to Vernelle F. & Wallace L. Coleman and Windsor Enterprises, L.L.C.: The 34.8 acre site is located on the eastern terminus of Pilgram Lane, 1000 feet south of Chamberlayne Avenue (U.S. Route 301) on parcels 64-A-26 and 64-A-24. The zoning is A-1, Agricultural District and C-1, Conservation District. County water and sewer. **(Fairfield) 39 Lots**

1548

1549 Mr. Wilhite - On page 40, Rolling Hills subdivision (March 2000 Plan), staff
1550 recommends approval. On page 7 of your addendum there is a revised recommendation. Staff
1551 recommends approval and there are also revised plans for this project.

1552

1553 Mr. Vanarsdall - Is there anyone in the audience in opposition to subdivision Rolling Hills
1554 (March 2000 Plan)? This is also in the Fairfield District. No opposition. Mr. Archer.

1555

1556 Mr. Archer - Mr. Chairman, I move approval of subdivision Rolling Hills subject to
1557 the standard conditions for subdivisions served by public utilities and the additional conditions
1558 Nos. 12 through 16.

1559

1560 Mr. Taylor - Second.

1561

1562 Mr. Vanarsdall - The motion was made by Mr. Archer and seconded by Mr. Taylor. All
1563 in favor say aye...all opposed say nay. The motion carries.

1564

1565 The Planning Commission granted conditional approval to Rolling Hills (March 2000 Plan),
1566 subject to the standard conditions for subdivisions served by public utilities attached to these
1567 minutes, the annotations on the plans and the following additional conditions:

1568

1569 12. Each lot shall contain at least 18,000 square feet, exclusive of floodplain areas.

1570 13. Detailed construction plans shall be submitted to the Planning Office before the final
1571 plats are submitted for final approval.

1572 14. The detailed plant list and specifications for the landscaping to be provided within the
1573 20-foot-wide planting strip easement along North Wilkinson Road shall be submitted to
1574 the Planning Office for review and approval prior to recordation of the plat.

1575 15. A plan shall be submitted prior to recordation of the plat showing the buildable area for
1576 each lot to properly recognize the limitations for dwelling unit dimensions and

1577 setbacks. Buildable area is that area within which a dwelling unit may legally be
1578 located considering the front yard, side yard, and rear yard setback requirements of
1579 Chapter 24, of the Henrico County Code.
1580 16. Prior to final approval, a draft of the covenants and deed restrictions for the
1581 maintenance of the common area by a homeowners association shall be submitted to the
1582 Planning Office for review. Such covenants and restrictions shall be in form and
1583 substance satisfactory to the County Attorney and shall be recorded prior to recordation
1584 of the subdivision plat.

1585

1586 **SUBDIVISION**

1587

Moss Estates
(April 2000 Plan)

**Thomas & Associates L.L.C. for Kenny Wilbourne Realty
& Construction Company:** The 1 acre site is located at the
intersection of Oakleys Lane and Yates Lane on parcel 147-A-
77. The zoning is R-3AC, One-Family Residence District
(Conditional). County water and sewer. **(Fairfield) 4 Lots**

1588

1589 Mr. Wilhite - Finally, on page 41, Moss Estates (April 2000 Plan), staff recommends
1590 approval.

1591

1592 Mr. Vanarsdall - Is there anyone in the audience in opposition to subdivision Moss Estates
1593 (April 2000 Plan)? This is also in the Fairfield District also. No opposition. Mr. Archer.

1594

1595 Mr. Archer - Mr. Chairman, I move approval of subdivision Moss Estates subject to
1596 the standard conditions for subdivisions served by public utilities and the additional conditions
1597 Nos. 12 through 15.

1598

1599 Ms. Dwyer - Second.

1600

1601 Mr. Vanarsdall - The motion was made by Mr. Archer and seconded by Ms. Dwyer. All
1602 in favor say aye...all opposed say nay. The motion carries.

1603

1604 The Planning Commission granted conditional approval to Moss Estates (April 2000 Plan),
1605 subject to the standard conditions for subdivisions served by public utilities attached to these
1606 minutes, the annotations on the plans and the following additional conditions:

1607

1608 12. Each lot shall contain at least 9,500 square feet.

1609 13. Detailed construction plans shall be submitted to the Planning Office before the final
1610 plats are submitted for final approval.

1611 14. A plan shall be submitted prior to recordation of the plat showing the buildable area for
1612 each lot to properly recognize the limitations for dwelling unit dimensions and
1613 setbacks. Buildable area is that area within which a dwelling unit may legally be
1614 located considering the front yard, side yard, and rear yard setback requirements of
1615 Chapter 24, of the Henrico County Code.

1616 15. The location of the "no parking signs" required along the 40 foot right-of-way shall be

1617 shown on the construction plans. The developer shall include "no parking signs" in his
1618 request for street signs and such installation must occur prior to requesting the first
1619 occupancy permit. The Zoning Conformance Officer shall inspect for continuing
1620 compliance prior to issuance of each subsequent occupancy permit until County
1621 acceptance of the street.

1622

1623 Mr. Vanarsdall - I believe that's the end. Mr. Secretary.

1624

1625 Mr. Marlles - Okay. Mr. Chairman, as I indicated before the break, there were two
1626 late additions that are on page 8 of your addendum. Both of those are subdivision requests.
1627 We could take those up now or we could take them up at the end of the ten o'clock agenda,
1628 whatever the pleasure of the Commission is.

1629

1630 Mr. Vanarsdall - Why don't we address them right now.

1631

1632 Mr. Marlles - Okay. The first addition is a subdivision Cambridge, Section 4. The
1633 staff report will be given by Mr. Wilhite.

1634

1635 **SUBDIVISION**

1636

Cambridge, Section 4
(April 2000 Plan)

Koontz-Bryant, P.C. for Wilton Investment Corporation:
The 4.269 acre site is located at the northern terminus of
Bayswater Terrace, approximately 480 feet north of Nuckols
Road on parcels 9-21-D-101, 9-1-A-7, 9-1-A-8 and 9-A-36.
The zoning is R-2C, One-Family Residence District
(Conditional). County water and sewer. **(Three Chopt) 2 Lots**

1637

1638 Mr. Wilhite - Cambridge, Section 4 is a recorded subdivision. As a part of the
1639 original conditional approval, there were some areas within the subdivision left as reserved to
1640 allow the developer to try to incorporate portions of the adjacent lots in Cross Creek
1641 subdivision; to do some land swaps. We have two on the agenda here, Sections 4 and 5. On
1642 the cover map, that appears on your screen, the location of those sections within Cambridge
1643 subdivision does appear. First, Section 4 is reserved area from Cambridge, Section 2 and the
1644 addition of parts of Cross Creek, Lots 7 and 8. And it also incorporates some portions of
1645 common area left over in Cambridge, Section 2. Two additional lots are being created. Staff
1646 is recommending approval with the annotation that a public drainage utility easement, that
1647 shows up on part of Lot 9 of Cross Creek subdivision, be shifted. Lot 9 is not a part of this
1648 subdivision request. Staff does recommend approval.

1649

1650 Mr. Vanarsdall - Are there any questions of Mr. Wilhite?

1651

1652 Mr. Taylor - On that last condition, Kevin, will the public drainage easement be on
1653 Lot 9 of the Cambridge subdivision?

1654

1655 Mr. Wilhite - It would be on Lot 8 of this section of Cambridge. There was a drafting
1656 error on that portion of Lot 9 there is no easement there now and Lot 9 is not a part of this
1657 subdivision request.

1658 Mr. Taylor - That has to be part of the motion then.
1659

1660 Mr. Wilhite - Well, it is an annotation so that's fine. It just remains an annotation on
1661 the plan.
1662

1663 Ms. Dwyer - Don't these easements usually amounts to eight feet on both sides of the
1664 property line, is that why it was originally drawn in here on Lot 9 in the subdivision?
1665

1666 Mr. Wilhite - Well, there is an existing drainage and utility easement that runs through
1667 the middle of these lots 7 and 8. You can see the parcel line on the map. These easements are
1668 being relocated to not interfere with the buildable areas for these two lots.
1669

1670 Ms. Dwyer - So, they will be along the new property line.
1671

1672 Mr. Wilhite - They will be along the new property line. That easement would have to
1673 be shifted off Lot 9 because the owner of Lot 9 is not a party to the subdivision request.
1674

1675 Ms. Dwyer - So, does that mean that there will be less of an easement along that...
1676

1677 Mr. Wilhite - Well, that would be up to Public Utilities/ Public Works. They may
1678 need all 16 feet shifted onto what appears as Lot 8 of this subdivision. It may be reduced
1679 down to eight feet.
1680

1681 Ms. Dwyer - Okay. That was my question, is whether they would put all 16 feet on
1682 the new Lot 8 in Cambridge.
1683

1684 Mr. Wilhite - Yes, ma'am.
1685

1686 Ms. Dwyer - Okay.
1687

1688 Mr. Vanarsdall - Are there any other questions of Mr. Wilhite? All right, Mr. Taylor.
1689

1690 Mr. Taylor - Mr. Chairman, I would move that the subdivision for Cambridge,
1691 Section 4 (April 2000 Plan), be approved by the Commission subject to the annotations on the
1692 plans and the standard conditions for subdivisions served by public utilities.
1693

1694 Mr. Archer - Second.
1695

1696 Mr. Vanarsdall - The motion was made by Mr. Taylor and seconded by Mr. Archer. All
1697 in favor say aye...all opposed say nay. The motion carries.
1698

1699 The Planning Commission granted conditional approval to Cambridge, Section 4 (April 2000

1700 Plan), subject to the standard conditions for subdivisions served by public utilities attached to
1701 these minutes and the annotations on the plans.

1702

1703 **SUBDIVISION**

1704

Cambridge, Section 5
(April 2000 Plan)

Koontz-Bryant, P.C. for Wilton Investment Corporation:
The 2.315 acre site is located at the eastern terminus of
Bayswater Court, approximately 300 feet east of Bayswater
Terrace on parcels 9-21-D-102 and 9-1-A-10. The zoning is R-
2C, One-Family Residence District (Conditional) and A-1,
Agricultural District. County water and sewer. **(Three Chopt)**
1 Lot

1705

1706 Mr. Wilhite - Section 5, one additional lot is being created on a reserved area of
1707 Cambridge, Section 2, plus a portion of the adjacent Lot 10 of Cross Creek, Section 1. In
1708 order to meet the current cul-de-sac lot requirements, recently, as part of the code amendment,
1709 there will be an adjustment between existing Lot 12 and this proposed Lot 13. With that
1710 annotation on the plan, staff recommends approval.

1711

1712 Mr. Vanarsdall - Are there any questions for Mr. Wilhite?

1713

1714 Ms. Dwyer - It doesn't look like any additional frontage is being provided along the
1715 cul-de-sac. What is the purpose of the adjustment?

1716

1717 Mr. Wilhite - This Lot 13 currently is reserved area, it's not an approved lot. They do
1718 have sufficient frontage on the cul-de-sac to meet cul-de-sac lot requirements. However, they
1719 do need to adjust the lot line between Lots 12 and 13 to meet our requirements.

1720

1721 Ms. Dwyer - What I'm curious about is how the change in our amendment how
1722 affected this design. So, do they have to have more buildable area?

1723

1724 Mr. Wilhite - Well, under the current cul-de-sac lot requirements, the side property
1725 lines have to radiate from the court without a break in them until they meet the minimum front
1726 yard setback.

1727

1728 Ms. Dwyer - So, that was the specific requirement that they need?

1729

1730 Mr. Taylor - That's the requirement for a little jog there.

1731

1732 Mr. Wilhite - Yes, to eliminate the jog.

1733

1734 Ms. Dwyer - Thank you.

1735

1736 Mr. Vanarsdall - All right. Are there any more questions? Mr. Taylor.

1737

1738 Mr. Taylor - Mr. Chairman, I would move that the Commission approve subdivision
1739 plan for Cambridge, Section 5 (April 2000 Plan) subject to the annotations on the plan and
1740 standard conditions for subdivision served by public utilities.

1741 Mr. Archer - Second.

1742

1743 Mr. Vanarsdall - The motion was made by Mr. Taylor and seconded by Mr. Archer. All
1744 in favor say aye...all opposed say nay. The motion passes.

1745

1746 The Planning Commission granted conditional approval to Cambridge, Section 5 (April 2000
1747 Plan), subject to the standard conditions for subdivisions served by public utilities attached to
1748 these minutes and the annotations on the plans.

1749

1750 Mr. Vanarsdall Thank you, Mr. Wilhite. Now we will start with the regular ten o'clock
1751 agenda.

1752

1753 Mr. Marlles - Mr. Chairman, the first item on the ten o'clock agenda is a landscape
1754 plan, LP/POD-9-99, Collegiate Upper School.

1755

1756 **LANDSCAPE PLAN**

1757

LP/POD-9-99
Collegiate Upper School -
Science Building

The Collegiate School and Draper Aden Associates: Request for a approval of a landscape plan as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code. The 1.19 acre site is located on the southeast corner of Mooreland Road and Tarrytown Drive on part of parcels 112-A-1, 112-A-2 and 1111-A-26. The zoning is R-1, One-Family Residence District and R-2, One-Family Residence District.
(Tuckahoe)

1758

1759 Mr. Vanarsdall - Is there anyone in the audience in opposition to landscape plan LP/POD-
1760 9-99, Collegiate Upper School - Science Building, in the Tuckahoe District? No opposition.

1761 Mr. Strauss.

1762

1763 Mr. Strauss - Thank you, Mr. Chairman. Since the time the agenda was prepared, the
1764 applicant has met with the neighborhood regarding this proposal. As of a result of that
1765 meeting, additional evergreen screening was requested by the neighborhood, which the
1766 applicant has provided under a revised landscape plan. You have that revised landscape plan
1767 with your addendum this morning. Staff recommends approval of this plan. However,
1768 yesterday two neighbors that live on Santa Clara Drive came to the Planning Department to
1769 request an additional evergreen screen behind the science building and some additional minor
1770 changes. I've met with the applicant in the lobby during the break, and we also met with these
1771 neighbors, we believe we have an agreement with respect to this additional landscaping. I
1772 have what the applicant handed me, a drawing showing some additional planting behind the
1773 science building, which I will put on the document table. The proposed conditions include
1774 additional evergreen planting behind the science building and some additional field located

1775 Broad Leaf evergreens in back of the future building, which is to the right on your drawing.
1776 The applicant is in agreement with these proposed changes. The final plan for signature would
1777 include this additional planting. The applicant's representative is Mr. Kevin Barnes of Draper
1778 Aden and Mr. Sedivy is also here from the school. And I'll be happy to answer any additional
1779 questions you may have.

1780

1781 Ms. Dwyer I can't read this, is it nellie stevens hollies?

1782

1783 Mr. Strauss - There are nellie stevens proposed to the right. There are existing trees
1784 in that area, the neighborhood observed that there were some areas that were open and they
1785 would like to have some nellie stevens planted in that area to be field located. And, to the left
1786 of that there are six-foot leyland cypresses proposed. There is some visibility allowed from
1787 the building to the athletic fields between the trees but this helps cushion the back of the
1788 building and the neighbors seems to be agreeable to this proposal.

1789

1790 Ms. Dwyer - Okay. In your judgement, is that the best plant material to use
1791 accomplish that purpose?

1792

1793 Mr. Strauss - Of course, with the existing trees to the right, there is going to be some
1794 partial shade conditions. So, the nellie stevens or foster would be an adequate evergreen tree
1795 for that location. We are trying to refrain from using so many leyland cypresses, they seem to
1796 be used quite a bit. I would suggest the applicant consider adding some alternate evergreens if
1797 he's conducive to that. Right now he's proposing all leylands.

1798

1799 Ms. Dwyer - So, if we wanted to allow a different type of evergreen, then we would
1800 need to note that on this plan.

1801

1802 Mr. Strauss - I will suggest that to the applicant when the final plan comes in.

1803

1804 Ms. Dwyer - All right. I share your concern about the overuse of leylands and... I'm
1805 not sure hollies would necessarily work here, I don't know if there is any expected pedestrian
1806 use of that area.

1807

1808 Mr. Strauss - I will have to refer that question to the applicant.

1809

1810 Ms. Dwyer - Let me just ask you about the parking lot. It looks like some trees have
1811 been eliminated from the original plan.

1812

1813 Mr. Strauss - Some of those trees had to be eliminated because of the presence of fire
1814 hydrants and water line easements, but they do meet the 5% requirement.

1815

1816 Ms. Dwyer - Are all of the ones removed, do they have to be removed because of
1817 conflict with utilities?

1818

1819 Mr. Strauss - One or two I believe on the left and right hand sides were removed. I

1820 guess the applicant can address that.

1821

1822 Ms. Dwyer - Would the applicant come forward, please?

1823 Mr. Barnes - I'm Kevin Barnes with Draper Aden Associates representing The
1824 Collegiate School.

1825

1826 Ms. Dwyer - Good morning. You heard our discussion about the type of evergreens
1827 and leyland cypresses are okay I just question whether that's necessarily the best for
1828 everyone's purposes.

1829

1830 Mr. Barnes - Well, I concur with their use and possibly... but that is also what the
1831 neighbors had requested. So, we accommodated that request.

1832

1833 Ms. Dwyer - I understand. Maybe future discussions with the neighbors could involve
1834 some alternative proposals for evergreens. That would accomplish their purposes but not
1835 overuse the leyland. As Mr. Strauss calls it, the monoculture of leyland cypresses. Could you
1836 talk about which trees have been removed from the parking lot and we are talking about
1837 willow oaks here I believe. Which ones have been removed that did not have to be removed
1838 because of conflicts with utilities?

1839

1840 Mr. Barnes - There is a light pole here in the center (referring to the rendering on the
1841 screen) of this island so these two were removed. There a fire hydrant located in this island,
1842 directly where this tree is located on this plan.

1843

1844 Ms. Dwyer - So, that would remove one tree, does it necessarily removes the other?

1845

1846 Mr. Barnes - No, it would not. What we did was we went back in and looked at the
1847 tree canopy calculations and realized that we were way over what was required. These islands
1848 right now are currently concrete islands. And there is concern by the school that maintaining
1849 those trees would prove to be a problem in the long run. Therefore, we were asked to reduce
1850 the number or somehow get that to a more reasonable maintainable trees within these islands.
1851 So, we have reduced the number. Still they are in excess of 1000 square feet of tree cover
1852 requirements but we still have (ordinance?) to provide some shade tree within the islands.

1853

1854 Ms. Dwyer - That's a very good idea. Could we put that tree back in that, where the
1855 dot is?

1856

1857 Mr. Barnes - I think we can accommodate that if that....

1858

1859 Ms. Dwyer - That would be great. All right. Those are all of the questions that I
1860 have. Thank you.

1861

1862 Mr. Barnes - Okay.

1863

1864 Ms. Dwyer - Is there any opposition?

1865
1866 Mr. Vanarsdall - No. No opposition. All right. Entertain a motion.
1867
1868 Ms. Dwyer - Okay. We didn't have anything on the addendum but we did have some
1869 revised plan for today or yesterday. Do we need to waive the time limit on that?
1870
1871 Mr. Strauss - This plan, I have on the document table constitutes the "revision" we are
1872 approving, there's nothing in the addendum.
1873
1874 Ms. Dwyer - Okay. Do we need to waive the time limit or anything on that?
1875
1876 Mr. Strauss - Yes, we would, I believe.
1877
1878 Ms. Dwyer - I thought maybe we would. I move that we waive time limits for POD
1879 submittals for LP/POD-9-99, Collegiate Upper School.
1880
1881 Mr. Archer - Second.
1882
1883 Mr. Vanarsdall - The motion was made by Ms. Dwyer and seconded by Mr. Archer. All
1884 in favor say aye...all opposed say nay. The motion carries.
1885
1886 The Planning Commission waived the time limit for POD submittal for the landscape plan
1887 LP/POD-9-99, Collegiate Upper School - Science Building.
1888
1889 Ms. Dwyer - Okay. I move for the approval of LP/POD-9-99, Collegiate Upper
1890 School Science Building landscape plan, subject to the annotations on the plans and standard
1891 conditions for landscape plans. This would be the plan that was submitted and revised as of
1892 today, that includes the additional landscaping behind the science building. I will, in my
1893 verbal motion, note that it might be possible to change the plant material although we still
1894 want evergreens behind the building there as Mr. Strauss and I discussed. Also we are adding
1895 back one of the willow oaks in the parking lot.
1896
1897 Mr. Archer - Second.
1898
1899 Mr. Vanarsdall - The motion was made by Ms. Dwyer and seconded by Mr. Archer. All
1900 in favor say aye...all opposed say nay. The motion carries.
1901
1902 The Planning Commission approved the landscape plan for LP/POD-9-99, Collegiate Upper
1903 School - Science Building, subject to the standard conditions for landscape plans and the
1904 annotations on the plan.

1905 **PLAN OF DEVELOPMENT & TRANSITIONAL BUFFER DEVIATION**

1906

POD-34-00

Bell Atlantic of Virginia,
Inc.

Pemberton Road

Resource International, Ltd. for Bell Atlantic of Virginia:
Request for approval of a plan of development and transitional buffer deviation as required by Chapter 24, Sections 24-106 and 24-106.2(e)(3)(a)(l) of the Henrico County Code to construct a one-story, 9,170 square foot addition to an existing telephone switching center. The 1.643 acre site is located on the west line of Pemberton Road (State Route 157), approximately 240 feet north of Mayland Drive on parcel 58-A-22. The zoning M-1C, Light Industrial District (Conditional). County water and Sewer. **(Three Chopt)**

1907

1908 Mr. Vanarsdall - Is there anyone in the audience in opposition to POD-34-00, Bell
1909 Atlantic of Virginia Inc.? We have opposition. We will be with you in a minute. Thank you.

1910 Mr. Wilhite.

1911

1912 Mr. Wilhite - There is a need for a transitional buffer deviation, originally, along both
1913 Pemberton Road on the front and to the southern property line transitional buffer 25 as
1914 required there. It has been indicated by the engineer that they are going to eliminate the
1915 southernmost parking space on that site, therefore the need for the transitional buffer 25
1916 deviation along the southern property line is not necessary any more. As far as the front, there
1917 is a requirement for a transitional buffer 50. The existing setback from the existing right-of-
1918 way from the building is just over 50 feet right now. There will be the need for a dedication
1919 requested by the Virginia Department of Transportation of an additional approximately 24 feet
1920 to meet the requirement of 42 feet from the center line of Pemberton Road. This would
1921 reduce the setback to roughly 26 feet. A transitional buffer deviation has been requested.
1922 Staff can recommend that this be reduced from 50 to the transitional buffer 25. Staff does
1923 recommend approval of that.

1924

1925 As far as the rest of the site, I spoke to the adjacent property owner, Mr. Nolde, on Monday.
1926 He has expressed some concerns over parking and also the BMP for this site. Apparently,
1927 there are vehicles for Bell Atlantic parking on his parking lot at this point. And he was
1928 concerned about the number of parking spaces that would be provided by Bell Atlantic with
1929 this proposed addition. I did receive a letter from Bell Atlantic stating that they would have 10
1930 employees working here, three would be working all day long and they anticipated the need
1931 for parking for 21 vehicles. There would be 24 parking spaces proposed with this plan. There
1932 is also the space to add approximately two or three more spaces if the need occurs in the
1933 future. As far as the BMP is concern, the Bell Atlantic site would be using an offsite BMP.
1934 They do have to get an agreement with the adjacent property owner. Public Works requires
1935 this agreement to be in place prior to their signing of construction plans. So, all those items
1936 would have to be worked out prior to their starting construction on this site. Mr. Nolde is
1937 here to address his particular concerns on this project. I'll be happy to answer any questions
1938 that the Commission has.

1939

1940 Mr. Vanarsdall - Are there any questions of Mr. Wilhite? All right. Thank you, Mr.
1941 Wilhite. And now we will hear from the applicant.

1942

1943 Mr. Sharpe - I'm James Sharpe with Resource International representing Bell Atlantic
1944 as the site engineer. I'm here to answer any questions that the Commission may have. We
1945 have been in discussion with Mr. Nolde. As far as the BMP is concerned, his compliance
1946 calculations included our site with more impervious cover than we are proposing. If you
1947 remove our site from the BMP, their BMP is no longer in compliance. So, I trust that that
1948 agreement would be worked out. Again, we are providing parking in excess of the maximum
1949 anticipated by Bell Atlantic for this site.

1950

1951 Mr. Vanarsdall - You know that you have some opposition, do you want to save some
1952 rebuttal time?

1953

1954 Mr. Sharpe Yes, sir.

1955

1956 Mr. Vanarsdall - What, about two, three minutes?

1957

1958 Mr. Sharpe - Two or three minutes should be fine.

1959

1960 Mr. Vanarsdall - All right. Thank you. All right. Come on down.

1961

1962 Mr. Nolde - Good morning. I'm John Nolde and I represent the property owners
1963 located on Stillman Place One and Two. Mr. Coston just arrived, he's one of the other
1964 owners. We learned of this project on last Wednesday and at that point I called Mr. Sharpe
1965 and asked him some questions and he referred me to Mr. Dudley Parrish at Baskerville. I
1966 asked him to provide me with the drawings and the elevations of the building, at that point in
1967 time, through a voice mail to Mr. Parrish at Baskerville. Again, on Monday after I had a
1968 brief look at what was in the Planning Office, I asked Mr. Sharpe to provide those and I've
1969 also asked Skip Martin to provide those and at this point I haven't gotten them. I would like
1970 for y'all to defer this for a very short period of time so that our engineers and architects could
1971 have a chance to look at that to see if there are any other objections that we might have.
1972 You've been told about two of them, one concerning parking and most of it was Cavalier
1973 Phone Company. I'm also concerned about parking during construction and where that's
1974 going to be in the effect it's going to have on our property and there are some other easements
1975 and agreements that we need to have. I don't foresee any problems working them out but I
1976 would just like some more time to determine exactly what we need to do.

1977

1978 Mr. Vanarsdall - How much more time are you speaking of, Mr. Nolde?

1979

1980 Mr. Nolde - A couple of weeks.

1981

1982 Mr. Vanarsdall - Mr. Taylor.

1983

1984 Mr. Nolde - I don't know what the schedule is for this to come back and I don't want

1985 to hold them up. In concept, we are not in opposition with what they are doing, we just want
1986 to make sure that what is done, easements granted and joint agreements that would have to be
1987 granted are to everybody's favor, obviously, including mine and Mr. Coston.

1988

1989 Mr. Vanarsdall - Mr. Taylor, what do you want to do.

1990

1991 Mr. Taylor - I want to hear from Mr. Sharpe, if I might, after you are finished.

1992

1993 Mr. Nolde - Sure. Unless you have questions for me, I have nothing further to say.

1994

1995 Mr. Vanarsdall - Are there any questions for Mr. Nolde? All right. Thank you.

1996

1997 Mr. Taylor - Mr. Sharpe, would you agree to a deferral for a couple of weeks to get
1998 these items square away?

1999

2000 Mr. Sharpe - We would rather not, Mr. Taylor. We are providing more parking than
2001 is required. We are providing the architectural elements in accordance with the rezoning case.
2002 There's a possibility of maybe a couple of more parking spaces on the site. We can sequence
2003 the site so that the parking goes in first, the one at the rear. There is already asphalt sufficient
2004 there for parking on the side strip, which would provide some interim parking. I would rather
2005 get approval now subject to the BMP agreement.

2006

2007 Mr. Vanarsdall - Mr. Sharpe, what I'm hearing from Mr. Nolde is that he hasn't had a
2008 chance to look at what you are doing. Did I interpret that correct?

2009

2010 Mr. Nolde - Yes, sir.

2011

2012 Mr. Taylor - I feel it would be fair to give him some time to look at it, Mr. Sharpe,
2013 just a couple of weeks. Just to make sure that all of the I's are dotted and all of the t's are
2014 crossed and everybody is in agreement and everybody understands exactly what's going to be
2015 developed. I think that in the long run, that would be better from the community's point of
2016 view.

