

1 Minutes of the regular monthly meeting of the Planning Commission of the County of Henrico,  
2 Virginia, held in the Board Room of the County Administration Building in the Government  
3 Center at Parham and Hungary Springs Roads, Beginning at 9:00 a.m. Wednesday, April 25,  
4 2001.

5

6 Members Present: C. W. Archer, C.P.C., Chairperson (Fairfield)  
7 Ms. Elizabeth G. Dwyer, C.P.C., Vice Chairperson (Tuckahoe)  
8 Mr. Ernest B. Vanarsdall, C.P.C. (Brookland)  
9 Mr. Allen Taylor, P. E., C.P.C. (Three Chopt)  
10 Mr. E. Ray Jernigan (Varina)  
11 Mr. David A. Kaechele, Board of Supervisors Representative  
12 (Three Chopt)

13

14 Others Present: Mr. John R. Marlles, AICP, Director of Planning, Secretary  
15 Mr. Randall R. Silber, Assistant Director of Planning  
16 Mr. David D. O'Kelly, Jr., Principal Planner  
17 Ms. Leslie A. News, CLA, County Planner  
18 Mr. James P. Strauss, CLA, County Planner  
19 Mr. E. J. (Ted) McGarry, III, County Planner  
20 Mr. Kevin D. Wilhite, County Planner  
21 Mr. Michael F. Kennedy, County Planner  
22 Ms. Christina L. Goggin, County Planner  
23 Mr. Todd Eure, Assistant Traffic Engineer  
24 Mr. Tim Foster, Chief Traffic Engineer  
25 Mr. Tom Tokarz, County Attorney  
26 Ms. Diana B. Carver, Recording Secretary

27

28 **Mr. David A. Kaechele, the Board of Supervisors Representative, abstains on all cases**  
29 **unless otherwise noted.**

30

31 Mr. Archer - The Planning Commission will come to order. Good morning everyone.  
32 I would like to welcome and acknowledge any members of the press who may be present.  
33 This is the April 25, 2001, edition of the Planning Commission meeting. We have not a long  
34 agenda, but it could turn into a long one. So with that, I'll turn it over to our Secretary, Mr.  
35 John Marlles. Mr. Marlles.

36

37 Mr. Marlles - Thank you, Mr. Chairman. Good morning, members of the  
38 Commission, ladies and gentlemen. We do have a number of items on the agenda. The first  
39 item on the agenda is request for deferrals and withdrawals and that's going to be handled by  
40 Mr. Kevin Wilhite.

41

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

43

44 Mr. Wilhite - Good morning, Mr. Chairman. We have one request for deferral. This  
45 is on page five of your agenda.

46 **TRANSFER OF APPROVAL**

47

POD-14-97  
Rite-Aid, Westwood Retail  
Center

**McCandlish Kaine for Sky, Inc.:** Request for approval of a transfer of approval, as required by Chapter 24, Section 24-106 of the Henrico County Code, from Richmond Horsepen, LLC to David W. Clarke, Esquire for Sky, Inc. The 1.837 acre site is located at 6221 W. Broad Street (U.S. Route 250) on parcels 103-4-28-10 and 103-A-1. The zoning is B-2C, Business District (Conditional). **(Three Chopt)**

48

49 Mr. Wilhite - The applicant requests deferral until May 23, 2001.

50

51 Mr. Archer - Is there anyone here in opposition to deferral of this transfer? No  
52 opposition. Mr. Taylor.

53

54 Mr. Taylor - Mr. Chairman, I move deferral of the transfer of approval request for  
55 POD-14-97, Rite-Aid at Westwood Retail Center to May 23, 2001, at the request of the  
56 applicant.

57

58 Mr. Vanarsdall - Second.

59

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

62

63 At the request of the applicant, the Planning Commission deferred the transfer of approval  
64 request for POD-14-97, Rite-Aid, Westwood Retail Center, to the May 23, 2001, meeting.

65

66 Mr. Marlles - Mr. Chairman, our next item on the agenda is our Expedited Agenda  
67 item and again that will be presented by Mr. Wilhite.

68

69 Mr. Wilhite - Thank you. On page eight, we have a landscape plan and on page one of  
70 your addendum there is a revised recommendation and there is a revised plan attached.