2017

2018 Mr. Sharpe - Understood. We are looking at a time schedule here and two weeks is
2019 not incredibly difficult but it is difficult. They need to be occupying this building by October
2020 1, 2000.

2021

2022 Mr. Taylor - How soon do you think you would be able to meet Mr. Nolde's meeting
2023 requirements and get the details ironed out?

2024

2025 Mr. Sharpe - That's depending on the negotiations between Bell Atlantic and Mr.
2026 Nolde, as quickly as possible.

2027

2028 Mr. Taylor - Mr. Nolde, have you discussed this with Bell Atlantic?

2029

2030 Mr. Nolde - Not to any (unintelligible he was not at the mike, he was speaking from
2031 his seat in the audience).

2032

2033 Mr. Vanarsdall - You will have to come to the microphone.

2034

2035 Mr. Taylor - How about we extend the deadline to next Friday at the close of
2036 business? That gives you a week and a half to work on it.

2037

2038 Mr. Nolde - Provided they provide us with the drawings. We haven't yet gotten it.
2039 I've been told they would be glad to give them to us but I haven't seen them.

2040

2041 Mr. Vanarsdall - Al, the next meeting is May 11, 2000, and it would be a night meeting,
2042 so that's two weeks. If you defer it a week we wouldn't be able to take any action on it. We
2043 either have to do it for two weeks or 30 days. We should do it for 30 days and that would
2044 throw it back into the POD meeting, but that would be up to you. In other words, we have to
2045 take action on it after you review everything and you get together with him and so the nearest
2046 time we could do it would be May 11.

2047

2048 Mr. Nolde - I mean, I would like to expedite it as quickly as it could for them. As I
2049 said, we aren't trying to hold them up on it but we would like to see exactly what we are
2050 getting into.

2051

2052 Mr. Vanarsdall - You may be able to take care of it in two days but we can't take care of
2053 it in less than two weeks. That's our next meeting, May 11, at night. Can we get that on the
2054 agenda, Mr. Marlles?

2055

2056 Mr. Marlles - I believe so.

2057

2058 Mr. Taylor - That would have to be a motion.

2059

2060 Mr. Sharpe - We would be happy to give him the drawings and the like. As far as the
2061 timing of contacts, Mr. Nolde contacted me on the 17th and requested the drawings and I
2062 referred him to Mr. Parrish saying that we would furnish them if Bell Atlantic gave us
2063 permission to. The first contact with Bell Atlantic was made yesterday, is my understanding
2064 from them. A 30 day deferral is not acceptable.

2065

2066 Mr. Taylor - I think what we will do, sir, is go to May 11 at our next meeting. The
2067 Director said we could do that and the Chairman is in favor. So, Mr. Chairman, what I move
2068 is we defer POD-34-2000 action on this until May 11, 2000, at the Commission's request.

2069

2070 Ms. Dwyer - The motion was made by Mr. Taylor and seconded by Ms. Dwyer. All
2071 in favor say aye...all opposed say nay. The motion carries.

2072

2073 The Planning Commission deferred POD-34-00, Bell Atlantic of Virginia, Inc. to its May 11,
2074 2000, meeting at 7:00 p.m.

2075 **PLAN OF DEVELOPMENT & SPECIAL EXCEPTION**

2076

POD-29-00

The Gardens @ Twin
Hickory

Youngblood, Tyler & Associates, P.C. for HHHunt Corporation: Request for approval of a plan of development and a special exception for height as required by Chapter 24, Sections 24-106 24-94(b) of the Henrico County Code to construct 18, three-story, apartment buildings totaling 378 units and a one-story, 4,950 square foot clubhouse. The 40.77 acre site is located on the east side of Twin Hickory Lake Drive at intersection with Hickory Bend Drive on part of parcels 27-A-5A, 27-A-9A and 27-A-11. The zoning is R-5C, General Residence District (Conditional) and C-1, Conservation District. County water and Sewer. **(Three Chopt)**

2077

2078 Mr. Vanarsdall - Is there anyone in the audience in opposition to POD-29-00, The
2079 Gardens @ Twin Hickory? No opposition. Mr. Whitney.

2080

2081 Mr. Whitney - Good morning, Mr. Chairman, Commission members. Staff has
2082 received a revised plan on this project that addresses all of the outstanding issues we had at the
2083 time of the preparation of the agenda. I would note that your addendum has a revised staff
2084 recommendation. This does include a special exception for height. Staff would make no
2085 recommendation on that. The applicant, represented by Webb Tyler from Youngblood, Tyler
2086 & Associates, is here to make his presentation on the special exception. If the Commission
2087 accepts the special exception, staff would recommend approval of this plan of development. I
2088 would note, however, condition No. 23 "the subdivision plat for Hickory Bend Drive," should
2089 read "shall be recorded before any occupancy permits are issued" that would be in place of the
2090 word "building." With that, I will take any questions you may have.

2091

2092 Mr. Vanarsdall - Are there any questions for Mr. Whitney by Commission members?
2093 Thank you, Mr. Whitney. Do you want to hear from the applicant Mr. Taylor?

2094

2095 Mr. Taylor - I would enjoy that, Mr. Chairman. Mr. Tyler.

2096

2097 Mr. Vanarsdall - Good morning, Mr. Tyler. Mr. Tyler, you don't have any opposition.

2098

2099 Mr. Tyler - Mr. Chairman, I lobbied for this being on the expedited agenda but I
2100 was told because of the special exception I had to make a presentation, so this is not done
2101 because I have not made the effort to get it on the expedited agenda, sir, but rather because
2102 I've been told I have to make a presentation, sir.

2103

2104 Mr. Vanarsdall - Oh. I didn't know that.

2105

2106 Mr. Tyler - For the special exception, I will try to do my best to make it as brief as
2107 possible, sir. Good morning. My name is Webb Tyler, I'm an engineer with Youngblood,
2108 Tyler & Associates. I'm here today to request your favorable approval of a special exception

2109 to allow for the construction of three-story buildings on this proposed apartment development.
2110 According to the ordinance, I have to establish that there is no adverse effect on health, safety
2111 and welfare. We believe it does meet that requirement for the following reasons: One. We
2112 have greater open space on this particular site. It has a site coverage ratio on a gross acreage
2113 0.28 percent, on a net acreage of 0.44 percent. These are some of the lowest levels that our
2114 firm has ever achieved on multi-family developments, thus allowing, because of results of the
2115 three stories, allowing greater green space. Additionally, that greater green space allows us to
2116 preserve not only wetlands but floodplains. The existing lake that's in the center of the site, is
2117 preserved, its wetlands fringe around that. And in that open area, and natural area, we are
2118 putting trails through the floodplain. We are putting walking paths around the lake for people
2119 to walk or jog along with benches so that they can enjoy the natural habitat of this particular
2120 site.

2121

2122 Additionally, this site, the buildings will be full residential sprinkler systems. Their exterior
2123 skin is 40% brick. The balance of the skin of the building is, of course, glass windows and
2124 what is called hardy plank, which is a concrete form of wood appearance horizontal siding.
2125 It's basically made out of mortar and concrete and then pressed into the form of horizontal
2126 board and sealed and painted. We believe that this higher quality of construction of its
2127 exterior skin also contributes to the safer and less fire hazard potential for the community.
2128 This quality of construction is allowed as a result of the higher density that is permitted with
2129 the three-story construction, meaning the more efficient use of the construction i.e., instead of
2130 having two stories covered by the same roof, you have three stories covered by the same roof
2131 and only one floor.

2132

2133 The preservation of the existing trees of this site should be noted. It was a filled site or a
2134 borrowed site, actually, from for the construction of I-295. In other words, they took dirt off
2135 of this site, as much as 25 vertical feet, and basically built the portion of I-295 with that dirt.
2136 This was about 10 or 12 years ago. This site has been what would be referred to as severely
2137 marred from the way that God created it. And what we are doing, we are reclaiming this site
2138 in much the same way that we are taking what I would consider to be a site that is naturally
2139 beautiful, in its interior, but does have natural beauty along its exterior i.e., creeks and lakes
2140 on three sides, and taking that interior portion, which has been excavated and placing it back
2141 in use in a productive use as well as preservation of the existing pond or lake that was on it
2142 that was created by the removal of the dirt from the site about 15 years ago. We believe that
2143 there is precedent for you to grant this special exception as this Commission has over the past
2144 five years on other projects that our firms and other firms have worked on. Specifically, our
2145 firm has worked on the following projects where you have granted a special exception to allow
2146 for the three-story construction. They are as follows: Cameron Crossing at Three Chopt and
2147 Cox Road; Carriage Homes at Wyndham at Wyndham Lake Drive and Wyndham Park Drive;
2148 Cameron @ Wyndham at Old Nuckols Road and Nuckols Road; the Madison @ Spring Oak at
2149 Three Chopt and Spring Oak Drive as well as the Chesapeake @ Virginia off of J.E.B. Stuart
2150 Parkway up in the Fairfield district. For these reasons, we believe that this Commission is not
2151 unreasonable to request this Commission to favorably act on the special exception, and we
2152 seek your approval of it. I'll be glad to answer any questions, but, hopefully, I've done a
2153 thorough job but a quick job.

2154 Mr. Vanarsdall - Are there any questions of Mr. Tyler?

2155

2156 Mr. Taylor - I have one question, with regard to the water feature. Would you
2157 describe the water feature in a little bit more detail?

2158

2159 Mr. Tyler - The existing pond is approximately a two-acre pond that was created by
2160 the over excavation of the site by the earth moving contractors during the construction of I-
2161 295. Approximately a year and a half ago, the Army Corps of Engineers asserted jurisdiction
2162 as waters of the U.S. on that pond as well as a wetland fringe around that pond varying in
2163 width from five to ten feet. The pond, the Corps of Engineers has allowed us to utilize that
2164 existing pond as a, both a sediment basin during the course of construction. Once the
2165 construction is complete, the sediment will be removed and the normal pool will be returned to
2166 the existing pond and the wetlands will be restored. If there is any damage, so that that pond
2167 will stay in place, it will have some lowering of the water to clear it out once the construction
2168 is complete but then the water would be immediately restored back into the pond and the
2169 wetlands fringe will be, hopefully, not adversely affected and if it is it will be enhanced or
2170 replanted in accordance with our Corps of Engineers permit that we presently are seeking and
2171 they have agreed to grant, which we are anticipating sometime late next month, the issuance of
2172 that permit. That pond will then serve as a focus amenity for the community in that we are
2173 proposing to construct a walkway, a grass walkway path around it as a part of our trail system
2174 or sidewalk system. We actually have a trail through the floodplains and the creeks as well as
2175 a walking path around the existing pond or lake and that existing walking path would be edged
2176 by occasionally having sitting walls so that people can actually sit on the edge of the walkway
2177 that's about 20 feet from the pond and eat lunch or whatever, talk to their kids, overlooking
2178 the water. But, it is designed to be aesthetic enhancement and not just for aesthetics, but a
2179 quality of life. We have always found, historically, that people are attracted to water.

2180

2181 Mr. Taylor - Thank you, and I want to commend you for all of the work that you are
2182 going to provide to make that feature into a nice aesthetic draw for the community.

2183

2184 Mr. Tyler - A good engineer tries to work the best he can with what God has given
2185 him. So, that site has been a challenge.

2186

2187 Ms. Dwyer - God and VDOT.

2188

2189 Mr. Tyler - And VDOT, yes, ma'am.

2190

2191 Ms. Dwyer - What is your site coverage, looking only at the property outside the
2192 floodplain? Do you have that with you?

2193

2194 Mr. Tyler - Yes, ma'am. I want to emphasize for future reference, this afternoon,
2195 the site coverage ratio is .44 on the net acreage. In other words, if we take out all the
2196 floodplain and all the right-of-ways, we have a net site coverage ratio of 0.44. That means the
2197 rooftops, the concrete, sidewalks, and the parking lots constitute 44 percent of the net usable
2198 land, which is how the density is calculated, not on the gross. And we have 1.9 spaces per

2199 unit, which is what the market place has told us that it wants. And we have 90 parking spaces
2200 which the ordinance does not allow us to count, those garage parking spaces, but if we did
2201 have the opportunity to count them, we would have 2.13 parking spaces per unit. And,
2202 needless to say, that still falls short of the 2.25 spaces per unit. By proffer, we are not
2203 allowed to have any recreational vehicles in the parking lot and all recreational vehicles must
2204 be contained within the garages, the 90 garages, which are required by proffer, 20 percent of
2205 those, of the units, must have covered garages. These are enclosed garages also made of the
2206 same building exterior materials of brick and hardy plank, same architectural style.

2207

2208 Ms. Dwyer - I see that, what appears to be covered parking. Is that what you are
2209 talking about when you say garage?

2210

2211 Mr. Tyler - It's not just covered, ma'am, it's enclosed garages with lockable doors.
2212 These are not just car ports where the sides are open, but these are enclosed garages with
2213 lockable doors.

2214

2215 Ms. Dwyer - And they are detached.

2216

2217 Mr. Tyler - And they are detached from the building.

2218

2219 Ms. Dwyer - That's an interesting point because I think probably those should count.
2220 What we were concerned about, when we wanted to exclude garages from parking
2221 calculations, are garages that are a part of the dwelling unit which could be converted to living
2222 space and then you could lose the parking space.

2223

2224 Mr. Tyler - Some of my clients may reprimand me for saying this, but I don't
2225 subscribe to the theory that the garages should be counting toward the parking ratio because
2226 they are used many times for storage. Even if they are attached, they are used as weight
2227 lifting rooms. They are used as pool a room.

2228

2229 Ms. Dwyer - Even detached ones.

2230

2231 Mr. Tyler - Even detached ones. If we go out to the various apartment communities
2232 in the County, right now, and raised all of the garage doors, I would suggest to you that you
2233 will find probably half of them containing storage, maybe even old sport cars or antique cars,
2234 which might qualify as a car but it's not a real legitimate car, it's an adult toy.

2235

2236 Ms. Dwyer - What is this dead-end road it looks like it's coming from I-295?

2237

2238 Mr. Tyler - That road is Hickory Bend Drive, which is a 60-foot right-of-way, 52-
2239 foot face of curb road that is a traffic relief roadway for the Twin Hickory development and
2240 the potential development of the quadrant of I-295, Nuckols Road in the New Wade road area,
2241 which presently is right at the interchange of Nuckols and I-295, but it contains residential
2242 architectural uses.

2243

2244 Ms. Dwyer - Are you talking about Hickory Bend Drive?
2245

2246 Mr. Tyler - Hickory Bend Drive.
2247

2248 Ms. Dwyer - I'm talking about a different, what looks like a different...
2249

2250 Mr. Tyler - This road, right here (referring to map on screen), is Hickory Bend
2251 Drive.
2252

2253 Ms. Dwyer - Go south.
2254

2255 Mr. Tyler - Right there?
2256

2257 Ms. Dwyer - Yes.
2258

2259 Mr. Tyler - That is actually a piece of.... That's not a stub road, it is a stub of
2260 property that was purchased by the J. S. Pipeline Company that acquired that property when
2261 they actually developed their easement. And their easement, they own that piece of property,
2262 and their easement continues in this general direction along the power line easement, it parallel
2263 with the power line easement, generally. That is for the transmission of petroleum base
2264 products. It's an underground pipeline.
2265

2266 Ms. Dwyer - I have one more question about the site coverage. Your 44 percent did
2267 not include the lake, did it?
2268

2269 Mr. Tyler - Yes, ma'am, it did. It did include the lake because the lake is not
2270 impervious cover. It's not classified as impervious cover.
2271

2272 Ms. Dwyer - Right. But it was included in the calculation as non-impervious cover.
2273

2274 Mr. Tyler - That is correct. It was included in the calculation of both the gross and
2275 the net.
2276

2277 Ms. Dwyer - Okay.
2278

2279 Mr. Vanarsdall - Are there any other questions? Okay. Mr. Taylor.
2280

2281 Mr. Taylor - Mr. Chairman, I think for this one we need a motion for the special
2282 exception.
2283

2284 Mr. Vanarsdall - Yes, sir.
2285

2286 Mr. Taylor - So, Mr. Chairman, I would move that the special exception for height
2287 for POD-29-00, The Garden @ Twin Hickory, be approved.
2288

2289 Mr. Archer - Second.

2290

2291 Mr. Vanarsdall - The motion was made by Mr. Taylor and seconded by Mr. Archer. All
2292 in favor say aye...all opposed say nay. The motion carries.

2293

2294 The Planning Commission approved the special exception for height for POD-29-00, The
2295 Gardens @ Twin Hickory.

2296

2297 Mr. Taylor - And with regard to the POD, I first want to commend Mr. Tyler on
2298 constructive use of the reclaimed water site within the design. We need more of that type of
2299 activity in our development and I certainly want to commend you and staff for doing it. And
2300 with that, Mr. Chairman, I would move that POD-29-00, The Garden @ Twin Hickory, be
2301 approved subject to the standard conditions for developments of this type and the additional
2302 conditions Nos. 23 through 30.

2303

2304 Mr. Archer - Second.

2305

2306 Mr. Vanarsdall - The motion was made by Mr. Taylor and seconded by Mr. Archer. All
2307 in favor say aye...all opposed say nay. The motion carries.

2308

2309 The Planning Commission approved POD-29-00, The Gardens @ Twin Hickory, subject to the
2310 standard conditions attached to these minutes for developments of this type, the annotations on
2311 the plans and the following additional conditions:

2312

2313 23. The subdivision plat for Hickory Bend Drive shall be recorded before any occupancy
2314 permits are issued.

2315 24. The easements for drainage and utilities as shown on approved plans shall be granted to
2316 the County in a form acceptable to the County Attorney prior to any occupancy permits
2317 being issued. The easement plats and any other required information shall be submitted
2318 to the County Real Property Agent at least sixty (60) days prior to requesting
2319 occupancy permits.

2320 25. The limits and elevations of the 100-year frequency flood shall be conspicuously noted
2321 on the plan "Limits of 100 Year Floodplain." In addition, the delineated 100-year
2322 floodplain must be labeled "Variable Width Drainage and Utility Easement." The
2323 easement shall be granted to the County prior to the issuance of any occupancy permits.

2324 26. The required building setback shall be measured from the proposed right-of-way line
2325 and the parking shall be located behind the proposed right-of-way line.

2326 27. The developer shall provide fire hydrants as required by the Department of Public
2327 Utilities in its approval of the utility plans and contracts.

2328 28. Prior to issuance of a building permit, the developer must furnish a letter from Virginia
2329 Power stating that this proposed development does not conflict with their facilities.

2330 29. Any necessary off-site drainage easements must be obtained in a form acceptable to the
2331 County Attorney prior to final approval of the construction plans by the Department of
2332 Public Works.

2333 30. Deviations from County standards for pavement, curb or curb and gutter design shall

2334 be approved by the County Engineer prior to final approval of the construction plans by
2335 the Department of Public Works.
2336 31. Insurance Services Office (ISO) calculations must be included with the utilities plans
2337 and contracts and must be approved by the Department of Public Utilities prior to the
2338 issuance of a building permit.
2339 32. Approval of the construction plans by the Department of Public Works does not
2340 establish the curb and gutter elevations along the Henrico County maintained right-of-
2341 way. The elevations will be set by Henrico County.

2342
2343 Mr. Vanarsdall - Now we are on the last case, Mr. Secretary, aren't we?

2344
2345 Mr. Marlles - Yes, sir. The last case is subdivision for Lake Ridge (April 2000 Plan).

2346
2347 **SUBDIVISION**

2348
Lake Ridge **Q.M.T. for Windsor Enterprises, L.L.C:** The 50.6 acre site
(April 2000 Plan) is located south of Lakeside Boulevard and west of I-95 on part
of parcel 73-A-18. The zoning is R-4, One-Family Residence
and C-1, Conservation District. County water and sewer.
(Fairfield) 3 Lots

2349
2350 Mr. Vanarsdall - Is there anyone in the audience in opposition to Lake Ridge (April 2000
2351 Plan)? No opposition. Mr. McGarry.

2352
2353 Mr. McGarry - Mr. Chairman, in May of last year the Commission granted approval for
2354 a 20-lot subdivision and a copy of that is the bottom copy in your handout. A subsequent field
2355 survey of the floodplain revealed less than expected. So, through a road redesign, this created
2356 an opportunity for the developer to get a windfall of three additional lots. This April 2000
2357 plan, the one that is before you, would authorized a total of 23 lots.

2358
2359 There is one outstanding issue on which the staff and developer are not in agreement. The
2360 developer has proposed a non-standard cul-de-sac for the purpose of gaining these additional
2361 lots. The proposed cul-de-sac is 100 feet wide by 150 feet long, it does not have an island.
2362 This would appear to be a "sea of asphalt" which will not enhance the quality of those
2363 proposed lots. So, to soften that impact on the dwellings fronting one another, the staff is
2364 recommending a raised landscape island similar to those provided in other developments that
2365 the developer has done, including Millstone. The Department of Public Works finds the design
2366 without the island to be acceptable. There is no common area necessitating a homeowners
2367 association, therefore, the island maintenance would remain with the County. As a practical
2368 matter, the lot owners would probably maintain it. So staff is recommending approval of the
2369 plan with additional conditions Nos. 12 through 16 and Nos. 14, 15 and 16 deal with the
2370 design issues relating to the island and utilities and landscaping. I'll be happy to answer any
2371 questions.

2372
2373

2374 Mr. Vanarsdall - Are there any questions by Commission members for Mr. McGarry?
2375

2376 Ms. Dwyer - Is there a planting strip, this is just a 10-foot strip between the rear yard
2377 and I-95?
2378

2379 Mr. McGarry - There is a 10-foot planting area along I-95, that is correct.
2380

2381 Ms. Dwyer - Is that in addition to the rear yard setback?
2382

2383 Mr. McGarry - No, ma'am, it is not. It's just an unconditioned rezoning case.
2384

2385 Ms. Dwyer - I thought I remembered that.
2386

2387 Mr. McGarry - And those lots are shallow anyway. So the most we got of that was the
2388 10 feet.
2389

2390 Mr. Archer - Mr. McGarry, would we be able to construct the island, I think you and
2391 I discussed this, and not move the water and sewer lines out of the island?
2392

2393 Mr. McGarry - That, I believe, is what the.... I'm sorry...
2394

2395 Mr. Archer - Can we construct the island without having to move the water and sewer
2396 lines?
2397

2398 Mr. McGarry It depends on the amount of landscaping that would be desirable in the
2399 island.
2400

2401 Mr. Archer - But it is possible to do it.
2402

2403 Mr. McGarry - It is possible to do that. If the utility line stay underneath the island you
2404 would not be allowed to have large trees in the island because the County's Utility Department
2405 does not want those in their utility easements.
2406

2407 Mr. Archer - I can understand why. And it is possible to leave this as a grass area,
2408 also, is that correct?
2409

2410 Mr. McGarry - Yes, sir.
2411

2412 Mr. Archer - Or plant some smaller shrubs that would not encroach on the water lines.
2413 I spoke with Mr. Windsor yesterday and we discussed what the options might be. Is he here
2414 today?
2415

2416 Mr. McGarry - He's on vacation. His engineer is here.
2417

2418 Mr. Archer - Have we determined that Public Works would be opposed to the island

2419 and live with it or...

2420

2421 Mr. McGarry - They will accept it with or without the island.

2422

2423 Mr. Archer - Okay.

2424

2425 Mr. Marlles - Mr. McGarry, has the issue of maintenance of the island been
2426 addressed?

2427

2428 Mr. McGarry - In this particular instance, the maintenance would remain with the
2429 County. Staff does not feel that it would be appropriate to set up a homeowners association
2430 with the sole purpose of dealing with just the island. In other subdivisions where there is
2431 island maintenance, and there are other common areas BMPs and so forth, a homeowners
2432 association is set up for that purpose then we make the island a part of the homeowners
2433 responsibility.

2434

2435 Mr. Marlles - It is my understanding that Public Works still had a concern regarding
2436 the maintenance of that island as part of their comments to staff.

2437

2438 Mr. McGarry - Well, the options would be to either allow the island to remain as the
2439 responsibility of the Public Works Department or require a homeowners association to be set
2440 up for the purpose of maintaining it and getting it under private control.

2441

2442 Mr. Marlles - They said that option stills exist for a homeowners association, for
2443 example....

2444

2445 Mr. McGarry - Yes it is. It still exists.

2446

2447 Mr. Marlles - Okay.

2448

2449 Mr. Vanarsdall - If there are no more questions, Mr. Archer.

2450

2451 Mr. Archer - I think we need to hear from the applicant.

2452

2453 Mr. Rohrmoser - Good morning, Mr. Chairman, members of the Commission. My name
2454 is Tim Rohrmoser with Q.M.T. representing the applicant. The applicant at this time doesn't
2455 take issue with whether we have an island or not. Certainly, in many of our subdivisions we
2456 find that desirable. We are noting the apparent dispute between Public Works and Planning
2457 regarding maintenance of the island. But, again, in this case there are occasions when we find
2458 it desirable to have such an island. We think the only issue here is whether we should move
2459 the utilities out of the island. In the current configuration the sewer utility would require two
2460 manholes in the island. We can provide sufficient landscaping in lieu of deep-rooted trees.
2461 We think that would provide a nice buffer in that area. If we are required to move the utilities
2462 out of the island, this would require four manholes in lieu of two and an additional water line
2463 as well. So, again, that's the only issue that the applicant has. We would like the

2464 Commission to consider allowing leaving the utilities in the island.

2465

2466 Mr. Marlles - Is the applicant willing to set up a homeowners association to maintain
2467 the island?

2468

2469 Mr. Rohrmoser - He has some objections to that, yes. Again, it's such a small piece of
2470 land to maintain. He feels like the property owners will probably maintain that, if they are all
2471 concerned about their property values in that area. Wherein an association of all the lot
2472 owners, just for the sole purpose of maintaining that island, I think we might be kind of
2473 convoluted having meetings just with regard to that piece of property.

2474

2475 Mr. Marlles - The applicant also has the option of going back to a standard size cul-de-
2476 sac as well, correct?

2477

2478 Mr. Rohrmoser - That's correct, in going back to the original plan, yes.

2479

2480 Mr. Archer - Well, Mr. Secretary, my conversation with Mr. Windsor yesterday,
2481 which is after I talked with Mr. McGarry, I'm not trying to create any extra expense for him.
2482 At the same time, to have a sea of asphalt that large, it would probably turn into a basketball
2483 court, since the advent of these portable basketball goals, I've seen it happen in a few places
2484 and that can become a nuisance to some of the surrounding neighbors. So, I would like to see
2485 something there that would break up that effect and do away with that eventuality. But, I'm
2486 really not quite sure how to do it. A homeowner association, of course, would include all of
2487 the homeowners in the entire subdivision, which some of them won't even be near this place.
2488 I would think, and one would hope, that the surrounding homeowners would take care of this
2489 island, but they may not. I just don't know how to address that. If we could place some
2490 plantings that wouldn't be of such a nature that would require him to have to move the water
2491 line, perhaps we could.

2492

2493 Mr. Rohrmoser - I think there is considerable opportunity for plantings there.

2494

2495 Mr. Archer - Something that would be very low maintenance.

2496

2497 Mr. Rohrmoser - Absolutely. There's quite a lot of room there.

2498

2499 Mr. Archer - What about something like junipers, does that root very deeply?

2500

2501 Mr. Rohrmoser - Exactly. That's what we had in mind, shallow root systems and it
2502 wouldn't interfere with utilities and adequate room for maintenance of the sewer lines. I don't
2503 think the water line is a question. It's other water line it at the top of the cul-de-sac.

2504

2505 Ms. Dwyer - So, you wouldn't have any vertical planting, then. No trees or taller
2506 shrubs.

2507

2508 Mr. Rohrmoser - No taller, deep rooted trees.

2509 Ms. Dwyer - You are talking about low shrubs, then.
2510

2511 Mr. Rohrmoser - Possibly hollies, if you want to restrict traffic across the island,
2512 pedestrians.
2513

2514 Ms. Dwyer - Not even a dogwood or something along those lines would work, could
2515 coexist?
2516

2517 Mr. Rohrmoser - Well, I think utilities might have a problem with that.
2518

2519 Mr. Archer - Water lines will attract roots.
2520

2521 Mr. Rohrmoser - You would have to discuss that with them.
2522

2523 Ms. Dwyer - Well, it just seems to me that the purpose of having an island like this
2524 would be to have the visual relief. And I just think a flat area with a couple of junipers isn't
2525 going to be provide the aesthetic relief you are looking for.
2526

2527 Mr. Rohrmoser - I think we could provide shrubbery of the 30 inch to 42 inch height
2528 easily without offending the utilities and infringing on their ability to maintain that sewer in
2529 there.
2530

2531 Mr. Vanarsdall - Are there any more questions, Mr. Archer?
2532

2533 Mr. Archer - Yes, I guess so but I don't know how to ask them. Mr. McGarry.
2534

2535 Ms. Dwyer - Is Mr. Thompson here to talk about this?
2536

2537 Mr. Archer - Yes. Is that why you are here, Mr. Thompson?
2538

2539 Mr. Thompson - Mr. Chairman, members of the Commission. Public Work's concern
2540 for the maintenance of this island is that we are not set up to maintain landscaped areas. In
2541 addition, it gives us difficulty in getting enforcement when residents use these islands, as they
2542 have in the past, to dispose of grass clippings, leaves and the like from their property. With a
2543 homeowners association, the resident has recourse within the subdivision. Without a
2544 homeowners association that responsibility of enforcement comes to the County. We have to
2545 ascertain who is doing the dumping and then take action either from Public Works or from our
2546 Community Maintenance group. If it were to be in a natural state, we would be responsible
2547 for removing any trees that were left that would eventually die. If it were completed cleared,
2548 the only thing we would be able to do would be maintain grass with our contract mowing
2549 service on a bi-weekly basis as we do the medians on the roadways. Most landscape islands
2550 within the County are maintained by Homeowner Associations, which have proven to be more
2551 affective. These islands which aren't maintain tend to become maintenance problems, both for
2552 the County and the residents in the area.
2553

2554 Ms. Dwyer - Did these utilities get in here recently as part of the development of this
2555 subdivision or were they already there, have they been there for a long period of time?

2556

2557 Mr. Rohrmoser - There is a sewer system through the area, but, no, these utilities for this
2558 specific area are new to this subdivision.

2559

2560 Ms. Dwyer - So, you all put these in here expecting that you would have a standard
2561 cul-de-sac, is that correct?

2562

2563 Mr. Rohrmoser - Yes. The standard cul-de-sac would have featured one manhole.

2564

2565 Ms. Dwyer - Right. But, now that you are looking at doing an island, the utilities that
2566 your recently put in there are in conflict.

2567

2568 Mr. Rohrmoser - Yes. And if we were required to move out, it would require four
2569 manholes, what we call a sea of manholes.

2570

2571 Ms. Dwyer - And if you went back to the original plan, you would have three few
2572 lots?

2573

2574 Mr. Rohrmoser - That's correct. Again, we understand the problem with maintenance and
2575 again... Our applicant's only request is that we be allowed to leave the utilities in. If it's
2576 deemed appropriate for a homeowner association, then so be it.

2577

2578 Mr. Archer - It seems to me that that's going to be the only logical way to get out of
2579 the situation is to form a homeowner's association and maybe make everybody happy that
2580 way. A homeowner's association is not necessarily a bad thing because it does give the
2581 community an opportunity to get together and discuss things of mutual interest. The only
2582 problem we have with them is that sometimes they tend to fall by the wayside.

2583

2584 Mr. Rohrmoser - And we understand. There is no guarantee that the lot owners will take
2585 care of that. We understand Public Works position clearly. They have a problem with these
2586 areas.

2587

2588 Mr. Archer - You, as a matter of pride, you would think that they would be willing to
2589 take care of that. I would much rather have a homeowner's association than to try to depend
2590 on people to volunteer to do it. Would that be suitable to you, Mr. McGarry, if we went that
2591 route? And it can be set up in the agreement that a homeowners association would have to be
2592 formed.

2593

2594 Mr. McGarry - Yes, sir.

2595

2596 Mrs. O'Bannon - If I can just make a remark, last night at the Board of Supervisor's
2597 meeting we discussed cluster development and that type of thing. This to me is sort of a mini
2598 version of the type of problems that we are going to be asking the Planning Commission to

2599 discuss in the future when we start talking about common areas and homeowners associations
2600 and things like that. And this is a problem that we discussed at great length last night. I think
2601 Mr. Vanarsdall was there for part of it possibly, but this is the type of question that comes up
2602 a lot. Specifically, when you get groups of homes like this, in this sort of configuration,
2603 where they do have some type of commons area. And as we have heard here, the problems
2604 you have with homeowners associations in possibly not maintaining them. So, just to alert
2605 you, this is going to be the type of discussion we are hoping you will have in 60 days.

2606

2607 Mr. Rohrmoser - The only concern we have about a homeowners association is, again,
2608 that there are many lot owners that won't appreciate any money going to maintenance of this
2609 area. Again, only the residents at the cul-de-sac. It will probably turn into a volunteer action
2610 in any case.

2611

2612 Mr. Archer - Well, you know, the thing is it's such a small amount of work that will
2613 need to be done on a regular basis, mostly grass cutting. I don't know if there would be any
2614 expense involved in it, except a 1/2 gallon of gas every other Saturday, maybe.

2615

2616 Mr. Rohrmoser - Again, I aspect one of the local homeowners to do it rather than....

2617

2618 Mr. Archer - It will probably end up that way. That's the way it usually ends up.
2619 Mr. McGarry, how can we annotate the plan so that we can defer this action to an association?

2620

2621 Mr. McGarry - Staff would recommend that you revise condition No. 15 to eliminate the
2622 requirement for the water and sewer to be moved and in place of that substitute that the
2623 homeowners association will be required.

2624

2625 Mr. Archer - Does anybody have any problem with that?

2626

2627 Mr. Vanarsdall - Not if you don't.

2628

2629 Mr. Archer - Can you roughly read that to us, Mr. McGarry, how you want to word
2630 it?

2631

2632 Mr. McGarry - Number 15 would be revised to state that, you would have a substitute
2633 No. 15 that says "The Homeowners Association would be required for this development."

2634

2635 Mr. Archer - Then how can we determine what plantings will be used in there and
2636 who would be in charge of supervising that portion, could that be done by staff,
2637 administratively?

2638

2639 Mr. McGarry - Condition No. 16 talks about the detailed landscaping plan would come
2640 to staff for their review and approval.

2641

2642 Mr. Archer - All right, Mr. Chairman, I think I'm ready. Are there any more
2643 questions by anybody?

2644 Mr. Vanarsdall - No. Whenever you are ready.

2645

2646 Mr. Archer - All right. In that case, I will recommend approval of subdivision Lake
2647 Ridge subject to the annotations on the plans, the standard conditions for subdivisions served
2648 by public utilities, the additional conditions Nos. 12 through 16 with No. 15 being revised as
2649 mentioned by Mr. McGarry.

2650

2651 Mr. Taylor - Second.

2652

2653 Mr. Vanarsdall - The motion was made by Mr. Archer and seconded by Mr. Taylor. All
2654 in favor say nay...all opposed say nay. The motion carries.

2655

2656 12. The limits and elevation of the 100-year frequency flood shall be conspicuously noted on
2657 the plat and construction plans and labeled "Limits of 100-Year Floodplain." Dedicate
2658 floodplain as a "Variable Width Drainage & Utility Easement."

2659 13. Each lot shall contain at least 8,000 square feet, exclusive of floodplain areas.

2660 14. Provide a raised landscape island, in the non-standard cul-de-sac on Lake Crest Court,
2661 which would meet the Department of Public Works approval for dimensions.

2662 15. Prior to final approval, a draft of the covenants and deed restrictions for the
2663 maintenance of the common area by a homeowners association shall be submitted to the
2664 Planning Office for review. Such covenants and restrictions shall be in form and
2665 substance satisfactory to the County Attorney and shall be recorded prior to recordation
2666 of the subdivision plat.

2667 16. The detailed plant list and specifications for the landscaping to be provided within the
2668 Lake West Court island shall be submitted to the Planning Office for review and
2669 approval prior to recordation of the plat.

2670

2671 Mr. Vanarsdall - I believe that is the end, Mr. Secretary.

2672

2673 Mr. Marlles - Yes, sir. Mr. Chairman, that does conclude our cases for the nine and
2674 ten o'clock agenda.

2675

2676 Mr. Vanarsdall - Do you want to take up the minutes?

2677

2678 Mr. Marlles - We certainly can do that.

2679

2680 Mr. Taylor - Before we take up the minutes, Mr. Chairman, I've got one thing that I
2681 would like to discuss if I might. At the last meeting we approved a resolution on the
2682 Fairgrounds that was presented by Commissioner Quesinberry, and at that time, that we
2683 approved that, I wasn't aware that an appeal was pending on the interpretation of these issues
2684 by the Planning Director before the BZA when I voted for the resolution that was presented by
2685 Commissioner Quesinberry. At this time, I am not sure that the timing to consider the
2686 definition of a fairground on May 11 is appropriate, considering the Board of Zoning Appeals'
2687 public hearing is scheduled for May 25, and I agree we need to hold a public hearing, but I
2688 think it would be more appropriate that we hold that meeting after the BZA acts on the appeal

2689 of the interpretation of fairgrounds by the Planning Director.

2690

2691 Ms. Dwyer - What is the specific issue before the BZA?

2692

2693 Mr. Marlles - The specific issue is an appeal on the Planning Director's
2694 interpretation of fairgrounds.

2695

2696 Ms. Dwyer - This is the same issue that was presented at the resolution, that is
2697 whether the term "fairgrounds" should be included, whether the term "fairgrounds" should be
2698 included to mean the type of fair that the State Fair is.

2699

2700 Mr. Marlles - Correct.

2701

2702 Ms. Dwyer - As opposed to a more agricultural kind of fair?

2703

2704 Mr. Marlles - Correct. It does relate to the issue that will be considered by the
2705 BZA as part of the appeal on May 25.

2706

2707 Ms. Dwyer - The same issue?

2708

2709 Mr. Marlles - A very similar issue. Mr. Chairman, if I could just comment on
2710 this. I have had a number of Planning Commission members who have mentioned to me that
2711 they were not aware, at the last meeting, that that appeal had been filed when they voted on
2712 the resolution that has been introduced by Mrs. Quesinberry. Perhaps, their vote or the
2713 decision might have been different if they had been aware of the appeal.

2714

2715 I think there are probably a couple of options for the Commission to consider. Mr. Taylor
2716 mentioned the possibility of postponing the public hearing until after the BZA acts on May 25
2717 and that is certainly one option that is legal. The Commission could do that. The other
2718 option, there may be more, but certainly the other option would be for the Commission to
2719 perhaps reach consensus, if the majority feels this way, that they intend on deferring this
2720 matter when it comes up on May 11th. My concern at this point is that we have already had
2721 one notice go into the newspaper, a legal advertisement, for this public hearing on May 11th,
2722 and I think there has also been some indication, at least one newspaper article that this public
2723 hearing will be held on May 11th. Perhaps, if the Commission is willing, by reaching a
2724 consensus that the Commission intends on deferring it, it would send a message to our citizens
2725 that this matter very likely will be tabled or deferred on May 11th. Again, those are at least
2726 two options for the Commission to consider.

2727

2728 Mr. Vanarsdall - Well, you certainly have to notify Mrs. Quesinberry.

2729

2730 Mr. Taylor - Who, unfortunately, today isn't here.

2731

2732 Mr. Marlles - Again, I think we are all sensitive to that issue, too, that Mrs.
2733 Quesinberry is not here today to speak to this matter, whereas, the second option, reaching a

2734 consensus will allow Mrs. Quesinberry to present her view at the May 11th public hearing.

2735

2736 Ms. Dwyer - In light of all of the focus and energy that has been directed to
2737 this issue, I would hate to say that we intend to do something. I think if we are going to do
2738 something, we ought to do it today. Everyone knows what we are doing. Things can fall
2739 through the cracks between now and then. We might intend to state our intention today, and it
2740 may be different on the 11th. One way or the other, we should decide if we are going to hear
2741 this on the 11th or not, we should decide that today.

2742

2743 Mr. Vanarsdall - Along the same lines, I think, how would we handle the people
2744 who would want to come on the 11th for us to tell them we are going to defer it?

2745

2746 Mr. Archer - You'd have to make it a public notice.

2747

2748 Mr. Taylor - And say exactly as Commissioner Dwyer says, if we pick up, if
2749 we agree to just move this plainly to the meeting on the 25th, we would just say any hearing on
2750 this issue will be deferred from the May 11th meeting to the May 25th meeting.

2751

2752 Mr. Marlles - Well, it is after the BZA. If it is the feeling of the Commission
2753 that they do, in fact, want to take action to postpone the public hearing, then we certainly
2754 could try to get some public notice into the newspaper. We certainly can notify those groups
2755 that, perhaps, would have come to speak on the issue. There are certainly some things we
2756 could do to notify the public before May 11th if that is what is the desire of the Commission.

2757

2758 Mr. Vanarsdall - I would certainly vote for that. I don't think it requires staff to
2759 just talk about it today and wait until the 11th to take any action.

2760

2761 Mr. Marlles - Again, what staff was trying to be sensitive to was the fact that
2762 the Planning Commission member from Varina was not here and...

2763

2764 Mr. Vanarsdall - Well, it is unfortunate that it came up, but it came up last night,
2765 so it is not anything we are trying to do behind her back. It is a fact we have to deal with.

2766

2767 Mr. Taylor - We have to deal with it and dealing with it at the appropriate
2768 moment, I think, and I think the more appropriate moment would be after the BZA.

2769

2770 Mr. Vanarsdall - I am in agreement with that, also. I would be in agreement to do
2771 something today.

2772

2773 Ms. Dwyer - I would just say, trying to be the devil's advocate, since Mrs.
2774 Quesinberry isn't here, she might argue that what the Commission and Board does in terms of
2775 determining the definition of the ordinance is unrelated to what the BZA may do, as a matter
2776 of interpretation of the existing ordinance. I think the object of her resolution may have been
2777 to change the current understanding of what that ordinance is. I'm just saying that because
2778 that is my interpretation of events. So, while it may be prudent to wait until the BZA makes

2779 its decision and the BZA interprets it differently that the Director of Planning has, then that
2780 may satisfy those who want that different interpretation and no action would be required by us,
2781 so I think that may be a prudent way to go, but I also think that Mrs. Quesinberry may believe
2782 that the two actions are independent of one another.

2783

2784 Mr. Taylor - I guess I would say that they might be independent of one another
2785 depending on whether you are looking at it as a zoning issue or as a planning issue. It is
2786 simply, to me, a question of the timing, and my thought is that the timing of the Planning
2787 Commission's determination is more or less independent of the BZA, but I don't necessarily
2788 think our deliberations or our decisions should precede those of the BZA.

2789

2790 Mr. Vanarsdall - I would have never voted for it had I known about what you were
2791 involved in with the 25th of May, and I didn't know that.

2792

2793 Mr. Taylor - And my feeling is that no matter how the discussion of the
2794 Planning Commission goes, our discussion should be on a different tenor than that before the
2795 BZA as to just what nature of that planning would be.

2796

2797 Mr. Marlles - Mr. Taylor, is it your proposal still then that the matter of the
2798 public hearing regarding the definition of "fairgrounds" be postponed until after the BZA has
2799 had their public hearing and acted on the appeal?

2800

2801 Mr. Taylor - Yes, Mr. Director, it was.

2802

2803 Ms. Dwyer - So, is this a new resolution to counter the original resolution?

2804

2805 Mr. Vanarsdall - I have wondered about that. How do you do that?

2806

2807 Mr. Taylor - My motion would be to simply postpone the resolution and that
2808 we postpone the hearing until their meeting on the 25th.

2809

2810 Mr. Marlles - Or to reschedule the public hearing.

2811

2812 Mr. Taylor - Right.

2813

2814 Ms. O'Bannon - I would just like to voice a real concern that Mrs. Quesinberry is
2815 not here, because there may be some rationale behind the way she has done her presentation. I
2816 will leave it at that - her request. And it concerns me that she is not here and doesn't have a
2817 voice considering this is her issue at this point.

2818

2819 Ms. Dwyer - On the other hand, time is running out, because we don't have
2820 any more public meetings between now and then so we have to act today if we are going to
2821 act.

2822

2823 Mr. Taylor - That is right. If we are going to act, we have to act today, and

2824 the question is, shall we act.

2825

2826 Mr. Marlles - I think the Commission is aware that this matter was kind of
2827 brought up at the end of the last meeting of the Commission, and I am not sure, again, based
2828 on what I have heard from some Commission members, there was not information, or they
2829 were not aware of the pending appeal, and may, in fact, not had enough time to even think
2830 about the resolution that was introduced.

2831

2832 Mr. Taylor - And, in all fairness to Commissioner Quesinberry, I am not sure
2833 if she were here what her thoughts would be because what I seek here is just to postpone this
2834 until our next meeting on the 25th and we can still discuss it then. So, I don't know that I am
2835 doing anything except letting the BZA go first, and we will just go second.

2836

2837 Ms. Dwyer - Well then, you really want to postpone our discussion until after
2838 the BZA makes it decision, and the BZA may postpone its decision until after the 25th as well,
2839 so I think...

2840

2841 Mr. Taylor - Well, if they did that, we would hear it on the 25th. We would
2842 just hear it.

2843

2844 Ms. Dwyer - I thought your purpose was just to postpone our discussion until
2845 after the BZA makes it decision.

2846

2847 Mr. Taylor - I presume they would hear that on their present schedule.

2848

2849 Ms. Dwyer - I don't think we can necessarily assume that. All I am saying is,
2850 if there is a motion, and that is the purpose, that the motion should be to postpone our
2851 discussion until after the BZA makes its decision, rather than tying it to a date, because they
2852 may have some deferrals or delays in their process.

2853

2854 Mr. Marlles - I would agree with that, too.

2855

2856 Mr. Taylor - I guess that is right. So...

2857

2858 Mr. Vanarsdall - Why don't you make that a motion?

2859

2860 Mr. Taylor - Mr. Chairman, I would move that the Commission enact to defer
2861 our planned discussion on the Fairgrounds until after the meeting of the BZA on the same
2862 subject.

2863

2864 Mr. Archer - Would you like to say the first meeting after the BZA meets, the
2865 first POD meeting?

2866

2867 Mr. Taylor - I would say the first opportunity after the BZA meets.

2868

2869 Mr. Vanarsdall - Because if we don't, we can leave it open until anytime.
2870
2871 Ms. Dwyer - The first opportunity after the BZA decides.
2872
2873 Mr. Taylor - Correct. I will amend that to say the first meeting after the BZA
2874 makes their decision.
2875
2876 Mr. Silber - We have to advertise it, so that would give us time.
2877
2878 Mr. Vanarsdall - Anybody going to second it?
2879
2880 Mr. Archer - I will second the motion, Mr. Chairman.
2881
2882 Mr. Vanarsdall - The motion was made by Mr. Taylor and seconded by Mr.
2883 Archer. All in favor say aye. All opposed say no. All right, we have three ayes and one no.
2884
2885 Ms. O'Bannon - And I abstain. Please let the record reflect that.
2886
2887 The vote was as follows:
2888
2889 Mr. Taylor – aye
2890 Mr. Vanarsdall – aye
2891 Mr. Archer – aye
2892 Ms. Dwyer – no
2893 Ms. O'Bannon – abstained
2894
2895 The Planning Commission voted to defer the public hearing on the resolution regarding
2896 "fairground" until the first meeting after the BZA makes their decision.
2897
2898 Mr. Vanarsdall - I'm sorry. What did you say?
2899
2900 Ms. O'Bannon - Please let the record reflect that I abstained. I again have
2901 concerns that Mrs. Quesinberry...
2902
2903 Mr. Marlles - Mr. Chairman, just to comment on that last motion, it would be
2904 the first Planning Commission meeting we can advertise, get the proper advertising in for the
2905 public hearing, after the BZA acts.
2906
2907 Mr. Vanarsdall - OK. All right. That is good.
2908
2909 Mr. Archer leaves during this time
2910
2911 Mr. Marlles - Mr. Chairman, we do have a number of items that were
2912 scheduled for work sessions after lunch, beginning at 1:00 p.m. We do have staff here from
2913 the Public Works' department, from the Environmental Design Division, that are prepared to

2914 do their presentation now if it is the desire of the Commission. I believe that presentation is
2915 going to run about 30 to 45 minutes, somewhat in that range. Eric, are you still there? Is it
2916 the desire of the Commission to take this presentation up now?

2917

2918 Mr. Vanarsdall - We might as well, but that is up to you all. I don't mind.

2919

2920 **WORK SESSION: Department of Public Works Environmental Design Division's Role in**
2921 **Reviewing Development Proposals (Staff Presentation by Jeff Perry)**

2922

2923 Mr. Marlles - Mr. Perry.

2924

2925 Mr. Vanarsdall - Mr. Perry, I am not butting out on you, but I've go to answer
2926 this phone.

2927

2928 Mr. Jeff Perry - Mr. Chairman, members of the Planning Commission, I certainly
2929 do appreciate the opportunity to be before you today. For those of you who might not
2930 remember, my name is Jeff Perry and I am the Environmental Manager for the Department of
2931 Public Works. Mr. Chairman, I have provided the Planning Commission with a proposed
2932 agenda for today's work session, and with your permission, what I would like to accomplish
2933 today is briefly introduce you to the environmental laws that we work under, and what our
2934 review responsibilities are. I'd also like to go over the environmental plan review process
2935 prior to the Planning Commission meeting, and then after the Planning Commission meeting.
2936 Hopefully, this will give you an idea of when a project comes before the Planning Commission
2937 what has really gone into it, and what we have looked at. I will spend a little time discussing
2938 when the environmental division recommends non-approval of a project to the Planning
2939 Commission, and some of the reasons why we do that. And, then, finally, I plan on spending
2940 most of our time discussing the five areas of concern that you raised during our last meeting
2941 on February 2.

2942

2943 But before I get started, I would like to quickly introduce some of the staff I have with me
2944 today. They are here not only to help me answer any questions you might have, but to kind of
2945 give you an idea as to the expertise we possess in our section when we deal with some of these
2946 environmental issues. First off, I'd like to introduce Keith White. I don't know how many of
2947 you have met Keith before. Keith is a P.E. from the University of Virginia, and Keith
2948 reviews a lot of our plans, but, more importantly, I think, Keith has spent 5-1/2 years working
2949 for the Chesapeake Bay Local Assistance Department. That is extremely invaluable when
2950 citizens come forward with concerns about RPA questions and so forth. Keith, having
2951 reviewed the plan, I think we are pretty much consistent with the Act and you should feel
2952 comfortable when those issues come up, that Keith has pretty much addressed them before
2953 they got to you.

2954

2955 In addition to Keith, I have Robin Morgan with us today. Robin is the County's wetland and
2956 permit expert. Robin also graduated from UVA in biology and Robin spent four years
2957 working for VDOT doing wetland delineation, working on permits, road projects, and from
2958 there she went to Williamsburg Environmental Group where she did a lot of work also with

2959 wetlands and permitting. So, again, when those issues come up, wetlands and we have some
2960 discussions with developers, where the wetlands begin and end, Robin is a great resource and
2961 we rely on her heavily, in addition to relying on her for road jobs and school sites and things
2962 like that.

2963

2964 Mike Hackett, Mike oversees our erosion control program. Mike is a Certified Plan Reviewer
2965 and Inspector. It is a big job. He has five inspectors under him that he supervises, so anytime
2966 there is an issue, and a project is under construction Mike addresses that. Also, with me today
2967 I have John Newton. John is an environmental inspector and he is representing the other
2968 inspectors today. John graduated from Virginia Tech and is an E.I.T. In addition to his role
2969 as inspector, we use John for a lot of things, including some of the oil-water separators I will
2970 be going over with you today. John reviews all of those oil-water separators and all of the
2971 calculations and he is a great resource.

2972

2973 Lastly, and I will get started here shortly, I have got Scott Jackson. Scott works in the Design
2974 Division, but not for long. May 12th Scott is going to move over to the Environmental
2975 Department and I am really glad for that, looking forward to it, and he is going to share in a
2976 lot of the plan review responsibilities, and Scott graduated from VMI and, again, a super
2977 resource.

2978

2979 Mr. Vanarsdall - You've got a good mixture down there, Tech, UVA and VMI.

2980

2981 Mr. Perry - I really do. Mr. Vanarsdall, I am blessed with just a terrific
2982 staff, I really am.

2983

2984 Ms. O'Bannon - Is this what it takes to decide on a BMP?

2985

2986 Mr. Perry - Well, you will see that. You will see everything we do, and with
2987 that, I would like to get started just quickly going through the three laws that we deal with and
2988 what our review responsibilities are with those laws, the first being the Chesapeake Bay
2989 Preservation Act. As you know, that Act is to protect and improve the water quality of the
2990 Chesapeake Bay and its tributaries, and due to that Act, we are responsible to identify where
2991 the Chesapeake Bay buffers are in our County and see that they are protected through the
2992 development phase. With that, I know you have heard of the terms RPA and RMA and in
2993 about three or four minutes, I will show you an example of an RPA and explain how an RPA
2994 works. I know you all have some interest in that, so if you will just bear with me I will get to
2995 that. Another review responsibility under the Chesapeake Bay Act is identifying wetlands,
2996 because our buffers are based off of wetlands. In addition to that, we are required to see
2997 evidence of water quality permits, Corps of Engineers and DEQ permits that may be necessary
2998 for a project. And before we can sign a set of plans, we need to make sure not only that we
2999 see those permits but we understand the conditions of those permits. Lastly, a big
3000 responsibility is water quality runoff from development sites, and these are the BMPs. With
3001 the Chesapeake Bay Act any project that is developed within a Bay area – that project has to
3002 address storm water runoff and treat it before it gets into our storm sewer system and then get
3003 into any streams. The second environmental law that we are bound by is the National

3004 Pollutant Discharge Elimination System, or NPDES, and this is really an interesting law.
3005 What it is, is the County is responsible for the quality of water entering its storm sewer
3006 system, so as developments are proposed, we have to be able to control the quality of the
3007 water that is going into our storm sewer system. That is when we start getting into things like
3008 oil-water separators, where we start requiring oil-water separators for gas stations and for
3009 people who handle petroleum products. I will show you some examples here in a few
3010 minutes.

3011

3012 Also, dumpster locations. Obviously, if you have a dumpster that leaks and it sits over an
3013 inlet, and it leaks directly into our storm sewer system, that is going directly into the creek,
3014 the NPDES law wants us to look at those types of situations. Trash racks are very similar,
3015 especially when you get into the fast food industries that generate a lot of paper. Obviously, if
3016 there is litter on the ground and a storm comes along, it washes into the inlet so we have
3017 requirements for trash racks, and I will show you those as well.

3018

3019 NPDES also addressed runoff from development sites, just like the Chesapeake Bay Act did,
3020 and what it said is that localities that have a population greater than 100,000, which obviously
3021 Henrico is, that you address runoff from your development sites. So, what that did is that
3022 basically brought water quality requirements, these BMPs, into the areas outside of the
3023 Chesapeake Bay Act, so, in fact, we have water quality requirements in all developments in
3024 the County due to these two Acts.

3025

3026 NPDES also requires BMP inspections. They recognize BMP's will be contracted and
3027 NPDES requires that localities go out and inspect these BMPs periodically to make sure that
3028 they function properly. So, that is another review responsibility that we are stuck with, so to
3029 speak.

3030

3031 Lastly, and I won't spend much time on this because it kind of explains itself, the Virginia
3032 Erosion and Sediment Control law. Our responsibilities there are to actually go out on all
3033 projects and review erosion and sediment control. It is a huge task. Right now I think we
3034 have 560 active projects in the County. In addition to that, we have 18 mining operations.
3035 Some of those mining operations are huge and it does take a lot of time to get out on these
3036 sites and inspect them. With that, what I would like to now move into is the RPA, because
3037 you will hear me mention this throughout my presentation, RPA, and maybe I can spend just a
3038 few moments to go over what an RPA actually is.