71

72 **LANDSCAPE PLAN**

73

LP/POD-24-00  
Wawa, Inc. - Mountain  
Road and Brook Road  
(U. S. Route1)

**Jordan Consulting Engineers for Wawa, Inc.:** Request for approval of a landscape plan as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code. The 3.1 acre site is located at the intersection of Brook Road (U. S. Route 1) and Mountain Road on parcel 53-A-40. The zoning is B-3, Business District. **(Fairfield)**

74

75 Mr. Archer - Is there anyone here in opposition to LP/POD-24-00, Wawa, Inc.? No  
76 opposition. And with that, I will move approval of landscape plan LP/POD-24-00, Wawa,  
77 Inc.

78 Mr. Vanarsdall - Second.

79

80 Mr. Archer - The motion was made by Mr. Archer and seconded by Mr. Vanarsdall.

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

82

83 The Planning Commission approved the landscape plan for LP/POD-24-00, Wawa, Inc. -  
84 Mountain Road and Brook Road (U.S. Route 1), subject to the standard conditions for  
85 landscape plans and the annotations on the plan.

86

87 **PLAN OF DEVELOPMENT**

88

POD-26-01

KSB, Inc. - Saraellen Road  
(POD-38-87 Revised)

**Engineering Design Associates for Wolfgang & Helga Kühborth and KSB, 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, 21,850 square foot manufacturing addition to an existing plant and a one-story 13,279 square foot office building. The 5.874 acre site is located at 4415 Saraellen Road on parcel 172-3-F-3A. The zoning is M-1, Light Industrial District and ASO (Airport Safety Overlay) District. County water and sewer.  
**(Varina)**

89

90 Mr. Archer - Is there anyone here in opposition to POD-26-01, KSB, Inc.? No  
91 opposition. Mr. Jernigan.

92

93 Mr. Jernigan - Mr. Chairman, I move for approval of POD-26-01, KSB, Inc., subject to  
94 the annotations on the plan, the standard conditions for developments of this type, and the  
95 following additional conditions Nos. 23 through 27.

96

97 Mr. Vanarsdall - Second.

98

99 Mr. Archer - The motion was made by Mr. Jernigan and seconded by Mr. Vanarsdall.

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

101

102 The Planning Commission approved POD-26-01, KSB, Inc. - Saraellen Road (POD-38-87  
103 Revised), subject to the standard conditions for developments of this type, the annotations on  
104 the plans and the following additional conditions:

105

106 23. The developer shall provide fire hydrants as required by the Department of Public  
107 Utilities and Division of Fire.

108 24. Any necessary off-site drainage and/or water and sewer easements must be obtained in  
109 a form acceptable to the County Attorney prior to final approval of the construction  
110 plans.

111 25. Deviations from County standards for pavement, curb or curb and gutter design shall be  
112 approved by the County Engineer prior to final approval of the construction plans by



- 150 occupancy permits.
- 151 24. The developer shall provide fire hydrants as required by the Department of Public  
152 Utilities and Division of Fire.
- 153 25. Any necessary off-site drainage and/or water and sewer easements must be obtained in  
154 a form acceptable to the County Attorney prior to final approval of the construction  
155 plans.
- 156 26. Deviations from County standards for pavement, curb or curb and gutter design shall be  
157 approved by the County Engineer prior to final approval of the construction plans by  
158 the Department of Public Works.
- 159 27. Storm water retention, based on the 50-10 concept, shall be incorporated into the  
160 drainage plans.
- 161 28. Insurance Services Office (ISO) calculations must be included with the plans and  
162 approved by the Department of Public Utilities prior to the issuance of a building  
163 permit.
- 164 29. Approval of the construction plans by the Department of Public Works does not  
165 establish the curb and gutter elevations along the Henrico County maintained right-of-  
166 way. The elevations will be set by Henrico County.
- 167 30. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the  
168 Planning Office and approved prior to issuance of a certificate of occupancy for this  
169 development.