3039

3040 Ms. Dwyer - Could you give us copies of this, of your slides or maybe your
3041 PowerPoint presentation?

3042

3043 Mr. Perry - I could. Very easily. I think we already have it here.

3044

3045 Mr. Taylor - I have one additional question. Under the NPDES permit
3046 system, does every business need an NPDES permit or is there a general permit?

3047

3048 Mr. Perry - No, sir, and that is a great question. What it is, EPA has set up

3049 what they call a SIC Code, a Standard Industrial Classification Code, so every business that
3050 comes into the County has a code associated with it. Depending on your code is whether you
3051 need to get a permit or not. An example would be, let's say you are a recycling facility. A
3052 recycling facility would generate a lot of possible contaminants going into the storm water, so
3053 they will say, "OK, that SIC Code – anybody who is 5015 – I think that it is for recycling – is
3054 responsible to get a NPDES permit. However, someone, let's say, who sells something, like a
3055 Wal-Mart will have a different SIC Code, those SIC Codes for those types of activities –
3056 commercial types of activities – won't be required to get an NPDES permit. So, that is how
3057 they do it certain Standard Industrial Classification Codes are required to get NPDES permits,
3058 and it is based on what the principal use is on that particular business and that determines
3059 whether they need an NPDES permit or not.

3060

3061 Mr. Taylor - Those are for individual businesses.

3062

3063 Mr. Perry - Well, it is more of a classification. In other words, anybody who
3064 does recycling is under that Code and would then need an NPDES permit.

3065

3066 Mr. Taylor - That is the Federal system?

3067

3068 Mr. Perry - That is Federal. That has been passed on to DEQ and then really
3069 somewhat passed on to the localities, because we have to go out and inspect these facilities to
3070 make sure, in fact, that they are storing their chemicals properly and so forth.

3071

3072 Mr. Taylor - And that is an annual inspection?

3073

3074 Mr. Perry - Yes. It is difficult with the number of sites we have, but we try
3075 to make it annual. Yes.

3076

3077 Mr. Taylor - Is compliance with the NPDES system, in your experience,
3078 inspections, generally are the requirements complied with properly on all of the permits or are
3079 there numerous small infractions?

3080

3081 Mr. Perry - There are some infractions, and some situations, depending on
3082 where they are storing material and how they are storing material, then there is more of a risk.
3083 What these businesses have to do, if you get a permit, you have to come up with a spill
3084 pollution prevention plan, for your business, which shows you how you are going to faithfully
3085 control your runoff, and that is something that is provided when you go to inspect that
3086 business. For the most part, we get some, it is a new program, so it is hard for me to say we
3087 get total compliance, but I guess for the most part we are satisfied. When we aren't we give
3088 them notice and then we come back out and re-inspect.

3089

3090 Ms. O'Bannon - I have a question. Dry cleaning facilities, is this something you
3091 have to get a lot of permitting for?

3092

3093 Mr. Perry - Yes.

3094 Ms. O'Bannon - This is a two parter.

3095

3096 Mr. Perry - We don't inspect all businesses, because, remember, under this
3097 permit, we are in charge of what comes into our storm sewer system, so there are cases where
3098 someone does not connect to the County Storm Sewer System, they discharge, let's say,
3099 directly to a stream, and those cases their permit is direct with DEQ and the County would not
3100 inspect them because we have no authority over that, because they don't come through our
3101 system, so we don't inspect, even though they might have an NPDES permit does not mean
3102 that we necessarily inspect that site.

3103

3104 Ms. O'Bannon - The question, the reason I asked the question about the dry
3105 cleaning facilities is, is there in our ordinance or zoning we often eliminate that in shopping
3106 centers and so on, you know, when zonings come up or it is proffered out - dry cleaning
3107 facility - but I understand there is a new type of dry cleaning process that does not cause the
3108 same type of pollution or something, and we have added those in the, in proffers recently, and
3109 I am curious to find out.

3110

3111 Mr. Perry - I understand what you are saying, but there are certain, don't
3112 forget there is a sanitary sewer that handles anything internal, anything that is processed under
3113 the roof, we don't get into that at all. What we deal with is rainwater getting where someone
3114 may store their chemicals outside. Now a lot of time in a dry cleaning operation most
3115 everything is under the roof, and, therefore, that is something strictly that would be dealt with
3116 through the sanitary sewer and their requirements on strong waste and so forth, through our
3117 Utility Department. So, we are basically outside. Did that answer your question?

3118

3119 Ms. O'Bannon - Part of my concern about having dry cleaners in shopping centers
3120 is all of the air pollution, I guess you could call it that, but fumes.

3121

3122 Mr. Perry - Right.

3123

3124 Ms. O'Bannon - The concern that I am asking these questions is directly related to
3125 work the Planning Commission might do in getting proffers on shopping centers and that sort
3126 of thing. That is my reason for asking it then. Also, in working with the rewriting or the
3127 newer version of the Chesapeake Bay Preservation Act, Chesapeake Bay 2000, it was an issue
3128 that came up with chemicals and so on, but this question, this new drying cleaning procedure,
3129 it keeps popping up. I didn't know, I thought maybe you had something specifically about this
3130 new procedure. No. OK.

3131

3132 Mr. Perry - It is something that could be looked into, though. You have
3133 aroused my curiosity. That is for sure. OK.

3134

3135 Mr. Taylor - While we are on BMPs, one thing I have noticed is the wide
3136 variety of BMP designs and some people have gone to great lengths to design them and
3137 provide hydrophilic type vegetation for them and screening, and other people, other
3138 institutions don't do that. Do we give a guide to everybody that is in the process of doing the

3139 BMP designs or have a recommended design that would, perhaps, encourage planting of
3140 hydrophilic type plants?

3141

3142 Mr. Perry - We do have a storm water quality guideline manual that basically
3143 deals with BMPs. Most of those issues identified in that manual are things like side slopes. Do
3144 they need to be in, let's say, a subdivision 4-1 flat, or do they tend to be safer, easier to mow,
3145 easier to maintain vs. commercial, which might be 3-1. The actual landscaping of the BMP
3146 basically is something that is worked out, I guess, through the Planning Department as part of
3147 their landscape plan. We have some reservations about allowing people to, let's say plant trees
3148 on side slopes, because if a tree falls down it tears the embankment out of the BMP. So there
3149 are some issues like that, as well, let's say mulching below the water quality line. When a
3150 BMP fills up with water, it is designed to fill up to a certain elevation, and obviously if you
3151 put plants in there that were mulched, that mulch would wash down and then clog the holes of
3152 the stand pipe, and, therefore, the BMP wouldn't function anymore, so we do have some
3153 restrictions and some guidelines that are provided in this manual. Now, to be honest, it is
3154 more restrictions than anything.

3155

3156 Mr. Taylor - It is clear that some people go to great lengths to landscape it and
3157 plant it and probably maintain it and they look very attractive along Broad Street, and then
3158 some, look just like a mud hole, and I wonder if there is some way we could encourage the
3159 former treatment rather than just the latter?

3160

3161 Mr. Perry - I think we do try to encourage it.

3162

3163 Mr. Taylor - But there is no limitation to using weeping willows or
3164 vegetation...

3165

3166 Mr. Perry - To get into those trees, they actually have to be outside of the
3167 BMP because of the danger of falling in an ice storm and pulling the bank out, and so forth.

3168

3169 Ms. O'Bannon - I think you said restrictions. The purpose of the BMP is to move
3170 chemicals, nitrate and phosphorus and so on from where it goes in. If you put a lot of plants
3171 in it, people tend to want to fertilize them with 10-10-10 and then you are adding nitrogen and
3172 phosphorus and so on. You want a nice green grassy looking BMP and I've seen it happen in
3173 subdivisions, where the Homeowners Association is taking care of the BMP, and that want it
3174 to look real nice, but they end up adding the chemicals that it is designed to remove, so you
3175 have got a Catch-22 in that you have something there that is supposed to look probably like a
3176 mud puddle, because it is going to be a look bit mushy because it is removing these chemicals
3177 as they go down into the dirt and go into the water table, so if you make them too nice. It is
3178 like you said, you have to move the trees and bushes outside of it or on the edge of it,
3179 perhaps, if it is going to have water in it. Often they are designed with prickly bushes to keep
3180 kids out, for instance.

3181

3182 Mr. Taylor - The ones that I have seen that have cattails in it, you're exactly
3183 right. They look like wetlands and they look like a marsh. They look much more attractive

3184 than ones that are just barren and denuded of any type of vegetation. I would guess those that
3185 had that type of vegetation really serve to absorb more nutrients and more of the trash than the
3186 ones that are just scraped out and left unplanted. So, the question would be, what can we do,
3187 what should we do to encourage planting and reasonable landscaping within the BMP in the
3188 hope that everybody understands that being wetlands that they do have cattails that this is
3189 good, and they certainly do not need, if they are getting lots of nitrogen and phosphorus with
3190 the runoff, they certainly don't need to encourage or improve on that fertilization. Thank you.
3191 That is all I had to say.

3192

3193 Mr. Perry - Sure. Thank you. Again, I guess we will start with just making
3194 sure that the Commission is familiar with or comfortable with RPAs and what they actually
3195 are. As you can see, at the top of this slide, you have a perennial stream and a perennial
3196 stream is simply a stream that flows year around, with the exception of an extreme drought.
3197 But we have perennial streams and we have something called intermittent streams that may
3198 flow during the winter time, wet times like we are having now, but basically during summer
3199 months dry up. And what the Chesapeake Bay Act does, it focuses on, as far as RPAs are
3200 concerned, it focuses on perennial streams. So, we are talking about streams that flow year-
3201 around. What happens is the RPA is a 100-foot buffer off of that stream. However, as in this
3202 diagram, it is wetlands adjacent to that stream. What they call contiguous to that stream. So,
3203 the RPA is actually a 100 foot buffer that is off the wetlands if they are present, so if you had
3204 100 foot of wetlands adjacent or contiguous to a perennial stream, your buffer would actually
3205 be 200 foot from the stream, because there would be 100 foot of wetlands and then there is
3206 100 foot buffer attached on to it. If there were no wetlands there, it would be a 100 foot
3207 buffer off of the perennial stream. OK, and we tried to, in the diagram, we tried to give you a
3208 little plan view right below that – and that is probably the view you most often deal with here.
3209 As far as this 100 foot buffer area, this is “Do not Disturb Area” with the exception of a
3210 BMP, which can be located in the landward 50 foot of that 100-foot buffer. I know that is a
3211 little confusing. But that is only if it absolutely has to be there and I am going to show you a
3212 little example later on where we take exception to someone putting in a BMP within the
3213 buffer, because we don't feel that is the only place that it could go. The only other
3214 encroachment allowed into the 100-foot RPA buffer would be through an exception with the
3215 Director of Public Works, and that exception has to demonstrate that there is a hardship, and
3216 that hardship can't be money. You can't come in and say, “Well, I just can't get the lots I
3217 need. I need to get in that buffer.” It does not work like that. An example of a hardship may
3218 be where someone has a home that preceded the Act. Let's say that it was built in the 1970s,
3219 and they wanted to put an addition on to their house or they wanted to put a pool out back, and
3220 obviously when they bought that home there was no RPA. They did not know that it existed.
3221 That would be something that could come forward to the Director and say, “Hey look, since
3222 this Act has been passed, I can't build an addition.” After we look at that, we may allow
3223 some encroachment, but they would have to provide possibly an additional RPA somewhere
3224 else on their lot, or maybe add some more trees out there. So, there is an exception
3225 opportunity, but it is not based on money. It is basically, they have a hardship. OK.
3226 Everybody satisfied, or are there questions on the RPA. OK, great.

3227

3228 I guess now I will get into the presentation itself. Plan submittal. Probably the most valuable

3229 tool we have in the Environmental Division when someone submits a plan is the ESA,
3230 Environmental Site Assessment. An ESA is required for all projects and plans cannot be
3231 accepted into the County review system if the ESA is not completed. We shouldn't be
3232 accepting a plan into the County, because what that does is, basically the ESA is almost a
3233 questionnaire. You have an example in your package and it identifies.

3234

3235 Mr. Vanarsdall - Where does the ESA come from? Who does that?

3236

3237 Mr. Perry - The applicant fills it out. The applicant fills it out. The developer
3238 would have his engineer fill it out and what that does is - it tells us "do you have a tributary
3239 stream, a perennial stream on your property, yes or no." So, we need to know right out of the
3240 gate, do you have these Chesapeake Bay areas on your property that may limit your
3241 development or affect your development, and, obviously, we can't review a plan unless we
3242 know that.

3243

3244 Mr. Vanarsdall - So, at this point, the applicant or the developer has gone over the land.

3245

3246 Mr. Perry - Absolutely.

3247

3248 Mr. Vanarsdall - He knows enough about it to fill out this form to get to you.

3249

3250 Mr. Perry - That is correct. That is exactly how it works.

3251

3252 Ms. O'Bannon - Is this a form that has to be filled out? Is this a Henrico County form or
3253 is this an EPA form?

3254

3255 Mr. Perry - It is a Henrico County form. It is found on the Environmental Plan
3256 Sheet and again it is attached to all plans.

3257

3258 Ms. O'Bannon - Do other counties use the same form, similar form?

3259

3260 Mr. Perry - Other counties may have a similar form that is filled out. I don't know
3261 how other counties actually do it.

3262

3263 Mr. Vanarsdall - It's not a governmental universal form?

3264

3265 Mr. Perry - That's correct.

3266

3267 Mrs. O'Bannon - My question is, it is a Henrico County way of doing it?

3268

3269 Mr. Perry - Right. And we have in the past, we have made minor changes to the
3270 form as a matter of fact.

3271

3272 Ms. Dwyer - And so this is a part of the POD submittal.

3273

3274 Mr. Perry - This is part of the POD submittal.
3275
3276 Mr. Vanarsdall - So, you take this form and you....
3277
3278 Mr. Perry - POD and subdivisions.
3279
3280 Mr. Vanarsdall - You take this form and you and your people review then you don't take
3281 the applicant's word for it, do you?
3282
3283 Mr. Perry - We are going to show you all that. You are stealing my thunder.
3284
3285 Mr. Vanarsdall - I am, I'm sorry.
3286
3287 Mr. Taylor - Jeff, where the license number is it has to be a "P" or...
3288
3289 Mr. Perry - Or a, I believe it can be a registered professional landscaper. So, what
3290 happens, they fill the sheet out and this gives us our information. So, what we do, as Mr.
3291 Vanarsdall already indicated, we conduct a field visit to verify this ESA information. And
3292 what happens is these plans are shotgun out to our inspectors. And inspectors, like Mr.
3293 Newton here, will go take this and go out to the field and he will start to verify. He will take
3294 the plan, he will take the ESA and he will try to ascertain if in fact these areas are accurately
3295 shown. Now from time to time, we will have questions regarding wetlands because, again, if
3296 you go back to that previous slide, a lot of these RPA buffers are based off of wetlands. So, it
3297 we have a situation when we are not sure about the wetlands, the inspector will contact Robin,
3298 and she will go out and here she is sticking a soil probe in the ground (referring to slide) trying
3299 to determine if the soils are hydric soils. And she will actually verify, do we agree with those
3300 wetlands or do we not agree with those wetlands and do we agree with RPA buffer or don't
3301 we. So a big part of our job is to go ahead and verify those boundaries.
3302
3303 What we do then is we have a meeting every Monday. We bring that information back in and
3304 we discuss the project. Was the information accurate? And at that point, we will sit down,
3305 Robin will be there, Keith will be there, looking at the Chesapeake Bay issues, Robin the
3306 wetland issues, and we will go over those issues, and also the type of development, and we
3307 will start to form our comments. We will fill out an environmental comment sheet that I've
3308 also attached, it's a three-page sheet, and this is where we start getting into some of the things
3309 we would like to see from the developer. Some of the issues he may have not answered at this
3310 time. We will get into things like, okay, it looks like your development is going to be a gas
3311 station and you need to go ahead and provide us with some details on oil/water separators. We
3312 will also fill out the form and say, did we agree with your ESA information. So, this is a
3313 comment sheet and pretty much covers all the issues. And I think I have included that in your
3314 package.
3315
3316 Okay. We are meeting crazy. So, from our Monday meeting we go to a Tuesday meeting
3317 with the design staff and public works, and there's a real good reason for this. Certainly, we
3318 don't want to give the developer back, or the applicant back, conflicting information. And an

3319 example of that would be: We wouldn't want our design division, after reviewing the plans, to
3320 say, "Hey look, we think we need to pipe this stream in." Then we would turnaround and
3321 say, "This stream needs to be protected because it is a Chesapeake Bay stream and you need to
3322 have a buffer on it." Certainly, that's not something we would want. So, collectively, in
3323 Public Works, we sit down to discuss our comments and the design division's comments and
3324 kind of come up with a consensus on what our comments should be and we proceed with that.
3325 At that time we also discuss the erosion and sediment control narrative. We start getting into,
3326 even though we don't have a formal erosion control plan, we start looking at where are these
3327 sediment basins going to be cited. We start thinking long term because that is a big part of the
3328 development project. If you get a 10 or 12 acre site, how are you going to control that erosion
3329 throughout the entire project? So we start to look at that at this point. And then we discuss,
3330 most importantly, our recommendation to the Planning Commission and what's that going to
3331 be. And, again, what we are talking about is approval or non-approval and I will go over
3332 some situations here in a few minutes of where we might not recommend approval. Okay.
3333 After our Tuesday meeting, staff/developer meetings are on Thursday, and we come face to
3334 face with the developer and the applicant, to go over our comments. And we give them our
3335 sheet and pretty much go down it and at that time we let them know what our recommendation
3336 is to the Planning Commission.

3337

3338 Ms. Dwyer - What to you do on Wednesday?

3339

3340 Mr. Perry - We have other meetings

3341

3342 Mrs. O'Bannon - I'll tell you what, the Chesapeake Bay 2000 Agreement says on
3343 Wednesday you are going to do this presentation to school kids in high schools.

3344

3345 Ms. Dwyer - Could I just ask one question?

3346

3347 Mr. Perry - Sure.

3348

3349 Ms. Dwyer - This is all in preparation for POD and subdivision. This does not
3350 happen prior to zoning.

3351

3352 Mr. Perry - That's correct.

3353

3354 Ms. Dwyer - So, you are going to talk today about what you do before a zoning case?

3355

3356 Mr. Perry - That's easy. We don't do anything. No. At this point, we are not
3357 involved in the zoning process. I didn't include that as a part of my presentation, but at the
3358 end, if you would like to revisit it, I'll be glad to do so. Okay. What do we do after you act
3359 on a plan? There are a lot more issues that we deal with. No. 1. Before we can sign a plan,
3360 we have to, again, make sure that the applicant has the permit in hand. If it's required, if he's
3361 filling in wetlands or crossing a stream and he's required to have a permit from the Corps of
3362 Engineers, DEQ, certainly we don't want to sign those plans until we are sure that he has
3363 those permits and we understand the conditions. This is just a quick example of what a permit

3364 would look like (referring to document on screen). Oil/water separators, dumpster pad
3365 locations and trash racks. I'm just going to give you a little idea of what these things actually
3366 look like. I'm going to show you three slides here. Oil/water separators, again, John reviews
3367 these oil/water separators. This is a big tank. It is above ground, it's at Route 1 and Parham
3368 Road and it's ready to go in at a gas station located there. What this will do is it will go in the
3369 ground and then, if you are familiar with going in a gas station, you have a concrete pad and
3370 then there's a trench drain that will run around that concrete pad. And as people fill up and
3371 change there oil, antifreeze and they spill this all on the concrete pad, they will come out an
3372 periodically wash these areas down. What will happen is the water will go into the trench
3373 drain, from there it will go into this oil water separator where it will separate the pollutants
3374 and the clean water will bypass the system into the storm sewer system and then periodically
3375 they will come out and pump these out.

3376

3377 Mrs. O'Bannon - Is this required in older gas stations?

3378

3379 Mr. Perry - It's difficult to go back and retrofit someone for a new law. Certainly,
3380 as they come in to be redeveloped, yes, we require that.

3381

3382 Mrs. O'Bannon - They are required to dig up there gas tanks every so many years and so
3383 on.

3384

3385 Mr. Perry - Right, which is a little different then an oil/water separator.

3386

3387 Mrs. O'Bannon - I know that, but I mean they wouldn't be required to do this when they
3388 dig up their gas tanks or something?

3389

3390 Mr. Perry - Not unless they have had to file a POD to do that, then it would come
3391 through our review system. And a lot of those changing over to plastic gas tanks, didn't
3392 require a POD.

3393

3394 Mrs. O'Bannon - So, older gas stations won't have this type of system?

3395

3396 Mr. Perry - There are still several gas stations, many gas stations, that do not have
3397 oil/water separators at this point.

3398

3399 Mrs. O'Bannon - But a new one that comes forward with a POD would end up having to
3400 do this?

3401

3402 Mr. Perry - Yes, ma'am.

3403

3404 Mrs. O'Bannon - Okay.

3405

3406 Mr. Perry - Okay. Dumpsters and their locations. Obviously, there is a dumpster
3407 here (referring to screen) and you can see the inlet in the background. This really illustrates
3408 why we are so concerned about the placement of dumpster pads. We are particularly

3409 concerned, a lot of them leak. Obviously, you know the operation, when someone comes to
3410 empty those dumpsters you know not everything gets into the truck all the time. So, we are
3411 really concerned about that. When a plan comes through, we are really going to look at
3412 where....

3413

3414 Mr. Vanarsdall - That's behind Willow Lawn, isn't it?

3415

3416 Mr. Perry - Excuse me.

3417

3418 Mr. Vanarsdall - Isn't this one that you are showing up behind Willow Lawn?

3419

3420 Mr. Perry - Yes, it is. It's Ruby Tuesday. He knows his areas.

3421

3422 Ms. Dwyer - Jeff, since you are looking at things now that may involve Planning, is
3423 Planning involved in that Tuesday meeting?

3424

3425 Mr. Perry - They are not involved in our Tuesday meeting, but when we meet on
3426 Thursday at the staff/developer meeting, they will hear our comments. Our comments are
3427 actually forwarded down to the Planning Department.

3428

3429 Ms. Dwyer - That's usually soon enough to catch something that may.... I mean,
3430 dumpster locations may be something that the Planning Department may have input into.

3431

3432 Mr. Perry - Correct. Every once in a while it's something we may discuss with the
3433 Planning Department, depending on our comment. We would get together with them and,
3434 again, try to talk off the same sheet of music. Trash racks. You may be seeing more and
3435 more of these in your area. Again, we target businesses, new businesses that are coming on
3436 board. They generate a lot of paper, fast foods, shopping centers. I know in the past, and
3437 you've all got lakes in your areas, and I'm sure you have heard from property owners that I've
3438 got cups floating in my lake and you know we always have to clean them out. And, again,
3439 this is an opportunity for us to stop some of that. And, basically, if they don't clean it, and
3440 their parking lot floods, and patrons come through their area shopping, then they better get out
3441 and clean it and dispose of it properly. So, again, that's something after the Planning
3442 Commission see the plan, but something we still look at before we approve a final plan.

3443

3444 And they give detailed erosion and sediment control plan and review. Here, you can see we
3445 are going over it (referring to screen). This is really a big job because you have to follow a
3446 project not just through the initial grading but what happens to all that dirty water when they
3447 start putting the storm sewer in. Does that still go to a basin? So, you've really got to sit
3448 down and think a project all the way through to determine whether the erosion control is going
3449 to function properly. And then you have to sequence it.

3450

3451 Mr. Vanarsdall - So, this is done after we take action on it.

3452

3453 Mr. Perry - That's correct. After you take action on it, because at that point there's

3454 not enough design information before you see it to really to get down to the actual sequence of
3455 it. Now, before you see it, we get into some general locations of where basins may be. The
3456 real detail isn't done until after you see it, that's correct. Okay. This is something I'm kind
3457 of proud of. It's something we started several years back, but pre-construction meetings.
3458 What we have done is, a plan isn't officially approved until we sign it, Environmental
3459 Division, at pre-construction conference. And what happens at this conference, we will take
3460 the plans after Planning has signed them and Public Works internal. They will be routed to
3461 the Environmental Division, folks in the field, and someone like John would take the plans, if
3462 the project is in his area, he will go out and he will actually meet with the contractor, with his
3463 engineer on the site. And John would go out and he will actually check the flagging. The
3464 tape has to be up. It's not unusual if the tape is not up for us to roll the plans up and say sorry
3465 you can't have your pre-construction conference today. When you get all your flagging up of
3466 the bay areas and the wetland areas and the areas that are supposed to be protected, you call us
3467 when you get that up and will come back out and meet with you.

3468

3469 Mr. Vanarsdall - That's what I wanted to ask you. Who puts... I've seen the tape but
3470 I've never seen anyone putting it up or taking it down. Who put that up?

3471

3472 Mr. Perry - The applicant puts it up and, again, we certify it and we go out to make
3473 sure it's in the right location.

3474

3475 Mr. Vanarsdall - But you have already told him where to put it.

3476

3477 Mr. Perry - We have already initially agreed with... What normally happens, Mr.
3478 Vanarsdall, is, they usually tie ribbons, the first go around, okay. We will come out and look
3479 where the ribbons are and said, "yes" this is the general line. Then once we agree on it, then
3480 they will put the tape up. Then we will come out at pre-construction time and make sure the
3481 tape is in fact up and it's where our original agreement was. So, that's kind of how that
3482 works. So, here we are. We have inspected it. At the same time, we go over the narrative
3483 with them, erosion and control. That contractor needs to understand that sequence. He needs
3484 to sit down, and we tell him, look the first thing that goes in place is a sediment basin. You
3485 can't clear for your pad. You can't clear anything until your basin is in. And this is the time
3486 where we actually sit down face to face with that contractor and we lay the rules down. So,
3487 it's really important at the pre-construction stage. And, then, finally, once we are satisfied
3488 that we have done that, we actually go ahead and sign the plans. And, at that time, the
3489 contractor and the developer actually has an approved set of plans from Henrico County. So,
3490 we are pretty much at that point, we are satisfied with that all of the environmental issues have
3491 been taken care, and hopefully you are satisfied that all of the environmental issues, more
3492 importantly, have been taken care of.

3493

3494 With that, I just want to touch basis, real quickly on when does the Environmental Division
3495 not recommend approval to Planning Commission because sometimes in our package we
3496 recommend that you not recommend a project. And the first instance is, if insufficient
3497 information isn't available to evaluate the environmental impacts of the proposed development.
3498 In other words, someone may have filled out that Environmental Site Assessment sheet,

3499 checked all of the blocks that we discussed earlier, and it got into the system, but in fact didn't
3500 show it on the plans. So, they said they had a perennial stream or RPA buffer but it wasn't
3501 shown on the plan so we didn't have anything really to take out to the field to look at. So at
3502 that point, if that plan is in the system and it has gotten this far, we would recommend non-
3503 approval. And what usually happens is the plan is withdrawn, even sometimes before you
3504 even get it. And they really they have to go out and take care of it. And the second is,
3505 information shown as inaccurate and will effect the proposed plan in a significant way. That,
3506 in fact, the plan that you are looking at or suppose to look at, will in fact lose lots or effect
3507 development. Here is an example: We disagreed with the RPA buffer and the buffer in this
3508 case is the green line, (referring to screen) that 100-foot buffer and that's where we thought
3509 the line should actually be. By actually coming up with the correct line, those three red areas
3510 represent three buildable areas that would have been lost. In addition to losing those three
3511 buildable areas, the cul-de-sac is probably going to change. That whole road configuration
3512 would change. In addition to that, there is a BMP, and if you look at the BMP it is to the far
3513 left of your screen, you can see the grading lines that have actually gone down into the RPA.
3514 So that grading it would actually have to disturb below that green line. We don't think that's
3515 necessary. We think that the BMP can be pulled up slightly to avoid the RPA all together.
3516 So, when we look at all those issues, and when we look at the fact they would be losing lots,
3517 the fact that the road configuration may change, this is an example where we would write on
3518 our comment sheet we are recommend non-approval because we want to make sure that what
3519 you are looking at, the plan, is actually going to be the accurate plan. And in fact because of
3520 the changes, we would require this layout maybe much different in it's final form. So, I hope
3521 you all are comfortable with that. But, those are the times when the Environmental Division
3522 would go ahead and recommend non-approval to you all. You would make that decision at
3523 that point but we feel like that at least we would have done our job by calling it to your
3524 attention.

3525

3526 Okay. Issues of concern at our February 2, 2000, meeting when I met with you last time. We
3527 had five issues, well I felt like we had five issues that you brought up. Maybe I can tell you a
3528 little bit about what we did about those issues and maybe discuss them a little bit further. The
3529 first is wetlands impacts. Front and side yards versus rear yard setbacks in subdivisions. If
3530 proposed lots have wetlands in the front or side yard they must be shown and impacted and
3531 appropriate permits must be obtained. What we do here, this is a requirement of the
3532 Department of Public Works. We do not want to leave wetlands in people's front yard and
3533 side yards that are going to become a problem for them. You can have situations where
3534 someone has a wetland in their front yard and they would look at it and say "Well it really
3535 doesn't look all that bad" and they are looking at it in June and then they go out on a day like
3536 today and there's six inches or eight inches of water standing in their front yard and then it's a
3537 huge issue for them. We want to avoid that issue. If they have wetlands in front and side
3538 yards, you consider them an impact and you get the appropriate permits. I think that's been
3539 very successful for the County on eliminating those phone calls to you all and to Board
3540 members saying how could the County let this happen. How could they leave a swamp in my
3541 front yard? So, we don't let that happen.

3542

3543 Ms. Dwyer - So, as a practical matter, when you say it is permitted and taking care

3544 of, does that mean it is filled in and redirected or compensated for?

3545

3546 Mr. Perry - That's correct. And I'm going to get into a little of the permitting
3547 mitigation but you hit it right on the head. That's exactly what happens. Rear yards, either
3548 wetlands or RPAs, it is a little bit different. They are allowed to leave wetlands in rear yards.
3549 Here is an example. Lot 22, the dotted line represents the buildable area and you can see the
3550 yellow or light green, I am not sure. I guess light green is where we required impacts to
3551 provide a 10-foot setback from the wetlands that are shown in blue to the actual buildable area.
3552 What this means is, we were having situations where we were having buildable area come
3553 right up to wetlands, and when it came time to build a house, they physically could not build a
3554 house without getting into the wetlands. I mean the corner of the house was right on it, so we
3555 started requiring a 10-foot setback from the buildable area, from the wetlands, just to insure
3556 that they could at least build a house. OK. So, we do allow wetlands to remain in rear yards.

3557

3558 Ms. Dwyer - Are people notified of that? What kind of notice does the person
3559 have if they are buying a house with wetlands?

3560

3561 Mr. Perry - If you don't mind, could you just wait a second. The questions
3562 come up, "Is this enough?" OK, because what you are looking at is - you are basically saying
3563 from the back of your house to that wetland, you've got 10 feet. Ten feet is not a whole lot,
3564 and it is particularly not a whole lot if you come out and you see a dry wetland outside, you
3565 might say, "This isn't a problem." This might be June. You might say, "Well, that is not too
3566 bad. I can pull up some of those logs and it is not too bad." However, you can also come out
3567 there and in January, February and March, and say "Gosh, I bought this lot in June. It didn't
3568 look like this. This is 10 feet from my house. County, you've got to come out here and do
3569 something. I have got a problem." So, the question really that has come up is, "Is 10 foot
3570 enough?" That is an issue right now that we are dealing with internally. I know I have talked
3571 with Randy Silber and I know Bob Pinkerton and Bob Thompson have been involved, and we
3572 plan on sitting down in the near future and addressing this, because it is coming up more and
3573 more. Obviously there was an article in the newspaper here recently regarding wetlands
3574 coming up close to people's homes and concerns, and it is a big issue, and I think it is an issue
3575 that, hopefully, internally we are going to address and possibly come back before the Planning
3576 Commission with a recommendation of what we are proposing.

3577

3578 Mr. Marlles - Jeff, isn't it true that a lot of the complaints that we hear really
3579 occur or come from property that was developed prior to these regulations being in effect in
3580 terms of standing water and drainage?

3581

3582 Mr. Perry - I would say, honestly, John, that we see both. If the problem
3583 you are getting into is some of the newer developments do that, trying to avoid impacting
3584 wetlands because that costs them money. They have to mitigate. They will try to push that
3585 envelope and try to get as many homes close to those wetlands but without impacting them, as
3586 possible. Because, it is costing them money. So, even new development generates a lot of
3587 complaints once the people have moved in and gone through a lot of seasons - rainy seasons -
3588 and realized that this wetland area out there can, in fact, be really wet, so it is pretty much a

3589 tradeoff. We get it from both sides.

3590

3591 Ms. Dwyer - What options might we consider requiring more land that is out
3592 of the wetlands?

3593

3594 Mr. Perry - Exactly. We are possibly going to a minimum rear yard where if
3595 someone does have a wetland in their backyard, let's say the rear yard is 35 feet for that entire
3596 subdivision, you could go to that person and say, "Look, we realize that you've got wetlands,
3597 but you have got the same amount of backyard as that person over there and that person over
3598 there, and we have made sure that you have 35 foot of usable backyard. Those wetlands are
3599 just additional. That is just one of the ideas that we are entertaining at this point.

3600

3601 Ms. Dwyer - So, the required rear-yard setback would have to be outside of
3602 the wetlands, although the rear yard could contain additional property that didn't have it.

3603

3604 Mr. Perry - Yes.

3605

3606 Mr. Vanarsdall - That reminds me of the controlled density thing.

3607

3608 Mr. Perry - Why does it just remind you of it? We don't have to get into it
3609 today.

3610

3611 Mr. Taylor - Another thing might be to require that any wetlands on a property
3612 be required to be divulged by the real estate agents at the time of settlement. We had a case
3613 with Mr. Glover not too long ago with the Chairman and I where a lady complained that once
3614 she bought her house it was no apparent wetlands. No one said anything. She moved in and
3615 then the tide came in and she had about 2 feet of water in her backyard, and it was a big
3616 surprise.

3617

3618 Ms. O'Bannon - There are two or three issues there. That requires a State law,
3619 and it also is a thing that has to be revealed. There is a long list of things that realtors say they
3620 do, and you just sign off on it, and they consider that as having revealed it. Many, many
3621 times at closing people will just sign the paper and don't realize that it has been revealed, but
3622 that would require a State law to specifically pull that in.

3623

3624 Mr. Taylor - Is that a State law now?

3625

3626 Ms. O'Bannon - Well, the State laws, I don't know exactly if that is now, but all
3627 they have to do is say, "Here, sign this." That is the disclosure part of it.

3628

3629 Mr. Perry - We are going to deal with that next. OK. How are potential
3630 homeowners made aware of wetlands and RPAs that exist on their property?

3631

3632 Ms. Dwyer - We are not going to ask any more questions. You have covered
3633 it all.

3634 Mr. Perry - Really, what we do right now, currently, is that we require asterisks and
3635 appropriate notes on the plan, and you have this in your package. I know it is hard to read up
3636 here, and I apologize for that, but we could not shrink it anymore. What we require is that on
3637 that plat - wetlands to remain on that spot or RPAs to remain on that lot - that we asterisk
3638 those lots and put the appropriate notes, so anybody who reviews that plat, at closing or
3639 whatever, knows that there are limitations on those lots. OK. So, we have done that and I will
3640 give you a couple of seconds to look at those notes, but really the question is, "Is that
3641 working?" OK. Ms. O'Bannon hit the nail right on the head when she said that we get a lot
3642 of complaints. "Yes, it was on my plat. I don't think I ever saw my plat. At closing they
3643 gave me a stack of papers and I signed everything, and County, I just didn't know. You mean
3644 to tell me that I can't build a garage here. I can't build this garage in this RPA area here.
3645 And, why didn't I know they were wet?" So, we are taking a different approach. We have
3646 tried the plat for several years now and we have a different idea, and a new idea. I knew it
3647 was here somewhere. A proposal that on lots that are going to have wetlands and through a
3648 main or RPA areas, that we ensure developers put up a sign, and we will provide a sign. He
3649 will put up a sign initially - along when he puts up the barricade tape and ensure that at CO
3650 time that the sign is up, so when that owner walks on that property, on that line which is the
3651 wetland line or the RPA line, and I will pass this around if you like. When that property
3652 owner comes out, I mean, by putting asterisks on the plat and putting signs upon the lots,
3653 shouldn't be able to come to the County and say, "Hey, look. I didn't know I had wetlands on
3654 my property. I didn't know I had RPA on my property. It helps us actually with
3655 enforcement, because one of the issues we really wrestle with, and I can tell you it has become
3656 quite an issue that we wrestle with, is when several families have wetlands and RPAs that they
3657 are supposed to protect and leave on their property. We get a call from an owner and say,
3658 "Look, I left my wetlands on my lot. However, these three people down there went ahead and
3659 filled the wetlands in. What are you going to do about it? We know they are protected under
3660 the law." We go out and knock on the door and say, "Hey, look. You violated your RPA,
3661 your wetland line." They turn around and say, "It wasn't me. The builder did it when he
3662 built the house. When I got here it was already like this." We go see the builder and the
3663 builder says, "No, when I left that house, that RPA was still there." Now, wait a minute.
3664 Which is it? So, what this sign will help us to is at CO time, we know that when that builder
3665 left and that property owner bought that home, that, in fact, those buffers were still there and
3666 no signs were up. Then we will know if anybody goes back and violates those buffers, and
3667 when we get calls to take action, we will know who the responsible party is.

3668

3669 Mr. Vanarsdall - And I am going to add something to the bottom of this sign that says,
3670 "Removal of this sign means a \$1,000 fine." I would like to see that added to the sign. I
3671 think it is a great idea. I think it is wonderful, but I know we have had problems in the past
3672 with people purchasing property in subdivision. For instance, one side of the street was
3673 supposed to say, "No parking," and when the realtors would go out there, I know they
3674 removed the no-parking signs, and our Public Works Department had to go back out and add
3675 No Parking signs. When the person who purchased that property said later, "I know it was
3676 noted on my plat that it was no-parking in front of my house. But, when I saw the property
3677 and chose to buy it, the sign was not there." I would like to see a big penalty for removing
3678 the signs.

3679 Mr. Perry - I guess what that would take, ma'am, is getting someone in the
3680 County Attorney's office to find out if we have that latitude under our current ordinance.

3681

3682 Ms. O'Bannon - If we cannot, I want an ordinance to come forward that says
3683 something to that effect. I think it is that important, that if you can figure out who removed
3684 the sign, because I think that important part, and that is exactly what you are trying to do,
3685 and I just want to make sure that that happens somehow. Because I've seen it happen too
3686 many times, exactly what you said, that it was there when I saw the property, but when the
3687 person bought it, somehow it gets removed. So, if we can add that.

3688

3689 Mr. Perry - We will definitely look into that. That would be great. That
3690 would help us a lot.

3691

3692 Ms. O'Bannon - And I would like to see a big penalty for removing the sign.

3693

3694 Mr. Perry - I wrote \$100,000. I had better change that.

3695

3696 Ms. O'Bannon - Of course, you've got to enforce it and I understand that. That is
3697 the other back part of this that you hear from folks, but wasn't there when I got out and
3698 walked around the property and when I got ready to buy it.

3699

3700 Ms. Dwyer - Is this sign supposed to stay there forever?

3701

3702 Mr. Perry - It varies, but seriously, we are targeting, hopefully it would stay
3703 until someone sold the property, but,

3704

3705 Ms. Dwyer - Or you would have the same problem with the subsequent
3706 purchaser.

3707

3708 Mr. Perry - We understand that, but at some point you just try to do your
3709 best.

3710

3711 Ms. O'Bannon - I agree.

3712

3713 Mr. Vanarsdall - What do you attach this to? Some kind of a tree?

3714

3715 Mr. Perry - Hopefully trees, and we have some spacing, and we have some
3716 guidance, but obviously not all RPAs are forested, so actually we would have to have some
3717 post, and we are going to have some specs on that, on what those have to be. OK. The third
3718 issue, and I know you are all getting hungry, is permitting and mitigation. Mr. Taylor, I
3719 know you brought this up. You had some questions on permitting and mitigation and wetland
3720 banking, and I just wanted to touch very briefly on it to make sure, hopefully, that maybe you
3721 will understand the permitting program a little better. I am not sure I understand it all the time
3722 because it is so complicated. Currently, under the Nationwide 26 program, which is the Corps
3723 of Engineers permitting program, developers can impact up to a third of an acre without

3724 having to mitigate. Mitigate is either create wetlands, which costs money, Buy out of a
3725 wetland bank, which is the going rate is \$55,000 an acre, it is up from \$35,000 two years ago,
3726 and I understand in northern Virginia it is \$125,000 an acre. Preservation. Preservation is not
3727 at a 2 to 1 ratio as the others are. That can be as much as 10 or 20 to 1, but I am going to
3728 really focus on creating wetlands and a wetland bank, because really the agencies steer you
3729 away from preservation. Again, it is 2 to 1, so what happens to a developer and the reason
3730 why you see wetlands in backyards and developers trying to put wetlands possibly even into
3731 common areas, beside homes, and I am going to give you an example here, and, quite frankly,
3732 I don't think there are any around, but it costs them money. So, what they try to do is try to
3733 impact up to that third of an acre, because that is almost a free third of an acre.

3734

3735 Ms. O'Bannon - If I can ask you something. What we hear from the developers is
3736 that we are forcing them to do this. That is their side.

3737

3738 Mr. Perry - Forcing them to do what? Impact wetlands?

3739

3740 Ms. O'Bannon - Forcing them to preserve them. They have often said that that

3741

3742 Mr. Perry - We force them to, the complaint I hear, is that we force them to
3743 impact wetlands in the front and side yards. OK, because, obviously, they'd like to preserve
3744 those, as well, because it goes against them, and what a developer normally will do is, will
3745 have impact for his roads and his infrastructure and things like that, and that goes against his
3746 third of an acre.

3747

3748 Ms. O'Bannon - What they are saying is that having the home say, on the eastern
3749 half of the property and then having the western half of the property be a wetland, and then
3750 making or attaching these - the homeowners' association would have to maintain that. They
3751 say that we are forcing them to do that by that type of legislation and I don't necessarily mean
3752 Henrico, but they are forced to do that that way. That was the comment they made.

3753

3754 Mr. Perry - What happens under the Corps of Engineers' regulations, the first
3755 thing you have to do to any wetland is avoid it. OK? Then you have to minimize your
3756 impacts. OK. Then you have to mitigate for any impacts that you do have, so what happens a
3757 lot of times is a developer will try and set these wetlands up so he can prove that he has tried
3758 to avoid as many wetlands as possible. So, I don't know.

3759

3760 Ms. Dwyer - But the idea is that - from what - and I heard your comment
3761 there, he is not forced to, he could attach that to the back of a house. Is that it? And have
3762 that one homeowner be responsible for it?

3763

3764 Ms. Dwyer - I think what you are talking about is - there has been a debate
3765 about the creation of a common area that has to be maintained by homeowners, and the Board
3766 has been concerned about being able to enforce that, and so the developers are saying, "Wait a
3767 minute. You are requiring us to have these areas to preserve these areas because they have
3768 wetlands, and now you are telling us that we are having issues relating to homeowner

3769 maintenance of those in the future.

3770

3771 Mr. Perry - I understand that, but I guess my issue with that would be that we
3772 are not forcing them to maintain any wetlands. They could impact them as long as they got
3773 permits to do that. And we have always said that, and I think that is some of the issues, and I
3774 am looking at Bob and Mr. Pinkerton, excuse me? Right. Except for RPA wetlands because
3775 they are buffered anyway. They are protected, but when you get into some of these – what we
3776 call headwaters wetlands, smaller wetlands, in fact we have tried to get them to impact them in
3777 a lot of cases to provide more back yard. So, that is why I was a little confused. We
3778 normally don't ask them to preserve them, as much as we ask them to impact them to
3779 eliminate complaints and so forth.

3780

3781 Ms. O'Bannon - Is the question then a matter of money for them? What the
3782 development costs to them, to do what we are asking them to do to impact them, and so that is
3783 probably why they say that they are being forced to preserve or have these associations take
3784 care of them. I am not saying that what they are saying is correct. That is just what they are
3785 saying. I am trying to get a feel for this, because it will come up again.

3786

3787 Mr. Perry - Right. What happens is, anything over a third of an acre, that
3788 they are proposing for their entire development, starts costing them money. OK. They have
3789 to create wetlands, and that really is a big issue to them, and what is going to happen even
3790 more so is on June 7th this year that threshold is going to drop from a third of an acre to a 10th
3791 of an acre, so anytime they have to impact more than a 10th of an acre on their entire
3792 subdivision or POD, they are either going to have to create wetlands or mitigate wetlands. So,
3793 now you are going to see developers trying to preserve more wetlands because they have only
3794 got up to a 10th to work with, and after that it is money out of their pocket, so that is really
3795 what it comes down to.

3796

3797 Mr. Taylor - Jeff, is that one-third or one-tenth of an acre apply whether the
3798 parcel is 100 acres or one acre?

3799

3800 Mr. Perry - That is correct. Across the board. OK.

3801

3802 Mr. Taylor - Jeff, one more question because we just had a presentation from
3803 Webb Tyler on the Twin Hickory development in which he is actually developing an old
3804 quarry or an old area into twin lakes, and I thought it was very good, adaptive use of that area
3805 for wetlands. When a developer does that, do we give him additional credit for, let's say the
3806 acres he encompasses within that, as let's say, an offset, if he has a couple of lots that he has
3807 to impact or that, you can't trade those.

3808

3809 Mr. Perry - That would be strictly negotiated between the developer and the
3810 Corps of Engineers. We don't because the Corps is the one that would be giving him a permit
3811 for any impacts, so if he says, "Look, I am going to impact an acre wetland; however, I am
3812 going to preserve and I am going to create these other wetlands by taking this quarry and
3813 doing something with it, and so forth." That is a negotiation between him and the Corps to try

3814 and reduce his requirement to create additional wetlands, or basically to work in his behalf.

3815

3816 Mr. Taylor - Does the County participate in those tradeoffs? Or negotiations?

3817

3818 Mr. Perry - We would make sure that as part of that permit that we
3819 understood what those tradeoffs were, and, that, in fact, if he had to create wetlands we knew
3820 where he was going to create wetlands as part of that development, and would make that part
3821 of the plan, but no, we don't get into the negotiations between the Corps and the developer.

3822

3823 Mr. Taylor - It seems appropriate that the County would be involved in that. I
3824 don't know if that is better off. OK, thank you.

3825

3826 Mr. Perry - And I am going to revisit the common area. That is going to be
3827 No. 5, but under No. 4, a question that was raised, and Ms. Dwyer, I believe you raised it,
3828 the question the last time we were here, and it concerns somewhat our erosion control
3829 inspection and how often we have to do it, and we do it within 48 hours after rainfall, and at
3830 least every two weeks on development projects. It is extremely difficult for us to do. Here is
3831 one of our inspectors and he is going out and checking a basin to make sure that it is
3832 functioning properly, and when you start looking at the numbers, you can see that we have
3833 560 active projects spread out over five inspectors, so we are pushing 110 projects for each
3834 inspector. When you start getting out there twice a week and after every rainfall within 48
3835 hours, it becomes extremely difficult. What we do is we try to prioritize our projects.
3836 Obviously some projects are in a phase where it needs very frequent inspections, but once all
3837 the piping is in, the dykes are in, the basins are in, and all the water is diverted during a storm
3838 to a basin, then that inspection doesn't become as critical as maybe another area, so we try to
3839 prioritize our projects, but I will be honest. It is a heck of a job that these folks do by getting
3840 out there, and I am particularly proud - and I will take two steps and jump up on my soap box
3841 - I've had a chance to go to several meetings where the State has shown up and basically listed
3842 the amount of phone calls that they get concerning erosion control or problems. And quite
3843 consistently, we are at the bottom in the number of complaints that they receive, but yet we
3844 are at the top with the amount of land that is actually disturbed where we have ongoing
3845 operations. It is really no reflection on me as much as our inspectors, and know that I am
3846 particularly proud of them.

3847

3848 With that, No. 5, Wetlands and Common Areas Vs Homeowner Lots. This is a big issue and
3849 here is a great example, I think. If you go back to something I was discussing with you before
3850 where we require impacts both in front and side yards. What you see in green and the green
3851 and blue area, I apologize, is obviously wetland area. The green would be wetlands where we
3852 would require that to be impacted because they are located in the front and side yards.
3853 However, in this particular development, what the developer did is, the area between the
3854 yards, is called common area. OK. So, in essence you have wetlands between these yards,
3855 but it is not really soggy yard. It is common area. We require the impact in green, but the
3856 wetlands in blue can remain, and I hope that makes sense. Under our policy, so when you
3857 start getting into your issues and say wetlands and common areas, I certainly understand what
3858 you are up against. And, at the same time, the developer, in his defense, has to avoid wetland

3859 impacts, so he is saying, "Well, look. I need to minimize my impacts, so I am letting these
3860 wetlands remain through this common area, and, in essence, they don't have to be impacted,
3861 because they are really not in anybody's side yard." So, that is, and unfortunately, if you go
3862 back to that slide where we had all of that water, there is no guarantee, I can't come to the
3863 Planning Commission and say, "This wetland is going to look extremely dry, and it is not
3864 going to be a problem," because when we go out and look at it, it might be June, and I have
3865 no earthly idea what that is going to look like in February, March and April, during the rainy
3866 season, and in foot there may be two feet of standing water out there, and will the phone calls
3867 come? Just because that wetland is in the common area and not on their lot? Chances are they
3868 may. I'm not sure the person living in that home is really concerned whether that is the
3869 common area or not if there is a foot of standing water 25 ft. from the house. So that is an
3870 issue we are wrestling with, and I wish I had an easy answer for that, but I don't. And, with
3871 that, I think...

3872

3873 Ms. O'Bannon - Would it help to get creative with the lot design?

3874

3875 Mr. Perry - Excuse me.

3876

3877 Ms. O'Bannon - Is that where it is helpful to be creative with the lot designs and
3878 the way they are done, say not with the cul-de-sac there, back it up.

3879

3880 Mr. Perry - You mean providing more side yard for each of those homes
3881 where they move further away from the wetlands?

3882

3883 Ms. O'Bannon - Different lot design. Just...

3884

3885 Mr. Perry - That may be something I would defer to Planning. When it gets
3886 into the lot design, I really don't have a lot of expertise in that area. I don't know what could
3887 be done about that. I don't know if they have some immediate suggestions.

3888

3889 Mr. Vanarsdall - Let me ask you something. I just saw Hank Wilton come in, so I
3890 will use him for an example. He would purchase a piece of property and then he'd file a case.
3891 How soon do you and your people, what time frame would you get in on that? A week, two
3892 weeks, three weeks?

3893

3894 Mr. Perry - As soon as he gets to the Planning Department, they basically
3895 shotgun those plans out to all of the agencies. We strive to have a 10-day turnaround time.
3896 OK. Which enables us to send that back to them, to staff developer, and to the Planning
3897 Commission, so they know our recommendation and they know we are satisfied with the
3898 wetlands and the way they are and where the buffers are shown and so forth. That is how that
3899 works, but we obviously don't get into this type of issue at that point. At that point we don't
3900 know what some of the impacts actually will be, to be quite honest. We just know if the
3901 wetlands are shown accurately and the RPA is shown accurately, and some of the fine details
3902 haven't been worked out.

3903

3904 Mr. Vanarsdall - We had an all-day meeting over at the Cultural Arts Center on a
3905 piece of property called the Cross property, 385 acres on Staples Mill, Cross Ridge it is going
3906 to be called. And a lot of people continue to say, "Well, I know there are wetlands in there,
3907 and I know you are not going to be able to do what you want to do." I guess that happens
3908 everywhere, doesn't it? I guess.

3909

3910 Mr. Perry - Right. We wouldn't actually look at it until the plan was
3911 actually submitted, but if it was, and I am not familiar with that development, but if this was
3912 just a conceptual type of idea, and people were getting together, we would not have been
3913 involved with it at that stage.

3914

3915 Ms. O'Bannon - The only question I have, real quick, and I don't want to spend a
3916 lot of time on it, if there are older subdivisions that were platted years ago, and in them there
3917 were these areas where there was a stream even, and I am thinking, quite frankly, of one lot
3918 that is for sale in Countryside. Literally, the lot is in - the whole lot virtually - is a stream
3919 bed and a wetland - yet someone plans to build a house there. These are infill properties on
3920 formerly platted lots, in an old subdivision. How do you handle something like that?

3921

3922 Mr. Perry - OK. The first thing is, if there is a stream running through it, I
3923 would immediately think Chesapeake Bay Act, however, there is a provision in that Act that if
3924 the lot was recorded prior to 1989, which is when the State law was passed, that buffers and
3925 the intent of the act can't make that lot unbuildable, so, in fact, where we require 100 foot
3926 buffer if it was a new development they wouldn't be able to build on it because they couldn't
3927 get into that 100 foot area, but if that lot had been recorded, and I am not familiar with it, but
3928 if it had been recorded prior to 1989, we would have to insure at least they could build a
3929 principal dwelling in there. Again, obviously if there was a floodplain there, it may be
3930 excluded from being able to be built because of floodplain, and maybe some other factors, but
3931 strictly from the Chesapeake Bay area, they may be able to build in that area just because they
3932 were recorded prior to the adoption of the Act.

3933

3934 Ms. O'Bannon - And that is part of the question is somebody who bought that
3935 prior to say 1989, and anticipated holding it until their retirement to sell it or build a house on
3936 it, to make money, so what you are saying is that lots like that basically are grandfathered? Is
3937 that it?

3938

3939 Mr. Perry - Well, certain parts of say, the Chesapeake Bay Act, but again, it
3940 is the stream that might have a floodplain associated from it, and it wouldn't be grandfathered
3941 from the floodplain. I am not sure what that is, but, hopefully. It is the same thing with
3942 wetlands. I mean if it had wetlands located on it, they would still have to deal with, if they
3943 were going to impact wetlands, whether they could get a permit and so forth. Well, it would
3944 not be grandfathered from that, but the big tickets items, Chesapeake Bay Act, they possibly
3945 would be grandfathered from.

3946

3947 Ms. O'Bannon - And I am not picking on that particular lot. I am using that as an
3948 example.

3949 Mr. Perry - Sure.
3950

3951 Mr. Vanarsdall - Anybody else have anything? Jeff, I want to thank you very
3952 much. I think that I just learned a little bit about it. I think we might want to do this again in
3953 more depth and substance.
3954

3955 Mr. Perry - That would be great. Anytime you'd like us to appear before you
3956 and go over some issues, whether they are BMPs, RPAs, we will be glad to come back.
3957

3958 Mr. Vanarsdall - I am surprised to know that you work closely with the Corps of
3959 Engineers, but I thought the Corps of Engineers had more control over everything.
3960

3961 Mr. Perry - Obviously, they control the wetlands and they are the only ones
3962 who can go ahead and issue permits. But that really is an arrangement between the Corps and
3963 the developer or the applicant. State law requires us to see evidence that they do have a permit
3964 before we do sign a plan, so don't, obviously, want to sign a plan that is illegal because they
3965 didn't get a permit and so forth.
3966

3967 Mr. Vanarsdall - I want to thank you and thank all of the people who came with
3968 you. I didn't know you had that many people and all the experts, and that, and I also want to
3969 thank Bob Thompson and Bob Pinkerton for allowing us to be a part of this. We appreciate it
3970 very much.
3971

3972 Mr. Perry - I want to thank you. I really enjoyed it and great questions. I
3973 appreciate it.
3974

3975 Mr. Vanarsdall - Now, Mr. Secretary, would you advise us what we are going to
3976 do about lunch?
3977

3978 Mr. Marlles - Yes, sir. Mr. Chairman and members of the Commission, we are
3979 running a little bit ahead and a little bit behind, both. The Commission has not had a chance
3980 to break for lunch and we have been going since 9:00 a.m. What I would recommend is the
3981 Commission take a short lunch break of maybe 20 or 25 minutes and then reconvene up here
3982 for our 1:00 p.m. work session on the proposed ordinance amendments.
3983

3984 Mr. Vanarsdall - One thing, with Chris being sick, he may have had some changes
3985 on these minutes.
3986

3987 Mr. Marlles - We can hold off on those.
3988

3989 Mr. Vanarsdall - Do we need a motion to hold off on these?
3990

3991 Mr. Marlles - No. Just don't act on them. Shall we break until 1:30 p.m.
3992

3993 **AT THIS TIME THE COMMISSION RECESSED UNTIL 1:30 P.M.**

3994 Mr. Vanarsdall - The Planning Commission will now reconvene. We are, Mr.
3995 Secretary, I don't believe we have enough people to vote, but we have enough to hear the
3996 presentation. Ms. Hunter is going to give it. Go ahead, Mr. Secretary.