170  
171 **LANDSCAPE AND LIGHTING PLAN**  
172

LP/POD-56-00  
Staples Mill Road Baptist  
Church Addition

**Hulcher & Associates for Staples Mill Road Baptist Church:**  
Request for approval of a landscape and lighting plan as  
required by Chapter 24, Sections 24-106 and 24-106.2 of the  
Henrico County Code. The 5.63 acre site is located at 10101  
Staples Mill Road (U.S. Route 33) on the southeast corner of  
Warren Road and Staples Mill Road on parcel 40-A-22. The  
zoning is R-2, One-Family Residence District. **(Brookland)**

173  
174 Mr. Wilhite - There is a revised recommendation, revised plan and caption on the  
175 addendum for this case.

176  
177 Mr. Archer - Is there anyone here in opposition to landscape and lighting plan,  
178 LP/POD-56-00, Staples Mill Baptist Church?

179  
180 Ms. Dwyer - Even though this is on the expedited agenda, it would help, since we  
181 have all of these, about six pieces of paper to put together, if we you could just have a  
182 statement about what the revised plan includes.

183  
184 Mr. Wilhite - I'll have to refer that to the planner who is reviewing this case.

185  
186 Ms. News - The revisions basically included showing all of the existing plant  
187 material that wasn't shown previously on the plan. They also added some Willow Oak trees in

188 the parking lot and extended the shrubs that made the shrub plantings around the addition more  
189 extensive.

190

191 Ms. Dwyer - Thank you.

192

193 Mr. Vanarsdall - With that, I move LP/POD-56-00, Staples Mill Road Baptist Church, be  
194 approved. This will be the revised plan dated today. The standard conditions for landscape  
195 and lighting plans and the annotations on the plan.

196

197 Ms. Dwyer - Second.

198

199 Mr. Archer - The motion was made by Mr. Vanarsdall and seconded by Ms. Dwyer.  
200 All in favor of the motion say aye...all opposed say nay. The ayes have it, the motion carries.

201

202 The Planning Commission approved the landscape and lighting plan for LP/POD-56-00,  
203 Staples Mill Baptist Church Addition, subject to the standard conditions for landscape and  
204 lighting plans and the annotations on the revised plan dated April 25, 2001.

205

## 206 **PLAN OF DEVELOPMENT**

207

POD-28-01  
Dabney Office Warehouse - **Grattan Associates, P.C. for Brandywine Dabney, L.L.C.  
Dabney Road and Manakin Farms, 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, 18,000 square  
foot office warehouse. The 1.49-acre site is located on the  
northeast corner of Dabney Road and Tomlyn Street on part of  
parcel 104-A-32G. The zoning is M-2, General Industrial  
District. County water and sewer. **(Brookland)**

208

209 Mr. Wilhite - This is the last item on the expedited agenda. On page four of your  
210 addendum there is a revised recommendation and there is also a revised plan. Staff  
211 recommends approval.

212

213 Mr. Archer - Is there anyone in the audience in opposition to POD-28-01, Dabney  
214 Office Warehouse? No opposition. Mr. Vanarsdall.

215

216 Mr. Vanarsdall - All right. I move POD-28-01, Dabney Office Warehouse, on Dabney  
217 Road, be approved. I want to add No. 9 and No. 11 amended and then I want to make sure  
218 that the dumpster enclosure is the same as the material in the building and have an opaque  
219 door. The other thing is the County is working on a watershed and if that is finished about the  
220 same time that this project is finished, and the applicant has asked me about having to bring  
221 this back to the Commission. I want to state that it does not have to come back to the  
222 Commission because we don't approve BMP's anyway. What they are going to have is a  
223 BMP, but if the watershed comes first then they won't have to have the BMP. I talked to  
224 Harvey Hinson, Dave O'Kelly and Randy Silber and they all assured me to assure the applicant

225 that it would not come back to this Commission for any further approval. And the rest of the  
226 conditions on the case is Nos. 23 through 30. And that's it.

227

228 Ms. Dwyer - But, it will come back for landscaping and lighting approval.

229

230 Mr. Vanarsdall - Oh, yes. It will go back to Public Works for the rest of it but it will  
231 come back for landscape and lighting.