3997

3998 **Proposed Ordinance Amendments (Staff Presentation by Jo Ann Hunter)**

3999

4000 **a. Multi-Family Development Standards**

4001 **b. Single-Family Residential Buffer Requirements**

4002

4003 Mr. Marlles - OK, Mr. Chairman and members of the Commission, the next
4004 item on the agenda is the proposed ordinance amendment dealing with multi-family
4005 development standards. That staff presentation will be by Ms. JoAnn Hunter. We expect Ms.
4006 O'Bannon to be joining us.

4007

4008 Mr. Vanarsdall - She will be back. We just won't vote on anything.

4009

4010 Ms. Hunter - Thank you, Mr. Chairman. At the last public hearing for the
4011 multi-family ordinance amendment, the Commission asked staff to prepare a Concept for
4012 density incentives. Staff did prepare this concept and handed it out to Commission at the end
4013 of the zoning meeting on April 13th. We have received two items of additional information
4014 since that time. One was forwarded to you on the 14th of April. That was a proposal by Mr.
4015 Theobald, representing the developers, and also a letter on April 17th which was from Henrico
4016 Affordable Housing Partnership. I have copies of either one of those things. I apologize that
4017 they went out in three separate packets, so if anybody is missing any of that information, I can
4018 get you a copy of it here this afternoon. Staff did develop this density incentive proposal and
4019 we have come up with 13 design elements that can be used to increase the density by up to ½
4020 unit per acre for each element that is met. We are aware of four other localities in the state
4021 that use density incentives for multi-family projects. We researched all four of those localities.
4022 All of them use percentages for their bonus increase. Because the Henrico Ordinance has two
4023 different zoning districts that allow multi-family, the R-5 and R-6, we felt that the percentages
4024 would not work well for us, because you didn't want one element being rated higher in the R-6
4025 District, so we have come up with a fixed increment for each of the units incentive. What the
4026 Commission asked us to do is propose taking the lowest density that has been proposed in this
4027 multi-family process and allow the density to go up to what the current standards are today.
4028 So, in the R-5 District, that would be the base density for the multi-family ordinance if this
4029 was adopted would be 10 units per acre, with the option of going up to 14.5 through density
4030 incentives. In R-6 it would 14 going up to 19.5. Right now our highest density is 19.8, but
4031 because everything stays on a half-unit, you would not be able to get the 19.8. Town houses
4032 in R-5 and R-6 would be eight units, and the base density in the Ordinance with an option of
4033 going up to 12 with the incentive, 7 for townhouses and condominiums, with the option of
4034 going up to 9 units per acre. In developing the process, we tried to keep it as simple as
4035 possible. The elements that we have chosen will look familiar to you. They are all elements
4036 that we have been talking about since the very beginning of this project, and it is the items that
4037 we felt like identify a quality development. We also believe that it was important to have
4038 benchmarks in the elements. When we first looked at the Ordinance, the Hanover ordinance

4039 was presented to us as a good model for us to look at. They used terms like “excellence in
4040 pedestrian treatment” and very vague unquantifiable things, and we didn’t feel like that would
4041 be a good way to go, because it is important for the development community to know up front
4042 whether they can meet these incentives and what density they could get at the rezoning stage,
4043 instead of waiting for the plan of development stage. So, for all of our elements except for
4044 two, we tried to make them have clear, definable benchmarks. The first two are the ones that
4045 don’t have the benchmarks, landscaping and site design, that you can’t really put a quantifiable
4046 element of what is better or what you want. It really depends on the site and the specific
4047 circumstances. So, the first one would be landscape design, and it would include an incentive
4048 that states “The landscaping package providing unusually extensive landscaping and planting of
4049 entrances, recreational areas, parking areas, street frontages and areas surrounding buildings or
4050 open space and protection of specimen trees. An increase in density may be authorized only
4051 when the design of the project is clearly superior to the landscaping of typical projects of its
4052 type in the community, and where the applicant goes beyond the minimum standards. If the
4053 Planning Commission, during the POD stage, felt that the developer met his incentive
4054 standards, then they could have a ½ unit increase in density. The other one is site design.
4055 Unusually attractive and superior building layout which retains, relates to and enhances the
4056 natural vegetation and terrain of the site, or incorporates natural design features, such as
4057 preservation of scenic vistas and natural areas. In order to promote superior design, an
4058 increase in density may be authorized only in cases where the design of the project is clearly
4059 superior to the design of typical projects in the community and where the applicant goes
4060 beyond the minimum standards. And once again, that is a ½ unit increase if that standard was
4061 met.

4062

4063 The next one is recreational structures. In our ordinance, this was one item that we have
4064 constantly had some concerns from the development community that the staff recommendation
4065 was far from what the developers were suggesting or recommending. What we are saying in
4066 our ordinance is that you need to provide 10% of open space, and then within that 10% you
4067 needed to provide 40% of structures. There has been some concerns that that would be very
4068 difficult to meet, so what we are proposing now in the ordinance, is to set aside the 10%
4069 acreage, but it wouldn’t require any structures, and then if they put structures within those
4070 open areas, then they would meet the density incentive. We have actually reduced that down
4071 to 25% of the recreational area would need to have structures. Another feature is building
4072 materials, and what we are proposing is that if 60% of the exterior of all of the principal
4073 building is brick, then they would get ½ unit of density incentive. When the developer’s
4074 proposal came in, they also had identified brick as an element that should qualify for density
4075 incentives, and their numbers were much lower than ours, so we went back and took a look at
4076 ours, that maybe ours was a bit excessive, and we questioned did the cost to provide for the
4077 60%, did it justify a ½ unit. What the developers were proposing was if they had 31 to 40%
4078 brick, then you’d get ¾ of a unit density incentive and 41% or more, 1-1/2 units. We went
4079 back and took a look at proffers that we had been getting on the brick proposal, and the
4080 proffers typically ranged between 40 and 50%, so we are proposing to revise our
4081 recommendation to bring it more in line with the development community, and if 30% of the
4082 exterior of all of the principal building is brick, then they would get a ½ unit per acre. If they
4083 do up to 50%, they get ¾ of a unit, and 60% would be one unit per acre. I think that puts it

4084 on more equitable terms with the cost involved with putting in brick buildings.

4085

4086 Another one that we spent a lot of time talking about was recreational vehicle parking. This is
4087 because we had taken it out of our proposed ordinance. Now, if the developer sets aside an
4088 area for recreational vehicle parking and appropriately screens it, they can get ½ unit per acre
4089 of density incentive.

4090

4091 Storm water management facilities. If they design and utilize them as a water feature, that
4092 would allow another density incentive, and also buffers, if a perimeter buffer of 50 feet is
4093 maintained. The current ordinance is proposing 25 feet and if they increase it to 50 feet, then
4094 they could get additional density.

4095

4096 Pedestrian circulation system. If sidewalks are provided along one side of major driveways
4097 and pathways or trails are used to provide pedestrian circulation and access to open space,
4098 recreational and other common facilities, they could get a density increase of ½ unit per acre.

4099

4100 Sound suppression. If walls between units have a minimum sound transmission coefficient
4101 rating of 55, they could have ½ unit of acre. What that sound transmission coefficient deals
4102 with, that is in the BOCA Code, and it deals with how walls are put together and what the
4103 material is between walls to reduce sound.

4104

4105 Ms. Dwyer - Ms. Hunter, may I ask you a question about this particular slide?
4106 On the pedestrian circulation, are we expecting sidewalks and pathways or trails to be
4107 provided?

4108

4109 Ms. Hunter - Yes. It would be the entire pedestrian transportation system.
4110 They would need to put the sidewalks in along the major drives in the community and we
4111 would also want trails connecting to the common facilities.

4112

4113 Ms. Dwyer - You might want to say in that sentence then, “also, or in
4114 addition” just to make it clear that that is not an alternative option.

4115

4116 Ms. Hunter - Not one or the other, but both.

4117

4118 Mr. Taylor - One thing while we are on that, Ms. Hunter. You’ve got sound
4119 suppression between walls between units. You may want to give some thought to sound
4120 suppression from unit to unit vertically through the slabs. I know that some areas have the
4121 opportunity to pour the concrete slabs which will reduce the sound suppression between the
4122 floors of the unit.

4123

4124 Ms. Hunter - The vertical as well as the horizontal sounds?

4125

4126 Mr. Taylor - That might be another scoring element or part of this element.

4127

4128 Ms. Dwyer - I think it should be part of this, because if you don’t have a

4129 sound suppression vertically but you have it horizontally, it still may not accomplish what your
4130 goal is. Is this coefficient? I have no understanding of this – of the relative merits of this
4131 coefficient number. Can you give me some sort of comparison?

4132

4133 Ms. Hunter - There is a chart in the BOCA Code. I did not bring it with me,
4134 but the Building Inspections office has that and would have the ability and know how to review
4135 this and make sure that we meet these standards.

4136

4137 Ms. Dwyer - Is that an expected average standard?

4138

4139 Ms. Hunter - It is not the highest standard, but it is much higher than what they
4140 could build under current standards.

4141

4142 The next one is dedication of public land, if they dedicated a site that is suitable for a school or
4143 a fire station, they could get a density increase of ½ unit per acre.

4144

4145 If unit size is at least 50% of the units exceed 900 sq. ft. or 1,000 sq. ft. for condominiums,
4146 and 1,200 sq. ft. for townhouse units, you would also be eligible for a density increase.

4147

4148 Garages, and this would typically apply to more of the townhouse-type units, but for owner-
4149 occupied units that have a substantial number of units with garages, at least 70% of the units
4150 would have either front-loaded garages that are set back, so you don't have those snout-houses
4151 or side or rear-entry garages.

4152

4153 The last element is just kind of a catch-all. It is a unique element that distinguishes the
4154 development from typical projects. That could be a historic structure on the property and they
4155 decide to preserve it, or if there is something unique about their project we can't identify at
4156 this time, they would be eligible for this ½ unit of density.

4157

4158 That's our 13 density incentives. Mr. Theobald is here. I know he will also be presenting
4159 what he has sent to you, what I have sent to you on the 14th. I found out earlier today that
4160 there is yet another proposal that may also be presented to you. When we looked at our
4161 proposal compared to the ones that were done by the development community, it was
4162 interesting to note that they were surprisingly similar. They had six elements and we had 13.
4163 All of the elements that they had, we had, and in four of the six elements, believe it or not, we
4164 were more generous than the development community, so I think we are fairly close together
4165 in my opinion. If the Commission is comfortable with this proposal and density incentive
4166 concept, we can put it into ordinance language and include it with the multi-family ordinance.
4167 Again, I want to remind you that the public hearing today is on the multi-family ordinance as
4168 well as the residential setback ordinance. The only modification that we have made to the
4169 multi-family ordinance is that we have revised the HVAC language to address the concerns at
4170 the last meeting that they would be just ground-mounted or roof-mounted or the ones we are
4171 trying to screen, and then the recreational language that I discussed as part of the incentive.
4172 We have made no changes to the residential setback ordinance. This is our third advertised
4173 public hearing on these two ordinance amendments. We have also had three other work

4174 sessions. I would encourage that, if we do get a quorum, that we can move this forward.
4175 This is not set in stone after it leaves the Commission, if there are one or two, or a few minor
4176 items that the Commission wants us to look at, we can continue to work on it before it gets
4177 sent to the Board. At this point, staff is recommending approval of both of these ordinances
4178 and would ask the Commission to forward it on to the Board. I would be happy to answer any
4179 questions you may have.

4180

4181 Mr. Vanarsdall - Any questions for Ms. Hunter? Thank you. Good job. This is a public
4182 hearing and anyone who wants to speak is welcome provided that it is just to speak to this
4183 subject.

4184

4185 Mr. Theobald - Mr. Chairman, ladies and gentleman, I am Jim Theobald. I am speaking
4186 today on behalf of the Home Builders Association of Richmond and, if I might, I would just
4187 spend two minutes summarizing points on the other part of the ordinance, so that we can focus
4188 on this point. Just for the record, I have made comments at three preceding work sessions,
4189 etc. so I feel it is important to preserve the record and just to continue to state our concern
4190 with regard to the other parts of the ordinance, with the grandfathering provisions, which I
4191 still don't believe result in fundamental fairness to landowners. We continue to be concerned
4192 about the overall reduction in densities. The increase in the parking ratios, we still believe the
4193 2.25 to be in excess of that which is reasonably required; the defect bond provision for private
4194 roads; legislation of recreational areas and the impervious cover not to exceed 40%. I think
4195 my comments have been, hopefully, noted at prior hearings and I don't intend to take any
4196 more of your time on that but just intend to take those same points up with the Board as this
4197 moves on. That having been said, with regard to the multi-family development standards and
4198 the concepts of density bonus, I do believe that the scenario being put forth by staff and the
4199 one that I submitted with assistance from Mr. Tyler, are remarkably similar. And I think we
4200 can work well with either or both. I do have, at the risk of just mudding the water, I do have
4201 sort of an additional one for your consideration as it moves on or should it move on today or
4202 should you decide to have additional work sessions. What I will pass out to you is really an
4203 outline or a skeleton of a potential way to cobble staff's proposal and my proposal together.
4204 This was developed after, I guess, different discussions with different developers, Home
4205 Builders, Mr. Tyler, Mr. Taylor and, again, it's just a different approach with elements of the
4206 other two....

4207

4208 Ms. Dwyer - Excuse me, did you say you had a work session with Mr. Tyler and Mr.
4209 Taylor?

4210

4211 Mr. Theobald - No.

4212

4213 Ms. Dwyer - Oh.

4214

4215 Mr. Theobald - No, discussions. And this was just an effort to recategorize many if not all of
4216 the same issues in a slightly different package to provide you with another scenario to
4217 consider. When I sat down after the last public hearing to consider how we might effect
4218 density incentives my main objective was to try to keep it as simple as possible and as

4219 objective as possible and enforceable. As you know, at least when you get to the POD stage
4220 these matters are to be ministerial and they either meet the state of the criteria or they do not.
4221 And what I was attempting to do was perhaps over simplify so that staff was not put into a
4222 position of wondering whether Plan A represented a more excellent approach than Plan B and
4223 query whether either made it over some imaginary line. My other goal was to set forth a
4224 system that was capable of being proffered at the time of zoning. But, prior to having to do
4225 full engineering on a POD so that an applicant would know, potentially know, when they came
4226 out of zoning whether they had achieved a certain minimal density. That's important in terms
4227 of the way that the apartment land is bought and sold. When developers contract to buy a
4228 piece, it's priced based on the number of units you are ultimately able to achieve. The second
4229 factor in those contract is probably eight or nine out of 10 contracts go hard or firm, no
4230 contingencies, buyer can't get out of it once you have zoning because the seller's land has been
4231 zoned for some very specific use and looking project and the seller doesn't want to get it back
4232 in a fashion that he can't develop. So, my idea was have the criteria as such that if somebody
4233 wanted to proffer x amount of landscaping or (unintelligible) amount of brick. At that point,
4234 when they left the Board of Supervisors for zoning approval, they would know that they had
4235 achieved an extra one and a half per acre and thus their contract could be firm and they would
4236 continue on.

4237

4238 I left open the door that when they actually did their final engineering, should they provide
4239 additional brick or additional open space or additional landscaping, that that credit could in
4240 fact increase through the POD process. But, at least there was an opportunity for everyone to
4241 know where they were and I guess take away from staff the problem of having to have a rather
4242 vague standard where Mr. Wilhite might interpret it one way, Mr. Whitney another and then
4243 you know who acts the referee on a case by case basis. And that was the problem I had with
4244 the Hanover scenario. Excellence in fill in the blank, just in my opinion is not legally
4245 enforceable to begin with. I don't know what it means on a ministerial basis. So when I set up
4246 these categories, that was my goal. The other goal was to try to link the amount of credit for
4247 density with the cost of the amenity being provided. And so if an amenity like brick is more
4248 costly than say providing a pathway, then to the extent we provided the more costly amenity
4249 there was a commensurate increase in density to justify that cost.

4250

4251 I was also looking for a way that basically, if we were going to start at 10 units per acre that
4252 made it medium difficult to get back to 12 where we are today without this bonus program and
4253 your proposal, you know, 12 units an acre, but harder to achieve the full 14 1/2 units, which I
4254 think is probably, would be your goal. So, I thought that the one that we put forth was
4255 perhaps, came from the same place as staff. I really think these two are very close and I think
4256 we can certainly work with what staff has proposed. It's not that dissimilar, it's a matter of
4257 waiting, in my opinion, the benefits. And as JoAnn stated, I think in some instances, she and
4258 staff were more flexible than perhaps we had even suggested. And while I really like the idea
4259 of getting more credit for unique landscape design or that's unusually extensive. And typically
4260 the kinds of cases that I am privilege to work on, that's not a problem for my clients. I don't
4261 honestly know how you are going to take a look at that on a case by case basis and I don't
4262 know how you'd be able to look at that at the time of zoning without really full board
4263 landscape plan and engineered site plan. So, I have some concern about that. Same with site

4264 design, unusually attractive it's sort of in the eye of the beholder. And I don't know how
4265 someone is going to tell me a zoning whether I've met that mark or not. So, I guess the thing
4266 I'd ask you to consider is whether you find any value in being absolutely objective so as to
4267 take away a lot of discretion for enforcement issues and consistent with administrative notion of
4268 what are essentially POD manners all be it capable of being proffered. And then consider how
4269 we might weight the various things. But we are happy to work and continue to work. Some of
4270 this gets done in a vacuum because you all have asked staff to prepare a draft and the
4271 development community was asked to prepare a draft. And by the time we run it by all the
4272 people we have to run it by we always run out of time in terms of really being able to sit down
4273 and try to cobble the two together. But, these are so close that I'm confident that it can be
4274 done and I appreciate the efforts of staff in getting there. And, again, this third alternative
4275 was just sort of designed to be maybe a little different approach as to how to look at this whole
4276 issue.

4277

4278 Ms. Dwyer - Did you work with staff in coming up with this proposal?

4279

4280 Mr. Theobald - No, I did not, which, my letter?

4281

4282 Ms. Dwyer - The Best program that you submitted to us today.

4283

4284 Mr. Theobald - No. I did not. Those were based on, basically, additional discussion
4285 with members of the Home Builder, me, Mr. Tyler and Mr. Taylor.

4286

4287 Ms. Dwyer - I just want to say for the record, I've never known in the development of
4288 something like this for developers to work with a single Commissioner to the exclusion of
4289 other Commissioners bend the exclusion of staff to develop an alternative proposal to
4290 something that staff was presenting for recommendation to the Commission. And, I'm
4291 surprised that that's the way it worked this time. I'm disappointed and surprised.

4292

4293 Mr. Taylor - I'm surprised.... At one stage of the game I thought that, when this first
4294 came up, at one of your earlier meetings, I was granted some license to at least share my
4295 thoughts with the development community and I did that. So, if there is any fault here, it is
4296 totally mine and I meant no harm with it. I wanted to do it, perhaps, to add some of my
4297 experience and provide what I thought was a look ahead at something at think has a great deal
4298 of merit and a great deal of potential. And I did it with the best of intentions.

4299

4300 Ms. Dwyer - Mr. Theobald, I notice that you still have some of these subjective terms
4301 in your best program approach, landscaping excellence for example, unique elements. So,
4302 those criticisms that you had of the staff proposal have not been eliminated.

4303

4304 Mr. Theobald - They have not. Again, this is... I am most comfortable with my
4305 proposal in my letter. And this was just yet another scenario as scenarios were being put on
4306 the table for you to consider in terms of providing some framework that we all might try to
4307 resolve this issue so that it could move forward.

4308

4309 Mr. Vanarsdall - Are there any more questions of Mr. Theobald? Thank you, Mr.
4310 Theobald.

4311

4312 Mr. Theobald - You are welcomed.

4313

4314 Mr. Vanarsdall - Thank you for your opinion and your effort. Who would like to speak
4315 next? Good afternoon, Mr. Tyler.

4316

4317 Mr. Tyler - Good afternoon, Sir. In the interest of time, I just wanted to emphasize
4318 a couple of points. I know it's been a long and arduous.... For the record, my name is Webb
4319 Tyler and I'm an engineer with Youngblood, Tyler & Associates. I know it's been a long
4320 arduous effort. It is very important. First off, I would like to compliment the staff. I was
4321 pleasantly surprised from totally independent view, Ms. Dwyer, that we came so close
4322 together. I can assure you that there was no consultation between staff and us on staff's plan
4323 or our plan or what's being presented to you. I do have conversations with other Commission
4324 members from time to time. Just as I've had conversations with every member of the Board of
4325 Supervisors. And that open communication allows us to come up with the best plan. My
4326 emphasis today is I wholeheartedly support the density incentive plan. I believe it is the best
4327 plan for insuring long-term quality. It is my hope that it's not just for multi-family but in the
4328 future can be used, or similar could be used on other types of zoning classifications. And I
4329 stand before you today in hopes that you will adopt a density incentive plan. Although, I
4330 believe that it should be a little bit more toward our approach, I will not walk out crying if it is
4331 purely you all's approach because it can be adjusted. I would like for you to understand why I
4332 believe that it should be closer to our approach and that is clients come in and they say to me
4333 as an engineer designer "Webb, I want you to design a multi-family development" and I'm
4334 going to say "Well, how many can I acre" and they are going to say "Well, it's zoned for 10
4335 now we are trying to get up to 12 1/2. Now how do we get it to 14 1/2." And what they do is
4336 they look at the economics of each of those bonus densities and they say, well, whatever is the
4337 least costly, all right, that gives us the most bonus density then let's do that. For example: It's
4338 cheaper to put in shrubs than it is to add brick. And so they are going to want to put in the
4339 shrubs because they get more bonus density than they would be to getting the brick. So,
4340 therefore, I stand before you today as a citizen, not as an engineer, not representing anyone,
4341 but as a citizen and tell you that we need to equate the bonus density to the cost of the
4342 improvement. In other words, if the cost of adding brick... a 20% increase in brick is \$800.00
4343 per unit but the cost of only adding \$200.00 worth of additional per unit, then the relationship
4344 of 800 to 200 should be the bonus density. So, that the designers don't skew the system but
4345 that it is weighted approximately equally. And I think staff has done a very fine job. On there
4346 proposal, they actually allow you to have opportunities more than just getting to the 14.5, they
4347 actually allow you to get to a higher level although the cap is at 14.5. So, you get more of an
4348 a' la carte approach rather than a blue plate special which was our approach. I compliment
4349 them on that approach.

4350

4351 I believe that there are still some fundamental issues. I know that Mr. Silber has put a lot of
4352 staff time in this. JoAnn certainly has. They have put their heart and soul into it. I'm sure
4353 that we can work with them, assuming that we are authorized by this Commission to work

4354 with staff between now and the Board of Supervisors to yet fine tune it a little bit. I think we
4355 would be desirous of that opportunity. Those areas are such things as the site coverage ratio.
4356 This morning the Commission approved a plan at 40% net site coverage ration, 44% net site
4357 coverage ratio. So, we could not achieve maximum density of 14.52 units if we still had a site
4358 coverage ration on the net of .4. We still believe that the parking ratio is too high. We still
4359 seek your consideration of grandfathering. There is a lot of confusion whether or not you've
4360 proffered a plan during a zoning case versus not having a proffered plan. Right now the legal
4361 counsels are telling us that we have to have an approved POD in order to be grandfathered in
4362 under the old ordinance to give comfort. And it is a significant financial matter as I've
4363 previously discussed. But, I think we have made major strives toward what is the beginning or
4364 the birthing, I hope the birthing, of a very vital tool to insure a continuation of quality in our
4365 community and I think that's what we are all hopeful for. Whether or not it is fined tune yet,
4366 I think nothing gets fine tuned when it is first developed. It takes a little time in actually going
4367 through the process. I haven't taken a project through the process. So, we may be coming
4368 back you and saying well we need to fine tune it a little bit here and there. And as long as the
4369 Commission can keep an open mind about it, I think the system of density bonus is a very fine
4370 system and I wholeheartedly support it.

4371

4372 Mr. Vanarsdall - Are there any questions of Mr. Tyler?

4373

4374 Ms. Dwyer - Mr. Tyler, would say all of the, I'm looking at the Best program, is that
4375 what you and Mr. Theobald are presently asking us to consider or is there the third one that...

4376

4377 Mr. Tyler - No ma'am. It's just that... You have really four alternatives in front of
4378 you. You have this, the Best Program, you have Mr. Theobald's letter, both of which I
4379 worked on, you have Hanover County, which obviously I did not work on. You have staff,
4380 which obviously I did not work on. All of those have some positive characteristics. It is very
4381 difficult to leave it in a subjective nature. I represented an engineering firm, that's actually
4382 going to have to implement this and we want to make it a tighter or quantifiable to where
4383 someone can read the ordinance or the design standards and understand what they have to do
4384 and the reward that they receive. All right. Hanover County, for example, does not provide
4385 that. It is more of a very subjective, it's a matter of opinion of whoever is doing the scoring,
4386 and that's very difficult to work with. We believe more in a quantifiable approach of where
4387 the categories are weighted to the cost of that quality enhancement. But, what you have before
4388 you are alternatives that quite candidly I believe that Hanover County is too vague. I think...

4389

4390 Ms. Dwyer - I think we can eliminate Hanover County.

4391

4392 Mr. Tyler - I think the staff's plan has many positive things but as an example, not to
4393 be critical, no one is going to put up a garage for a half a unit. All right. Because the garage
4394 is going to cost you \$15,000 a unit. But, they are going to landscape the heck out of it for an
4395 extra \$100.00 a unit for a half a unit. But, yet, you equate them as the same. So, I can assure
4396 you that the landscape architects will have enhanced jobs because the multi-family developers
4397 are going to say, "We are going to landscape the heck out of this because it only cost \$100.00
4398 bucks a unit." And it will be a very poor day that they will get garages because of \$15,000

4399 per unit.

4400

4401 Ms. Dwyer - Yes, I share your concern about the fact that all of the features that we
4402 have, the 13 that are in staff's plan, may not be equal.

4403

4404 Mr. Tyler - Exactly, but there are many good points about staff's plan. And what
4405 we would like to do is have the opportunity, with your blessing, to work with staff to try to
4406 get.... They don't have an understanding of costs on a regular basis.

4407

4408 Ms. Dwyer - One thought I had was to assign, instead of giving each a half a unit,
4409 give some of them a quarter of a unit, some of them three quarters of a unit, rather than...
4410 This is a little more complex, the Best Program. And I see unequal elements in here, while
4411 just glancing at it while you were talking, briefly, as all the time I've had to look at it. So, for
4412 instance, external amenities, you know, you are giving a whole point for something that we
4413 are only giving a half point to....

4414

4415 Mr. Tyler - There are different approaches and we seem to be settling down between
4416 the staff's plan and Mr. Theobald's letter.

4417

4418 Ms. Dwyer - Right. But, what I'm thinking would be a good idea, would be to take
4419 staff's plan and to assign quarter, half, three quarters, whole points for those depending on
4420 costs involved.

4421

4422 Mr. Tyler - Yes, ma'am.

4423

4424 Ms. Dwyer - I think that would be a reasonable approach, and that would not require
4425 tremendous amendments to what staff has proposed. But it would have the added benefit of
4426 assigning a weight system to that.

4427

4428 Mr. Tyler - Not to be disrespectful to Planners, but their job is not to understand cost
4429 of construction. It would be helpful if a party, with your blessing, could give them some
4430 understanding or some knowledge of what the cost of these individual items are. That would
4431 be most beneficial to getting a plan that when I come back in front of you it is not distorted
4432 where it's skewed to the lowest cost of the items but the high-cost items are forgotten.

4433

4434 Ms. Dwyer - Well, we could then, as one option, approve staff's plan but recommend
4435 that staff work with developers to assign weights to each of the design elements that have been
4436 outlined.

4437

4438 Mr. Tyler - We would welcome the opportunity, ma'am.

4439

4440 Ms. Dwyer - And I would trust staff to do that because I have no more input on that
4441 factor than they do. So, I don't think I would have anything personally to add to that
4442 discussion. But, in the interest of moving it along, that would be one proposal that I think
4443 might work.

4444 Mr. Silber - Mr. Tyler, I have one question. You mentioned that from the plan of
4445 development that was approved earlier today, on the apartment complex, you mentioned
4446 several times that the site coverage ratio, based on the net acreage, you couldn't achieve what
4447 was proposed in the ordinance.

4448

4449 Mr. Tyler - It was .44 of the net.

4450

4451 Mr. Silber - My reading of the ordinance, as proposed, says that impervious cover
4452 shall not exceed 40% of the growth acreage of the site.

4453

4454 Ms. Tyler - Yes. But, my point to you... Although today I was only at .28 because
4455 of the gross, right? Supposed that site was not surrounded by three creeks and had no
4456 floodplain on it and it was on top of the hill, then there would be the gross and the net acreage
4457 would be the same. And if that site, that we were discussing this morning, had no floodplain
4458 on it whatsoever, then the gross acreage and the net acreage would be one in the same. And so
4459 the gross acreage ratio would be .44 and it would have been able to meet the .40 regulation as
4460 currently proposed.

4461

4462 Mr. Silber - I understand. I think the point is though that that plan that you
4463 submitted easily met the requirements based on the gross the way its....

4464

4465 Mr. Tyler - That's very much true, but if we took that site and we went over to
4466 Camron at Virginia Center, which has no floodplain on it or we went over to the Carriage
4467 Homes at Wyndham or we went over to Camden at Wyndham those three projects have no
4468 floodplain on them whatsoever and so therefore that typical project would not be able to meet
4469 the site coverage ratio of the site.

4470

4471 Mr. Silber - So, you would rather the language be modified to not reflect gross
4472 acreage that reflect net acreage and have it at a level like 45%.

4473

4474 Mr. Tyler - Yes, sir.

4475

4476 Mr. Silber - Okay.

4477

4478 Mr. Vanarsdall - Are there any other questions of Mr. Tyler? Thank you very much for
4479 your input and your help.

4480

4481 Mr. Tyler - Thank you.

4482

4483

4484 Mr. Vanarsdall - Who would like to be next? This is a public hearing.

4485

4486 Rev. Sikes - Hi. My name is Reverend Lisa Sikes. I'm the pastor at Christ United
4487 Methodist Church and I'm Chair of Henrico Affordable Housing Partnerships. I'm very
4488 pleased to be here today. Before making any comments at all, I'd like to preface remarks with

4489 a question in regard to the report. I understand that one of the categories for which density
4490 increase can be allocated is unique element. I'd like to know what unique element refers to.
4491 Is it a physical attribute or if it has something that might bear more upon the issue of
4492 affordable housing? I'm not sure of that. So, I would like to ask that first.

4493

4494 Mrs. Hunter - The unique element, we left very open ended. It is something that the
4495 project can offer to the community that's different than what others offer and if the
4496 Commission feels that it justifies the density incentive, that would meet the standards for
4497 unique element.

4498

4499 Mr. Silber - We had also talked about it possibly being, for example, if there is a
4500 historic structure on the site, that was preserved in the development, or if there were Civil War
4501 Battlefield sites or earthworks that could be preserved, those would be unique situations. We
4502 didn't think it would be appropriate to try to spell out all of those.

4503

4504 Rev. Sites - Well, let me speak to one that my heart and soul urges me to say. I
4505 would love to see, overtly, included on the list that I do not see there. I'm pastor of a church
4506 in Henrico County that's in a very economically diverse area of Monument Avenue close to
4507 Horsepen Road. I have seen first hand a great demand, a great need, that is not being met in
4508 those houses that are available in Henrico County for those with low incomes, working low
4509 income families to have dwelling space, security and safety. There has been quite a
4510 displacement. And it encouraged me some time ago to began becoming interested and
4511 educated in the area of affordable housing. And I'm very concerned, indeed like all of you,
4512 with physical attractiveness and including different architectural elements. But as a pastor too,
4513 an a advocate, I'm very concerned about the inclusion of different income levels, different
4514 racial backgrounds in our communities. I attended not long ago in this same room a meeting
4515 regarding a public hearing for Community Development Block Grants. And much of what
4516 was said at that meeting is that there are charitable funds and federal funds. And as Henrico
4517 County, much of the low-income housing is done by non-profits and organizations like Habitat
4518 for Humanity. And those are very commendable efforts and organizations. But, I fear that
4519 what they are able to do separately, and not always with an overall plan for the County, is not
4520 satisfactory in terms of meeting the demands of those who are low income in Henrico County
4521 and suffer displacement for one reason or another. If we do want to leave it up to the private
4522 sector to make sure that low-income people can find and afford not only decent but good safe
4523 housing. That seems to me to that it would be very appropriate that we encourage private
4524 developers. That we encourage them to increase the supply, because I know from first hand
4525 from those that show up at my church that there is not supply enough for the demand in
4526 western Henrico County. And so I really want to place the before the Commission as a heart
4527 felt appeal. I know Montgomery County in Maryland has got a really state of the art cutting
4528 edge ordinance on the books that in development often they encourage 15% of a new
4529 development over a certain size to be affordable housing. That means that it's distributed
4530 throughout the County that poor people are not in one particular compartmentalized area. And
4531 so they have the benefits of being in a broader community often very stable that is able to help
4532 them gain affluence and stability. For many low-income families their houses are their savings
4533 account, their future planning. The places where they are able to locate assets. So, it's a great

4534 concern to me that there is affordable housing available to be purchased. And I know it's a
4535 goal of Henrico County, that's been stated that all of its citizens should have access to housing
4536 and of course ownership is a helpful thing for the County and for the individual. And so I just
4537 want to ask the Planning Commission, if you will, to help me to understand is that something
4538 that is not deemed to be appropriate for this particular ordinance or has it been disqualified for
4539 some particular reason, just because I feel like it is so very important?

4540

4541 Mr. Marlles - Rev. Sites, maybe I'll take a chance at answering it first. But, I think
4542 the primary objective of this process, and it is a part of a much larger process that the County
4543 has been going through for the past several years, is try to improve the quality of our single-
4544 family and multi-family residential housing stock. I hate to use numbers, but you may or may
4545 not be aware that right now in Henrico County we have over 30,000 rental housing units.
4546 That far exceeds any of our neighboring jurisdictions by I think a factor of two or three. So,
4547 at this point in time, I would say the emphasis is probably on improving the quality of the
4548 existing multi-family housing stock as, affording housing stock, as opposed to trying to
4549 increase the supply of newer affordable housing units. But the main point is the objective here
4550 is to improve the quality of the housing stock that we have, multi-family in this particular case
4551 as opposed to increase the number of affordable rental housing units.

4552

4553 Rev. Sites - One of the things that I have learned as I've started studying, I must
4554 admit I'm very new to the area, is that often when low income housing is in a great percentage
4555 and it's clumped in one place, it tends to deteriorate. Some of our housing stock is there but
4556 it's very deteriorated probably not what I would want to live in were I at that income level.
4557 And the thought of being visionary and of Henrico County, encouraging private developers to
4558 distribute low-income housing not only for the sake of increasing the supply. And I know we
4559 compare ourselves to Hanover and Chesterfield and Richmond a lot, but we also need to look
4560 at the residents in Henrico that need this. If we look at supply and demand within Henrico,
4561 we don't have enough supply to meet the demand. So you can look at it that way too. But, to
4562 come up with a plan that will distribute affordable housing and encourage it now. Because, of
4563 course, the trend is that we will only need more as the baby boom increases in age as divorce
4564 rates are going higher as you've got single mothers head of households. The need is going up.
4565 And I think to be proactive, and understand that this trend is only going to increase, and try to
4566 develop affordable housing in a way that it will be an asset to the County and to maintain
4567 paintings of quality of the housing stock rather than having it in one section where it
4568 sometimes is liable to higher crime rates, dilapidation, less care and not rental housing but
4569 owned housing. I think that is something to truly be encouraged.

4570

4571 Ms. Dwyer I think that this is obviously a complex issue and I think what Mr.
4572 Marlles is saying, what we have bitten off here is quality of development. That's what we are
4573 trying to focus on. I think what you are looking at is a much larger issue that probably needs
4574 to be addressed in another way, in a way other than this particular ordinance. So, to answer
4575 your question, from my point of view, we are looking at the quality of individual piece
4576 projects in developments that may come to us. I think if we want to have a look at the
4577 affordable housing issue in Henrico, that that should be done. I would like to start the
4578 discussion, first of all, with factual information about what do we consider affordable housing

4579 to be. How do we define that? What in fact to we have in terms of rental units and owner
4580 occupied units? I think sometimes we operate on antidotal incidents. And I know that your
4581 parishioners may have suffered with the Crestview changes that have taken place recently.

4582

4583 Rev. Sites - Well, certainly there may be the change of up to 800 units in the Three
4584 Chopt area they declined, an elimination of those.

4585

4586 Ms. Dwyer - Right. I understand but that may be not be necessarily, as greater impact
4587 that that has had on the micro community that you are a part of, it may not be reflective of the
4588 County as a whole. So, I'm just saying that I think it is complex issue and I think it involves
4589 funding, where is the money coming from. It involves issues of property interest and property
4590 rights. When you want to say, well we want more affordable housing in this area or the other
4591 area, there are some areas of the County, in my district for example, we are almost fully
4592 developed. We don't have options to add a lot of any housing type in my district because we
4593 are fairly well developed already. So, the opportunities for new development may be
4594 elsewhere. So, we have to consider that as well. So, I guess the short answer, from my
4595 prospective to your question is that, we need to perhaps take a global look at this and look at
4596 the factual pieces of it and have the policy makers make a policy decision.

4597

4598 Mrs. O'Bannon - I will say, that last night we had an extensive discussion, where I believe
4599 Mr. Marlles did a presentation, or there was another gentleman, that did a presentation on the
4600 definition of affordable housing and I believe it was a house at \$110,000. I've been in this
4601 room for two days I think so I can't remember exactly. But, \$110,000... What was that?

4602

4603 Mr. Marlles - For a family of four it's actually higher than \$110,000 but within
4604 Henrico County we have approximately 47,000 units that are assessed at \$110,000 or less.

4605

4606 Mrs. O'Bannon - And if you look at the surrounding counties of Chesterfield and Hanover
4607 and I know that Hanover has virtually none, I mean very, very, little. Another thing that I
4608 know we have discussed with your group is the purchase of homes, which is what I think you
4609 are getting at. One of the things Henrico I think has handled very well, is integrating people
4610 who are at lower income levels into higher income level communities. In my neighborhood
4611 alone, there are two houses that are rented Section 8. I live in a section called River Road
4612 Hills, and if you know anything about western Henrico, River Road is a high-level of income
4613 neighborhood. There are two houses in my section that are Section 8 rental houses. Mrs.
4614 Dwyer lives in a neighborhood with two houses, to my knowledge, at least two, maybe more,
4615 and she lives in an area that's also very high-level of income that, again, has Section 8 housing
4616 which is reduced rent due to income or adjustment for rent that are subsidize by the federal
4617 government. So, I believe they have been very nicely integrated because if you drive down
4618 those streets you would have no idea which houses those are. I think that's what we have done
4619 very well in Henrico County when you talk about affordable housing or at least rental housing
4620 in that case. I dare you to pick those houses out too. I know you are looking for affordable
4621 means to purchase housing and I know that the type of things you are asking for, and as I have
4622 mentioned before, and looking at how this is done in other communities, I spent time in
4623 Baltimore recently, we chatted about that a little bit at lunch, also in Albermarle County and

4624 how they have handled that. These are the types of things, when you talk about policy, that
4625 we are looking at and do plan to look at. But, I don't want to get beat up on that Henrico has
4626 not done provisions for these things.

4627

4628 Rev. Sites - Oh, no I'm not saying that at all.

4629

4630 Mrs. O'Bannon - And this is why I asked Mr. Mariles about the question because we do
4631 have quite a lot of it already in the County.

4632

4633 Rev. Sites - There is. There is a lot of affordable housing and much of it is
4634 occupied. Certainly, praise need to be given to Henrico County for what it has done. I guess
4635 the issue that I am trying to raise is can we structure our ordinances in such a way that it
4636 would encourage private development of new affordable housing throughout the County and a
4637 systematic way. So, that it is not haphazard and so those with low income have access to be in
4638 a part of the County in which they choose and to thrive there. I have noted that Albermarle
4639 County and Montgomery County have got those density bonuses for affordable housing in this
4640 sort of ordinances. So there are some counties who's done it. I understand that it may be
4641 something in the future for Henrico County to look at, but I lift that up to you and appreciate
4642 any concern and thought that you will be able to give to it.

4643

4644 Mrs. O'Bannon - And I assume you are going to be talking to the folks in Goochland and
4645 you are also going to be talking to people in Hanover and Chesterfield for exactly the same
4646 problem, is that correct?

4647

4648 Rev. Sites - It is a regional issue, and if it is to be addressed well, I believe instead
4649 of just saying we've done our share, you know, let someone else do theirs, I think we all have
4650 to hold each other accountable and work for the highest standard that we can have of a
4651 uniformed treatment of affordable housing and concern for those people who need to live in it.

4652

4653 Mrs. O'Bannon - Consider that the owners of that property would like less government
4654 control over their property also, right?

4655

4656 Rev. Sites - Yes. And that's the thing about incentives for private development of
4657 affordable housing. With private development of affordable housing with bonus densities
4658 issues, you can get away from some of that red tape and let the private sector and the market
4659 forces to continue to help fill a true ethical and social need. Thank you very much for hearing
4660 me.

4661

4662 Mr. Vanarsdall - Thank you, Rev. Sites. While that was a good subject, I would
4663 appreciate it if you would stick to the Multi-Family agenda. And whenever the Board wants
4664 us to look at affordable housing they will let us know. Who else wants to speak?

4665

4666 Ms. Koontz - My name is Jane Koontz. I live at 9184 Hoke Brady Road in the Varina
4667 District. I'm speaking for the Varina Beautification Committee today. Our committee
4668 endorses the density incentives proposal by the Henrico County Planning staff. In fact, I

4669 commend it. We feel that the design features qualifying for density increases provide a very
4670 important first step for our County toward quality development. And we also requests that the
4671 Planning staff investigate similar incentives for other residential categories in Henrico County,
4672 other than multi-family. This is one thing we would like to see, maintenance of existing
4673 wooded areas and open space incorporated into the design features. We very much would
4674 appreciate the incorporation of protecting wooded areas and open space, other than site feature
4675 No. 3, if that could be elaborated upon. Might this aspect be included in feature No. 2 or No.
4676 13 or where would you suggest that this feature be incorporated? I'm asking this as a
4677 question.

4678

4679 Mr. Vanarsdall - All right. Are there any questions by Commission members?

4680

4681 Ms. Dwyer - Maybe Ms. Hunter could answer that question.

4682

4683 Ms. Hunter - I think when we were designing the site design and the landscape design,
4684 both, into some manner, speak to that issue. Because those two are the subjective ones, if the
4685 Commission feels that a developer is doing a good job at maintaining woodland features then
4686 they would be eligible for that density bonus either through the landscape design or the site
4687 design option.

4688

4689 Ms. Koontz - Thank you.

4690

4691 Mr. Vanarsdall - Thank you, Ms. Hunter. Is there anyone else?

4692

4693 Ms. Snyder - Good morning. I'm Nelda Snyder also from Varina Beautification. I
4694 just have a quick question. In going over this list of 13 possibilities, is it possible that
4695 someone building townhouses or in the RTH district or condominiums, could choose, they
4696 only have four spaces to come up under the plan from 7 to 9, they can only get four density
4697 incentives. I'm I reading that correctly, from 7 to 9? So they could choose four features that
4698 would not substantially address anything to do with architectural styling, landscaping, buffers
4699 and so forth. They could pick the sound proofing, the increase size inside the floor space, the
4700 recreational vehicle parking, which would be off I would assume somewhere and then either a
4701 recreational structure in the back or a recessed garage. And none of that would really address
4702 the overall amenities of a project that would be the most visible from the outside and influence
4703 people the most. And I wondered if that could be addressed in any way, such as, an
4704 encouragement of a developer choosing among these different density incentives so that one
4705 whole section such as architecture and landscaping, the whole thing visible from the street
4706 doesn't get left out entirely.

4707

4708 Ms. Dwyer - I think that's one of things that Mr. Theobald and Mr. Tyler were trying
4709 to get to with their clustering of these incentives under a certain category. One category would
4710 do with building characteristics and under their plan the maximum you could get for building
4711 characteristics such as soundproofing would be one point, will say. Site feature and others
4712 would... so I think that that's one way to get at your concern. I guess your question raises
4713 another issue and that is the difference in the spread between the minimum and maximum

4714 number of units.

4715

4716 Ms. Snyder - Right.

4717

4718 Ms. Dwyer - For the rental units you can get four extra units per acre, and for RTH
4719 and condos you can only get two additional points. So, I do think that does need to be
4720 addressed somehow. When you only have a two point spread, somehow the incentives need to
4721 be smaller... need to be proportionate I should say.

4722

4723 Ms. Snyder - Especially, since those two are the ones that may be most likely to have
4724 garages so recessing a garage 20 feet back for a better style may not be as great an issue.

4725

4726 Ms. Dwyer - We are trying to make is simple, but I think your point is well taken.
4727 So, one way to handle it might be to cluster these, as has been recommended in this Best
4728 Program Outline, another might be to say for something that might give you a half a point
4729 when you have a four point spread, you would only get a quarter of a point when you have a
4730 two point spread. Does that make sense to anybody?

4731

4732 Ms. Snyder - Yes. So, it would encourage more of a variety.

4733

4734 Ms. Dwyer - So, you would have the same proportionate requirement for both. So, it
4735 seems to me that there might be two ways to do that.

4736

4737 Ms. Snyder - Okay. Thank you.

4738

4739 Mr. Taylor - If I might add, I think Mr. Tyler brought this up. The choices of which
4740 items you pick are at the discretion of the designer. But, in making it an economic incentive,
4741 you are making each of these an economic incentive. And by working with the development
4742 community to look at the relative economics that can be adjusted. In other words, a pool may
4743 be a high, or it may be chosen to be a low scoring feature. Whereas, we might put trees to be
4744 high and that would do as some people would indicate, that will skew the values in favor of
4745 trees so when you are willing to pay more to support the project, for trees, we will simply get
4746 more of what we score higher. And we can constantly adjust this. We could even put in low-
4747 income housing in here, a certain number of low-income units, and we could provide a
4748 relatively high score for that. If that be the judgement of this system. So, it's kind of like a
4749 menu in a Chinese restaurant. You are either going to get one of this and one of that. And
4750 you can pick and you can shape the entire development, in terms of its architecture and
4751 engineering and economic quality by simply adjusting the weights of this in working with the
4752 staff and working with the developers and working with the community that wants to see
4753 certain features. And if it becomes a sense of the community, for instance, if walking trails
4754 should become an element, we will just put a little higher scoring on walking trails. And what
4755 we will endorse, we will get more of that.

4756

4757 Ms. Snyder - I think probably the tweaking as been mentioned before, would be a
4758 good idea as time goes on.

4759 Mr. Taylor - Well, I think the beauty of any system like this, is its flexibility in
4760 shaping the future of the development community in our housing stock with the teamwork
4761 associated working with the development community, working with the staff and working with
4762 the involved citizens. And it gives us flexibility that now everything is sort of one color. So,
4763 we don't get to focus the attention of the development community on issues that may be
4764 socially important to us, or important to us in development. In other words, what we are
4765 willing to pay for, what we are willing to provide a greater bonus for, that's what we will get
4766 more of.

4767

4768 Ms. Snyder - I think that's true and I think the cost incentive is also true. Nobody is
4769 going to spend a whole lot of money unless integral to their plan they've just got to have it.
4770 But I did feel that that architectural styling and the beauty of the whole place are having it as
4771 nice looking as it can be, those things are so important that you would hate to see them all left
4772 out of a development.

4773

4774 Mrs. O'Bannon - I think you made a really good point. One of the things that is coming
4775 forward... and, again, I don't know if I'm even repeating myself, has to do with the
4776 Chesapeake Bay agreement. They are encouraging the amenities of walking trails and
4777 sidewalks and being able to walk different places. So, as that comes forward we may end up
4778 having to, or not forced to, but, you know, want to improve things like that. So, it may end
4779 up being more points given for something like that, you know, a nice area where you have
4780 walking trails and a picnic table or something. It would benefit us and the developer to both
4781 do that. So when you talk about points that's what I think Mrs. Dwyer was getting at. I think
4782 we are going to have to look at something like that.

4783

4784 Mr. Taylor - And as we get more experience with this, if there is a band that we want
4785 to put in that isn't here, we can just add another category. So, it becomes very flexible for the
4786 entire County and the development community to shape our future, knowingly.

4787

4788 Mrs. Snyder - At all quality, right.

4789

4790 Mr. Taylor - Yes. We would hope so.

4791

4792 Mrs. Snyder - Thank you.

4793

4794 Mr. Silber - Ms. Dwyer, I think another way of handling this spread, perhaps, being
4795 laid to a two-unit spread might be to lower the RTH and the condominiums down to six and
4796 start at that point. That would at least give us a spread of three units per acre. I think Mr.
4797 Wilton, who maybe isn't here now, but I think at one point he indicated that it's very difficult
4798 to reach some of the maximums in RTH. You all recently recommended and the Board
4799 recently approved RTH project for Shady Grove Road. I think that was being developed about
4800 six units, six to six point eight units per acres, and I think he said that's pretty much maxing it
4801 out. So, I think if you drop that down to five or six, it's at seven now so six provides that
4802 spread of three, maybe a reasonable place to start.

4803

4804 Mrs. O'Bannon - And if I recall what he said, don't laugh, but it had to do with it's for
4805 sale. People expect different amenities when it's for sale. That's why the lower number and
4806 they do expect a garage. I remember him making that statement that that's why lower
4807 numbers possibly on that.

4808

4809 Ms. Dwyer - I do think we need to try to have equal elements here. So, we have a
4810 problem with the inequity, I guess, between the four unit spread and the two unit spread and
4811 that needs to be equalized somehow and then we also need to I think weigh all the design
4812 features to account for, you know, costs I think is a reasonable way to do because that's what's
4813 going to drive the decision on the part of the developer. So, we can either lower this and have
4814 a five to nine spread or we can give half the weight to the design feature for a 2 point spread
4815 versus a 4 point spread. Does, that make sense, Randy, what I'm saying?

4816

4817 Mr. Silber - Yes.

4818

4819 Mr. Vanarsdall - You suggest five or six?

4820

4821 Ms. Dwyer - He suggested six.

4822

4823 Mr. Silber - Either of those number, sure.

4824

4825 Ms. Dwyer - And I think we should all... Well, you know we are looking at 14.52,
4826 we might want to just round that down to 14 at the maximum for R-5 and for R-6, we ought to
4827 have 19.8 so we can round that down to 18 and then we still have the four unit spread there to
4828 for each.

4829

4830 Mr. Silber - I think, Ms. Dwyer, one thing that staff had being trying to achieve was
4831 to allow that maximum density if it really was a superior project. So, if it really was a good
4832 project, they've incorporated many of these design concepts then we thought they should have
4833 the maximum that's been consider appropriate in the County for many years. So, I don't have
4834 a problem with 14.5. I don't have a problem with 19.5.

4835

4836 Mr. Vanarsdall - It's point 8.

4837

4838 Mr. Silber - Well, point 8, but you couldn't get point 8 with a half unit concept.
4839 But, to drop it down below that, I guess that wouldn't be my recommendation.

4840

4841 Mr. Vanarsdall - So, we are finished, right. I mean we are finished with the speakers.
4842 So, now what would you like to see us do, Mr. Secretary?

4843

4844 Mr. Marlles - I'm going to let Mr. Silber speak to this in a minute, but it seems like
4845 there's, as been indicated by a number of speakers, that the spread or the distance between
4846 staff's proposals and the proposal on the developer's homebuilders proposal is certainly not
4847 that great. There are some areas, I tried to jot down some notes as I was listening to the
4848 Commission speak. There certainly seems to be a desire on the part of the Commission to

4849 perhaps using staff's version to go back and modify the weighting to reflect the cost of those
4850 features. Another point that I wrote down was the number of categories. Perhaps we need to
4851 go back and look at them. We currently have 13 categories in staff's proposal. There may be
4852 at least some opportunities to consolidate some of those categories to make sure that we are
4853 hitting the important design features. I the third area that I had written down was the issue of
4854 the density spread between the multi-family and the townhouses and the condominiums. We
4855 have talked about a couple of ideas on how those adjustments could be made. But, I think,
4856 unless there aren't any other major areas, I think staff, if the Commission is agreeable to this
4857 and comfortable with this, I think that staff could work on those as well as get some input
4858 from the development community and be able to take this to the Board in a final ordinance
4859 form. Mr. Silber, do you want to add to that?

4860

4861 Mr. Silber - No. I think that primarily covers what's been discussed. I guess maybe
4862 like a little guidance from the Commission on the first two standards that the development
4863 community felt that may have been to vague. If you believe we need to tighten those up, I
4864 would like to know that and we can attempt to do that. I think, under the landscaping they had
4865 suggested that one way of doing that would be to have a factor of multiplying the minimum
4866 requirements. And we can take a look at that and perhaps incorporate that into some type of a
4867 criteria or a way of evaluating. I think it's a little bit harder to do with the site design
4868 element. I guess the other item is that if any of these categories that you really feel are
4869 inappropriate, I would like to know that. And if you feel that there are some categories that
4870 we haven't considered, I would like to know that. But if you are comfortable with what's on
4871 paper then we can work from that.

4872

4873 Ms. Dwyer - I'm comfortable with it on paper, I think that we do have a disparity.
4874 For instance, sound suppression and dedication of public land. I mean, if someone is going to
4875 dedicate land for a school that's a greater value, I think, than say a sound suppression system.
4876 Although, I'm not quite sure how much that cost, I'm just making that assumption. So, I
4877 think if we weight these we don't necessarily need to categorize them. Do you know what I'm
4878 saying? Like this (referring to screen).

4879

4880 Mr. Silber - Okay. If they are weighted properly and that we don't need to
4881 consolidate or group.

4882

4883 Ms. Dwyer - Right. And if... the other piece of that, though, is we can't have in the
4884 weighting, we need to try to work it so that you would have to do all of these to get up to the
4885 maximum density. Do you know what I'm saying? So, that we couldn't just pick
4886 (unintelligible) throw some bushes in and we'll throw some sound suppression in and then we
4887 don't really get an improved product. So I think if we are going to be moving from 10 to
4888 14.5, whatever weight we are assigning to those design elements we need to have almost all of
4889 those done in order to get up to that maximum density.

4890

4891 Mrs. O'Bannon - Can I throw a wrench in the works?

4892

4893 Ms. Dwyer - No. Yes.

4894 Mrs. O'Bannon - What if a developer chooses to do fewer units per acre? I'd like to
4895 encourage duplexes, you know where I'm coming from. It's like a carrot and a stick approach
4896 and this is more like, you know, if you do this you'll get more and more and more. Is that
4897 what we are going on, is the fact that they are obviously driven by a profit motive or is there
4898 another whole approach where if you do fewer units per acre?