232

233 Ms. Dwyer - Second.

234

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

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

237

238 The Planning Commission approved POD-28-01, Dabney Office Warehouse - Dabney Road,  
239 subject to the standard conditions attached to these minutes for developments of this type, the  
240 annotations on the plans and the following additional conditions:

241

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

244 11. **AMENDED** - Prior to the approval of an electrical permit application and installation of the  
245 site lighting equipment, a plan including depictions of light spread and intensity diagrams,  
246 and fixture specifications and mounting height details shall be submitted for Planning  
247 Office review and Planning Commission approval.

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

253 24. The developer shall provide fire hydrants as required by the Department of Public  
254 Utilities and Division of Fire.

255 25. The certification of building permits, occupancy permits and change of occupancy  
256 permits for individual units shall be based on the number of parking spaces required for  
257 the proposed uses and the amount of parking available according to approved plans.

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

261 27. The loading areas shall be subject to the requirements of Chapter 24, Section 24-97(b)  
262 of the Henrico County Code.

263 28. Storm water retention, based on the 50-10 concept, shall be incorporated into the  
264 drainage plans.

265 29. Insurance Services Office (ISO) calculations must be included with the plans and  
266 approved by the Department of Public Utilities prior to the issuance of a building  
267 permit.

268 30. Approval of the construction plans by the Department of Public Works does not  
269 establish the curb and gutter elevations along the Henrico County maintained right-of-

270 way. The elevations will be set by Henrico County.  
271  
272 Mr. Vanarsdall - I'm sorry, I didn't pick up the conditions on the addendum. Also added  
273 conditions Nos. 31, 32 and 33.  
274  
275 Mr. Archer - I'm sorry, I didn't either, Mr. Vanarsdall.  
276  
277 Ms. Dwyer - I'll second the revised motion, Mr. Chairman.  
278  
279 Mr. Archer - Okay. The revised motion was made by Mr. Vanarsdall and seconded  
280 by Ms. Dwyer. All in favor say aye...all opposed say nay. The motion carries.  
281  
282 Mr. Vanarsdall - Wait a minute. Before you go on, let me figure out what I'm doing  
283 here, Mr. Chairman. I'm sorry those conditions I just stated on the addendum were for  
284 another case.  
285  
286 Ms. Dwyer - Well, we will just nix that revised motion.  
287  
288 Mr. Archer - Okay. We will just ignore the revised motion.  
289  
290 Mr. Vanarsdall - Thank you. Sorry about that. I'm going to have to get here at six  
291 o'clock to do the paper work.  
292  
293 Ms. Dwyer - I would just like to make a statement about this, Mr. Secretary. It would  
294 be, particularly on the expedited agenda, when we have additional documents on the  
295 addendum, that we haven't seen until we arrive in the morning, it would be real helpful, to me  
296 as a staff person, if a staff person would just stand up, as Ms. News did earlier, and just  
297 summarize what the changes are. So, that we can get that firmly in our minds before we make  
298 the motion.  
299  
300 Mr. Marlles - Ms. Dwyer, I don't think that would be a problem doing that at all.  
301  
302 Ms. Dwyer - Do the rest of the Commission agree with that? I think that would be  
303 helpful.  
304  
305 Mr. Archer - I agree.  
306  
307 Mr. Vanarsdall - Yes, that would be all right.  
308  
309 Ms. Dwyer - Thank you.  
310  
311 Mr. Wilhite - Mr. Chairman, that's all of the items that we have on the expedited  
312 agenda.  
313 Mr. Marlles - Mr. Chairman, the next item on the agenda are the extensions of  
314 conditional approvals for subdivisions. This information is being presented for informational

315 purposes only. I would ask Mr. Wilhite to just briefly summarize those requests.