4899

4900 Mr. Silber - Well, that is a different approach, I guess. What we have been looking
4901 at is, assuming that the development community would like to achieve higher density instead
4902 of lower so as they work toward a higher density we are trying to increase the standards. I
4903 hear you saying that we usually like to see even lower density....

4904

4905 Mrs. O'Bannon - I thought I might just throw that end and strike from the other direction.

4906

4907 Mr. Taylor - I kind of think Mr. Tyler mentioned, for the development community,
4908 economics is in favor of trying to provide the best and highest quality, the largest number of
4909 highest quality units as he could. So, I really think the economics would take care of that
4910 because there is a natural tendency to want to put as many as they can consistent with the
4911 zoning. And with this, it would be not only to put on the most but you get the most when you
4912 put in the highest quality. So, I think they maximize, his theory is, you maximize the total
4913 overall profit when you provide more and you have them higher quality. And they probably
4914 would be priced accordingly.

4915

4916 Ms. Dwyer - And I think the assumption is that the more units you have the more
4917 money you make on the project. And that the more design features you add in the more it cost
4918 to provide those units. So, that's the assumption that we are operating under here that if the
4919 value is going to be increased by increasing the density then quality needs to be commensurate
4920 with that. We don't find the momentum to lower density, we find the momentum to higher
4921 density and I guess that's what we are trying to address by saying okay (unintelligible someone
4922 coughing) density better quality.

4923

4924 Mr. Silber - I think you will find.... Keep in mind, Mrs. O'Bannon, these numbers in
4925 the left-hand column those are like starting points. Obviously, a developer can come in and
4926 build in R-5 apartments at six units per acre or eight units per acre. Under the circumstances,
4927 you will find there will be more open space because they don't have the density. There will be
4928 greater buffers and setbacks off the roads of properties. So, you will get some of those
4929 quality aspects if they have a density much lower. But, if they want to get up to the higher
4930 density, that's where I think you need to make sure that those quality aspects are in place.

4931

4932 Mrs. O'Bannon - You are going to do it anyway at the lower level, is what you are saying.

4933

4934 Mr. Silber - I think when they do it at the lower level some of these features will be
4935 automatic.

4936

4937 Mrs. O'Bannon - That would be the reason they'd do it at lower levels since they put in
4938 their quality features. Mrs. Hunter, were you going to say something?

4939 Ms. Hunter - It's been covered.

4940

4941 Mr. Taylor - Could we simply make a motion that we adopt this concept to be refined
4942 by the staff? Or do we have to pick one format today, which I think is going to be very
4943 difficult.

4944

4945 Ms. Dwyer - I think we need to pick one format today, I don't think we can leave it to
4946 staff to pick the format. Do you mean by format whether we do the BEST or Mr. Theobald's
4947 letter or staff's proposal?

4948

4949 Mr. Taylor - Well, I think they are really both, as Mr. Tyler and Mr. Theobald said,
4950 they are very close to the same. It's just a matter of really how we package them. But the
4951 concept to me is overwhelmingly superior and I feel we should adopt the concept of density
4952 bonuses for quality and let the staff, and even working with members of the development
4953 community, work out the basic details of the program and work with the development
4954 community to gain the relative value. I believe that they have a sense of the economics that
4955 we do not readily have available to us.

4956

4957 Ms. Dwyer - Well, I think Mr. Theobald's letter goes a way to assigning weight to
4958 some of these design elements. So I think what we are looking at is, basically, something
4959 similar to what he has done here that is assigning different units of credit for the different
4960 design features. Not that what he's done is exactly what we want to do in terms of numbers,
4961 but the approach to that I think is in combination with what staff has done is what we are
4962 looking for.

4963

4964 Mr. Taylor - I think they are quite similar. And it's just a matter of.... I would be
4965 willing to move that we adopt it as a concept and have the staff work with the development
4966 community to refine the details.

4967

4968 Ms. Dwyer - Well, how was the staff going to work with developers on this? Or how
4969 else would you suggest that that take place?

4970

4971 Mr. Silber - Well, I think staff certainly can take the input that has been received at
4972 this hearing, certainly there are some new ideas that have been put on the table. I think staff
4973 needs the opportunity to look at his proposal, well, look at the input that's been provided and
4974 make adjustments that, if things are appropriate, and certainly there have been good ideas on
4975 both side, but I think following that, I certainly would be open to sitting down and meeting
4976 with representatives of the development community and giving them the opportunity to react to
4977 what staff has prepared or proposed. There may be some additional room for adjustment, but
4978 we have certainly worked together successfully in the past and I don't see why we couldn't sit
4979 down before this matter goes to the Board. That doesn't mean that the staff is going to agree
4980 with everything that the development community proposes, but I certainly think we can sit
4981 down and continue to work on this and refine it.

4982

4983 Ms. Dwyer - Well, we are a public body and we have to be mindful of allowing

4984 everyone at once to have input. This would be a final version that we are coming down to.
4985 So, you know, we have people who are not developers who are here today who have been
4986 very diligent and persistent in their interest of this as you and I and I don't want to exclude
4987 those folk either.

4988

4989 Mr. Taylor - Well, couldn't we broaden the group to include other interested parties
4990 to work with the staff?

4991

4992 Ms. Dwyer - Well, I think Mr. Marlles is suggesting that staff come up with their
4993 proposal and then submit it for comment by anybody who's interested and then draft a final
4994 based on that. Does that sounds like what you said, Mr. Marlles?

4995

4996 Mr. Marlles - That's pretty accurate.

4997

4998 Mr. Taylor - Is that how we would enact it?

4999

5000 Ms. Dwyer - Is that doable from your prospective?

5001

5002 Mrs. Hunter - What I was hearing is that we would move it forward with staff's
5003 proposal, changing it to have the items weighted based on cost and changing the density for the
5004 townhouses and condominiums from seven to six.

5005

5006 Ms. Dwyer - Well, I said five.

5007

5008 Mrs. Hunter - Whatever number the Commission decides.

5009

5010 Mrs. O'Bannon - Trying to get a four point spread.

5011

5012 Mrs. Hunter - Okay. A four point spread for each one.

5013

5014 Ms. Dwyer - And, also, I would say for R-5, 10 to 14, for R-6, 14 to 18, RTH and
5015 condos, 5 to 9.

5016

5017 Mrs. Hunter - A four point spread for each one weight based on cost and leaving the
5018 elements as is.

5019

5020 Ms. Dwyer - Let's say value. Yes.

5021

5022 Ms. Dwyer - Is that enough guidance?

5023

5024 Mr. Silber - I think so. I think that's where we were. I also heard, you say, Ms.
5025 Dwyer, you want to make sure that if someone is reaching the maximum density that they are
5026 achieving the majority of these features. So, I think we have to make sure that the weights
5027 reflect that.

5028

5029 Ms. Dwyer - Exactly.
5030

5031 Mr. Taylor - And the features.
5032

5033 Ms. Dwyer - More than the majority, almost all.
5034

5035 Mrs. Hunter - I want to remind everybody that there are two ordinance amendments.
5036 That was advertised for today.
5037

5038 Mr. Vanarsdall - All right. We need a motion to do this and send it on to the Board.
5039

5040 Mr. Taylor - Then, Mr. Chairman, I would move that we adopt the multi-family
5041 development standards as offered by the staff considering the comments that we have heard
5042 from the speakers today and their development community. And use the pattern that the staff
5043 has developed as a pattern amended by what good they can take from the other proposals of
5044 the development community and bring them forth as a concept.
5045

5046 Mrs. Hunter - That would be the ordinance dated April 7, 2000, ordinance language of
5047 the multi-family ordinance.
5048

5049 Mr. Taylor - That would be the ordinance language dated April 7, 2000.
5050

5051 Ms. Dwyer - It's not March ?
5052

5053 Mrs. Hunter - I'm not talking about the incentives, I'm talking about the ordinance.
5054

5055 Ms. Dwyer - Okay. Got ya.
5056

5057 Mr. Vanarsdall - All right. How was that? Was the motion all right, Mr. Silber?
5058

5059 Ms. Dwyer - So, now this means that whatever staff drafts will go to the Board. I
5060 hate to say this but does the Commission wants to look at it one more time before it goes to the
5061 Board?
5062

5063 Mr. Vanarsdall - Why do we want to look at it one more time?
5064

5065 Ms. Dwyer - Well, I know I don't but....
5066

5067 Mr. Vanarsdall - I think we should forward it on to the Board.
5068

5069 Mr. Taylor - Well, I think, while the motion is still on the floor, as a part of that
5070 motion I would hope that we listen to what Mr. Tyler and Mr. Theobald said and work with
5071 the industry a little bit to see what we can glean from theirs and get the best composite of all
5072 of the thoughts we have heard of today. Is that appropriate?
5073

5074 Ms. Dwyer - And others who are not a part of the development community may also
5075 want input.
5076

5077 Mr. Taylor - Yes. Other parts of the public who would want to have input.
5078

5079 Ms. Dwyer - Could we do this? That the Commission receive a copy of what Ms.
5080 Hunter comes up with, and if we want to, we can give her our input. If there seems to be a
5081 substantial disagreement that staff is uncomfortable making decisions about or resolving then it
5082 could come back to the Commission, but, otherwise, we will send it to the Board. How about
5083 that?
5084

5085 Mrs. Hunter - What we can do is we can prepare the revised weighting system and then
5086 send it out to all the interested parties, the same mailing list, and give a two weeks time frame
5087 for people to provide us comments.
5088

5089 Mrs. O'Bannon - Can it be placed on the internet?
5090

5091 Ms. Hunter - Yes. We have been putting it on the internet. It is on the Planning
5092 Department web page.
5093

5094 Ms. Dwyer - And then staff would design a final version to be sent to the Board. And
5095 if there are some irreconcilable ...
5096

5097 Mrs. Hunter - And we would codify the language and include it with the multi-family
5098 ordinance.
5099

5100 Ms. Dwyer - And if there are some irreconcilable opinions that staff is uncomfortable
5101 with then bring it back to us otherwise and we will send it to the Board.
5102

5103 Mrs. Hunter - Okay.
5104

5105 Mr. Vanarsdall - We need a second.
5106

5107 Ms. Dwyer - Second.
5108

5109 Mr. Vanarsdall - The motion was made by Mr. Taylor and seconded by Ms. Dwyer. All
5110 in favor say aye...all opposed say nay. The motion carries.
5111

5112 The Planning Commission voted to adopt the multi-family development standards as offered by
5113 the staff.
5114

5115 Mr. Vanarsdall - Now we have one more thing. Ms. Hunter is going to do the rest, isn't
5116 she?
5117

5118 Ms. Dwyer - I think you already presented that. I move that we approve and

5119 recommend to the Board approval of the amendment to Section 19-118 buffers for major and
5120 minor arterial as presented by staff.

5121

5122 Mr. Taylor - I'll second that.

5123

5124 Mr. Vanarsdall - The motion was made by Ms. Dwyer and seconded by Mr. Taylor. All
5125 in favor say aye...all opposed say nay. The motion carries.

5126

5127 The Planning Commission approved and recommended to the Board approval of amendment to
5128 Section 19-118 buffers for manor and minor arterial presented by staff.

5129

5130 Mr. Vanarsdall - While we are waiting for Mr. Rapisarda to get here for the next item on
5131 the agenda, we will take a five-minute break.

5132

5133 **WORK SESSION: Ordinance Amendments on Pertaining to Section 24-2, et al.**

5134

5135 **(Staff Presentation by Eric Lawrence)**

5136

5137 Mr. Vanarsdall - All right. The Planning Commission will now reconvene and Mr.
5138 Secretary you can give us some guidance on what we are going to do.

5139

5140 Mr. Marlles - Actually, Mr. Chairman, I'm going to let Mr. Silber read our
5141 appropriate motion.

5142

5143 Mr. Silber - At this point, Mr. Chairman, we are going to go into Executive Session
5144 so I would like to read the statement to go into Executive Session. The Planning Commission
5145 moves to go into a closed meeting pursuant to Section 2.1-344(A)(7) of the Code of Virginia
5146 for the purpose of consultation with legal counsel regarding legal issues concerning the
5147 proposed zoning ordinance amendment. So, we will need a motion and a second.

5148

5149 Ms. Dwyer - I move that we go into Executive Session for discussion as to what Mr.
5150 Silber stated.

5151

5152 Mr. Taylor - Second.

5153

5154 Mr. Vanarsdall - The motion was made by Ms. Dwyer and seconded by Mr. Taylor. All
5155 in favor say aye...all opposed say nay. The motion carries.

5156

5157 Mr. Silber - At this time we will need to move to another room, which the
5158 Demonstration Kitchen is being used, so we have reserved the Finance Conference room. It is
5159 across the courtyard. So, if you follow me, I will lead you over there.

5160

5161 Mr. Taylor - Should we take all of our papers?

5162

5163 Mr. Silber - No, because we will be coming back.

5164 Mr. Taylor - What should we take with us?

5165

5166 Mr. Silber - The ordinance amendment and pad and paper or something.

5167

5168 **AT THIS TIME THE COMMISSION DISMISSED TEMPORARILY TO GO INTO**

5169 **EXECUTIVE SESSION.**

5170

5171 Mr. Vanarsdall - Okay. Mr. Lawrence.

5172

5173 Mr. Lawrence - Thank you, Mr. Chairman. As you can see by the slide, I've actually
5174 renamed this. This just isn't 24-2 but it is also 24-11 because it actually deals with two
5175 sections out of the code that we are looking at. You know a little bit of the background of
5176 why we are doing this now. The packet that was distributed to you this evening just has
5177 additional information. I went ahead and included all of the conditional uses by a special
5178 exception so that you can get an understanding as to what uses we consider. Then as we go
5179 through you will see what the changes are that we are talking about. What we are proposing
5180 for Section 24-2 is to strike the existing language which deals with minimum requirements, the
5181 greater restrictions being that if anything in this chapter is greater than some other language
5182 you find elsewhere in the chapter or code, the greater restriction applies. In the second
5183 paragraph of 24-2, which talks about the POD approval, which is when a plan of development
5184 is approved it supercedes the requirements for a special exception. We are proposing you
5185 strike that language and then you revise the language to deal with the minimum requirements
5186 in where the chapter imposes a greater restriction, the greater restriction controls. So,
5187 essentially, the significant change there is strictly striking the POD approval terminology and
5188 just rewording the minimal requirements so that it flows smoother.

5189

5190 Mr. Vanarsdall - (Unintelligible)

5191

5192 Mr. Lawrence - Okay. Why are we doing this? Well, we are doing it to be consistent
5193 with the State code. It's been brought to staff's attention that the way it is written right now is
5194 not consistent so that subtle change of removing the POD statement brings it into consistency
5195 with the State code. And what are the impacts of these changes? As of a result of the
5196 proposed amendments, the Planning Commission would no longer be able to grant special
5197 exception through approving a POD. Staff does propose amending the ordinance to enabling
5198 the Planning Commission to take an active role in consideration of request for greater building
5199 heights. As proposed, the Commission could consider building heights up to 65 feet when an
5200 applicant is able to satisfy some established criteria which we'll also be establishing with this
5201 amendment. We are still working on the drafting stages of the criteria, but we are looking at
5202 things dealing with utilities and emergencies services. Can a fire truck get to the higher levels
5203 of the building? Would the increase, in building in height, cause greater traffic congestion in
5204 the immediate area? And is the building height compatible with the surroundings? Staff is
5205 going to continue to work internally and also with the County Attorney to make sure that
5206 criteria is appropriate. Also, I want to point out that with building heights greater than 65
5207 feet, up to 110 feet, we are proposing that you could achieve those heights with a provisional
5208 use permit. So, what it does is create three tiers, by right, a Planning Commission

5209 consideration, and then the higher buildings with a provisional permit through the Board of
5210 Supervisors.

5211

5212 Ms. Dwyer - So, you have taken out building height from the special exception
5213 category and put it in the PUP category.

5214

5215 Mr. Lawrence - That's correct.

5216

5217 Ms. Dwyer - So that it's properly before the Commission.

5218

5219 Mr. Lawrence - Correct.

5220

5221 Mr. Silber - Let's clarify that. Building heights, what's proposed is to take it out of
5222 special exceptions and have it considered by the Planning Commission by special criteria, up
5223 to 65 feet, over 65 feet by PUP by the Board of Supervisors.

5224

5225 Ms. Dwyer - So, it would come to the Commission and then the Board.

5226

5227 Mr. Silber - Oh, I'm sorry, on a PUP, yes. A PUP would take the normal course.

5228

5229 Mr. Lawrence - What it comes down to, any building request to go higher will come
5230 before you, anything above 65 feet will work its way to the Board of Supervisors for the
5231 ultimate decision. Now, that deals with the 24-2 areas. Section 24-11 talks about the
5232 permitted use. I just want to clarify something that was discussed earlier, it strikes the
5233 language that is currently in the ordinance which deals with County owned and County leased
5234 buildings and recreation areas. Staff is going to work with the County Attorney to make sure
5235 we word it in a way that is appropriate so that the permitted uses in the R districts would be
5236 something of a County owned facilities, recreation, and things of that nature. We are not
5237 going to change the use, we are just going to make it clearer as to what is intended as a
5238 permitted use. And then move language to Section 24-106, which deals with the POD and the
5239 Board of Supervisors' ability to review public uses, government building and fairgrounds and
5240 race tracks, things of that nature, which it currently reviews. We are just cleaning up the
5241 language, clarifying it and correcting the ordinance to reflect what currently happens. In a
5242 nutshell, that's what we are proposing. We are still working on the language, but conceptually
5243 I'm trying to illustrate what we are talking about. And, conceptually, we don't change too
5244 much, as we mentioned. It changes so that the Planning Commission can review height
5245 considerations. That's the significant change.

5246

5247 Mr. Silber - Eric, you may want to review.... I seem to recall that there were a
5248 couple of uses that we had shifted from the conditional use by special exception category into a
5249 permitted use, you may want to touch on those.

5250

5251 Mr. Lawrence - Okay. There were two uses actually that we have modified somewhat.
5252 In the R-5 district, there is a conditional use for permitted exceptions, special exception for
5253 nursing homes.

5254 Mr. Silber - What page are you on?
5255

5256 Mr. Lawrence - I'm on page 3 of the handout. It's the R-5 district. What's being
5257 proposed is that nursing homes, convalescent homes, just using the same terminology
5258 essentially, be placed as a principal as a permitted use by right in the R-5 district. It takes it
5259 out of the conditional use consideration.
5260

5261 Mr. Silber - What we did was we went through all of the conditional uses by special
5262 exception and then tried to determine if any of those should come out of that category because
5263 that would now require BZA approval and determine whether it should come out of that
5264 category and be put into like a principal use category or into a provisional use permit category.
5265 As we went through there we basically found out that there really weren't too many that we
5266 felt should be moved, but nursing homes was one of those. We moved it out of this category.
5267 So, as proposed, it would be a permitted use in the R-5 district by right.
5268

5269 Mr. Taylor - The question that I had is nursing homes, convalescent homes, homes
5270 for the aging, that any such use has minimum by the area of five acres. We just did the case
5271 for Manor Care, was that a five-acre site or does that qualify as a nursing home?
5272

5273 Mr. Silber - Is that the one on Skipwith?
5274

5275 Mr. Taylor - Yes, the one on Skipwith.
5276

5277 Mr. Lawrence - That was an amended proffer. It was an already permitted use.
5278

5279 Mr. Taylor - Okay.
5280

5281 Mr. Silber - That was a five-acre site.
5282

5283 Mr. Vanarsdall - That wasn't five acres.
5284

5285 Mr. Lawrence - I'm not sure of the background on it.
5286

5287 Mr. Silber - Well, the background on that, as I recall, was that it was about 4.9 acres
5288 and they went out and actually bought the sliver of land from the apartment complex to make
5289 it five acres.
5290

5291 Mr. Taylor - So, that it is compliant, that is five acres?
5292

5293 Mr. Silber - Yes.
5294

5295 Mr. Taylor - Okay. My mind played a tape of that site and it doesn't seem like five
5296 acres. But, anyhow, thank you.
5297

5298 Mr. Silber - There is a school of thought from the assistant living community

5299 developer that that five acres is excessive. And when they build a project that does falls into
5300 sort of the nursing home classification, they feel like five acres is too much and they would
5301 like to have three acres. And Bill Axeselle has actually put together a draft ordinance
5302 amendment that deals with that. But, that's been stalled for some time. So, at this point, we
5303 propose to just leave it five acres but that may be modified in the coming months.

5304

5305 Mr. Taylor - Thank you.

5306

5307 Mr. Lawrence - The other use within the conditional use with a special exception
5308 category, that we have discussed, is in the A-1 district. We haven't removed it from the
5309 conditional use classification, but we have added language. That would be on page nine. It is
5310 letter "M" which is private kennels. We propose adding language that, actually it's been
5311 revised based on County Attorney discussions, but it would say "within the confines of a
5312 residential subdivision" is what is being recommended at this point.

5313

5314 Mr. Taylor - Do we elsewhere define what is a kennel?

5315

5316 Mr. Lawrence - In the definition category of the zoning ordinance, it defines kennels.

5317

5318 Mr. Taylor - I think there is a limit on the number of animals you can have as pets.

5319 Am I correct, within a residential area, be it three or four?

5320

5321 Mr. Lawrence - I don't know what the number is but there is a limit.

5322

5323 That's really a summary of what's being changed. As you flip through the pages with the
5324 height consideration, we'll address the height considerations through the table, which in the
5325 footnotes, which indicates whether it is Planning Commission consideration or a provisional
5326 use permit. And with the office/service districts, there are two of them there, neither one of
5327 them is included in the table because the ordinance is designed so it can be a take out section,
5328 if you will. So, we will have to add the language to the office/service district, which is
5329 indicated in your packets here.

5330

5331 Ms. Dwyer - I have a question too, on the table. Paragraph "W" applies to certain of
5332 the zoning district. Paragraph "W" is the one that says "any building within a 100 feet of an
5333 "R" district shall not exceed 40 feet in height." But that wasn't included in the O-1 or the B-1
5334 as I look at the table. Or I guess the office/service either. Oh, no, it's included in
5335 office/service I think in the verbal part but not in the... Anyway I was wondering why that
5336 limitation wouldn't be added to A-1, O-1, B-1. It's added to M-1.

5337

5338 Mr. Silber - Is it not in B-1 because you can't go taller than 35 feet so it wouldn't
5339 apply?

5340

5341 Mr. Lawrence - Right. "W" says anything greater than 40 feet in height needs that
5342 additional setback.

5343

5344 Mr. Silber - Maybe "W" has not been imposed on those...
5345
5346 Ms. Dwyer - It can't go to B-1? Okay. That makes sense.
5347
5348 Mr. Silber - B-1 is the max 35 with no exception.
5349
5350 Ms. Dwyer - There's no exception to that in B-1. Okay.
5351
5352 Mr. Silber - What was the other category?
5353
5354 Ms. Dwyer - O-1.
5355
5356 Mr. Taylor - What page is that on?
5357
5358 Mr. Lawrence - It's on page 17, the table. In the O-1 district, again, you've got a 30-
5359 foot maximum height.
5360
5361 Ms. Dwyer - Okay. No exceptions?
5362
5363 Mr. Lawrence - That's correct.
5364
5365 Ms. Dwyer - Are you sure about that?
5366
5367 Mr. Silber - Well, the exception footnote is "B."
5368
5369 Mr. Lawrence - And "B" talks about a 25-foot height, requires the additional setback.
5370
5371 Ms. Dwyer - How about A-1?
5372
5373 Mr. Lawrence - A-1, we could consider it for churches, clubs and fraternities, if that's
5374 something you want to consider. It's the by right height in A-1 is 45 feet so it's only five feet
5375 higher than the 40 foot limit.
5376
5377 Ms. Dwyer - You can't make it bigger?
5378
5379 Mr. Silber - No. You couldn't go higher than what the chart says or a footnote to the
5380 chart.
5381
5382 Ms. Dwyer - Okay. And what is the footnote that says you can go higher, which one
5383 is that?
5384
5385 Mr. Lawrence - Are you looking for the exceptions to allow?
5386
5387 Mr. Silber - Yes. Which one is that, "z"?
5388

5389 Mr. Lawrence - Yes. It is "X" and "Z." "Z" goes to the Board of Supervisors. That's
5390 your provisional use permit and "X" is the provision where the Planning Commission gets to
5391 consider it.
5392
5393 Ms. Dwyer - But only where you have an "X" and a "Z" you would need a "W."
5394
5395 Mr. Lawrence - Yes. That was the logic we were using.
5396
5397 Mr. Silber - Yes. The "X" and the "Z" would allow you to go higher than that
5398 number in that box.
5399
5400 Ms. Dwyer - Now, O-3 doesn't have an "X" or "Z" but has a "W." Oh, but that's
5401 110 by right.
5402
5403 Mr. Lawrence - That's a by right.
5404
5405 Ms. Dwyer - Okay. Got ya. So, it wouldn't apply to A-1. How about O/S-1 and
5406 O/S-2?
5407
5408 Mr. Silber - For some reason I thought that was already covered.
5409
5410 Ms. Dwyer - I think it's covered in the verbiage for O/S-1 and O/S-2. All right. I
5411 just wanted to make sure we weren't leaving that out. All right, thanks. Now what about
5412 stage towers and scenery lofts exception? I know its not apart of this special exception deal,
5413 they are allowed by right, but I was thinking since we are looking at height, 24-95 exempts
5414 stage towers and scenery lofts from height exceptions.
5415
5416 Mr. Silber - It's not a part of this.
5417
5418 Ms. Dwyer - I know but you could throw it in there if you were inclined.
5419
5420 Mr. Silber - Why don't you make a note of that, Eric. Just take a look at 24-95. Do
5421 you want the subsection?
5422
5423 Ms. Dwyer - No, I just want (unintelligible).
5424
5425 Mr. Silber - Provides for allowance for certain taller structures.
5426
5427 Mr. Lawrence - Okay.
5428
5429 Ms. Dwyer - There might be other ones you want to look at but stage towers and
5430 scenery lofts is one that comes to mind.
5431
5432 Mr. Taylor - What page is 24-95 on?
5433

5434 Mr. Lawrence - It's not in the package.
5435
5436 Ms. Dwyer - It in the Code.
5437
5438 Mr. Silber - That is not a part of this amendment at this time.
5439
5440 Mr. Lawrence - Staff will take a look at that then.
5441
5442 Mr. Vanarsdall - All right, is that it?
5443
5444 Mr. Lawrence - Yes, sir.
5445
5446 Mr. Vanarsdall - What do we do with this now, Randy?
5447
5448 Mr. Taylor - Do we move this be accepted or what?
5449
5450 Mr. Silber - Well, this is a work session to go over this first draft. We will be going
5451 back and incorporating some more County Attorney comments and your comments. You
5452 would probably want to set a public hearing now.
5453
5454 Ms. Dwyer - We don't have a quorum. Do we need a quorum to take action like that?
5455
5456 Mr. Silber - Yes.
5457
5458 Mr. Vanarsdall - We can't do much of anything.
5459
5460 Mr. Silber - We can't set a public hearing.
5461
5462 Mr. Lawrence - Well, we can come back on the 24th and give them an update.
5463
5464 Mr. Taylor - Yes. Do it at our next meeting when we have a quorum.
5465
5466 Mr. Silber - How about we have another work session on the 24th, come back with an
5467 update and we will set a public hearing then.
5468
5469 Mr. Vanarsdall - All right. That sounds like a winner. Have we finally finished today?
5470
5471 Ms. Dwyer - Do we have to stay here because we don't have a quorum to vote to
5472 adjourn?
5473
5474 Mr. Silber - Yes, you can adjourn.
5475
5476 Mr. Taylor - Mr. Chairman, I move we adjourn.
5477
5478 Ms. Dwyer - Second.

5479 On a motion by Mr. Taylor and seconded by Ms. Dwyer, the Planning Commission adjourned
5480 its meeting at 4:30 p.m.

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

John R. Marles, AICP, Secretary