316

317 **SUBDIVISION EXTENSIONS OF CONDITIONAL APPROVAL**

318 **(FOR INFORMATIONAL PURPOSE ONLY)**

319

<b>Subdivision</b>	<b>Magisterial District</b>	<b>Original No. of Lots</b>	<b>Remaining Lots</b>	<b>Previous Extensions</b>	<b>Year(s) Extended</b>
<b>Hunters Run (April 1999 Plan)</b>	<b>Varina</b>	<b>52</b>	<b>30</b>	<b>1</b>	<b>1 Year 04/24/02</b>
<b>Hunton Park (A Ded. of Hunton Parkway) (March 1997 Plan)</b>	<b>Brookland</b>	<b>0</b>	<b>0</b>	<b>3</b>	<b>1 Year 04/24/02</b>
<b>Sadler Glen (April 2000 Plan)</b>	<b>Three Chopt</b>	<b>59</b>	<b>29</b>	<b>0</b>	<b>1 Year 04/24/02</b>
<b>Turkey Island Bluffs (April 2000 Plan)</b>	<b>Varina</b>	<b>32</b>	<b>11</b>	<b>0</b>	<b>1 Year 04/24/02</b>
<b>White Oak Forest (April 1999 Plan)</b>	<b>Varina</b>	<b>61</b>	<b>9</b>	<b>1</b>	<b>1 Year 04/24/02</b>

320

321

322 Mr. Wilhite - We have five subdivisions eligible for administrative extension for one  
323 year. I'll be happy to answer any questions you may have on these subdivisions.

324

325 Mr. Archer - Are there any questions for Mr. Wilhite? I don't believe there are any,  
326 Mr. Wilhite.

327

328 Mr. Marlles - Okay. Mr. Chairman, do you want me to call the first case?

329

330 Mr. Archer - I suppose that we are getting to that point. Go right ahead.

331

332 **TRANSFER OF APPROVAL**

333

POD-95-74 Elegant Hair & Nail Salon (Formerly Pizza Hut) 5210 Chamberlayne Road	<b>Paresh D. Patel:</b> Request for approval of a transfer of approval, as required by Chapter 24, Section 24-106 of the Henrico County Code, from Pizza Hut of America, Inc. to Paresh Patel. The 0.45 acre site is located on the west line of Chamberlayne Road (U.S. Route 301), approximately 200 feet north of Azalea Avenue on parcel 95-A-23. The zoning is B-3, Business District. County water and sewer <b>(Fairfield)</b>
--	---

334

335 Mr. Archer - Good morning, Mr. McGarry.

336

337 Mr. McGarry - Good morning, Mr. Chairman, members of the Commission. The one  
338 minor discrepancy, or repair needed, on this project is one of our favorites, dumpster door

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339 screening. The gate has been repaired so staff is now in the position to recommend approval  
340 of the transfer.

341

342 Mr. Archer - What was the condition of the door, Mr. McGarry?

343

344 Mr. McGarry - One of the gates on the dumpster enclosure needed repair. And it has  
345 been repaired and functioning properly.

346

347 Mr. Archer - Is there anyone here in opposition? There is no opposition. With that, I  
348 will move approval of this transfer of approval POD-95-74, Elegant Hair & Nail Salon.

349

350 Mr. Vanarsdall - Second.

351

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

354

355 The Planning Commission approved the transfer of approval request for POD-95-74, Elegant  
356 Hair, Nail Salon (Formerly Pizza Hut), subject to the standard conditions and additional  
357 conditions accepted by the previous owner.

358

359 **TRANSFER OF APPROVAL**

360

POD-54-87

Interport II (Central Virginia  
Food Bank) - 4444 Sarellen  
Road

**W. E. Singleton for Crenshaw Singleton Properties:** Request  
for approval of a transfer of approval, as required by Chapter  
24, Section 24-106 of the Henrico County Code, from Central  
Virginia Food Bank, Inc. to Crenshaw Singleton Properties.  
The 2.18-acre site is located on the north side of Sarellen Road  
east of Glen Alden Drive on parcel 172-3-F-3B. The zoning is  
M-1, Light Industrial District and ASO (Airport Safety  
Overlay) District. **(Varina)**

361

362 Mr. Archer - Is there anyone here in opposition to this transfer? No opposition. Mr.  
363 Kennedy.

364

365 Mr. Kennedy - Good morning, ladies and gentlemen of the Commission. The new  
366 owner has agreed to be responsible for continued compliance with the conditions of the  
367 original approval. There were two minor discrepancies one being a pave and patching in front  
368 of the dumpster and the other one being an additional dumpster that wasn't screened.  
369 Actually, the additional dumpster was being used to vacate the premises for the new tenant.  
370 So, the owner agreed to address those concerns, minor discrepancies, and the staff is prepared  
371 to recommend approval at this time.

372

373 Mr. Archer - All right. Are there any questions for Mr. Kennedy? No questions.

374 Mr. Jernigan.

375

376 Mr. Jernigan - Mr. Chairman, I move for approval of POD-54-87 transfer of approval  
377 from Central Virginia Food Bank to Crenshaw Singleton Properties.

378

379 Mr. Vanarsdall - Second.

380

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

383

384 The Planning Commission approved the transfer of approval for POD-54-87, Interport II  
385 (Central Virginia Food Bank) subject to the standard conditions and additional conditions  
386 accepted by the previous owner.

387

388 **TRANSFER OF APPROVAL**

389

POD-54-90  
Oakley's Center Phase I - **Hirschler, Fleischer, Weinberg, Cox & Allen for C & G, LLC:** Request for approval of a transfer of approval, as  
4200 Oakley's Court required by Chapter 24, Section 24-106 of the Henrico County Code, from Oakley's Center Associates to C & G, LLC. The  
8.5-acre site is located on the south line of Oakley's Court east  
of Oakley's Lane on parcel 154-3-B-1. The zoning is M-1C,  
Light Industrial District (Conditional) and ASO (Airport Safety  
Overlay) District. **(Varina)**

390

391 Mr. Archer - Is there anyone here in opposition to this transfer? No opposition. Mr.  
392 Kennedy.

393

394 Mr. Kennedy - The new owner agrees to accept the responsibility for compliance with  
395 the conditions of the original approval. There was a minor discrepancy. They actually  
396 installed, as a part of their reuse of the new building, it's an electrical power manufacturing  
397 company. They put some load equipment in behind the building and they were under the  
398 mistaken impression that they didn't need any approval. They don't require any building  
399 inspection approval because it is actually progress equipment. They don't require building  
400 permits for progress equipment, but they do require revised site plans. They have agreed to  
401 apply for that. They submitted an application for that purpose. With that, based on the new  
402 approval for administrative amendment, we can recommend approval of the transfer.

403

404 Mr. Archer - All right. Are there any questions for Mr. Kennedy by the Commission?  
405 All right. Mr. Jernigan.

406

407 Mr. Jernigan - Mr. Chairman, I move for approval of POD-54-90, Oakley's Center  
408 Phase I, transfer of approval from Oakley's Center Associates to C & G, Limited Liability  
409 Corporation.

410

411 Mr. Vanarsdall - Second.

412

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

415

416 The Planning Commission approved the transfer of approval for POD-54-90, Oakley's Center  
417 Phase I, subject to the standard conditions and additional conditions accepted by the previous  
418 owner.

419

## 420 **LANDSCAPE PLAN**

421

LP/POD-22-99  
Four Mile Creek  
Commercial Center -  
Convenience Store

**Balzer & Associates for Essex Properties of VA, Inc.:**  
Request for approval of a landscape plan as required by  
Chapter 24, Sections 24-106 and 24-106.2 of the County Code.  
The 3.21-acre site is located along the south line of New  
Market Road (State Route 5), 1,600 feet east of its intersection  
with I-295 on parcel 249-A-51B and part of 249-A-51. The  
zoning is B-3C, Business District (Conditional) and ASO,  
Airport Safety Overlay District. **(Varina)**

422

423 Mr. Archer - Good morning, Ms. News. Is there anyone here in opposition to  
424 landscape plan LP/POD-22-99, Four Mile Creek? No opposition.

425

426 Ms. News - Good morning, Mr. Chairman. The revised landscape plan that has just  
427 been distributed addresses all staff's recommendations. As agreed to, during the POD  
428 approval, the applicant will be fully landscaping the entire 60-foot proffered buffer along Route  
429 5. Staff feels the proposed landscaping along Route 5 is generous and will be quite attractive.  
430 In addition, the plans indicate that the site and the buffer would be sodded and irrigated. Staff  
431 and the applicant have been discussing this project closely with the Varina Beautification  
432 Committee. The applicant has agreed to add additional Crape Myrtles in the median near the  
433 entrance to Route 5 and along the edge of the convenience store at their request. The  
434 annotations on the plan reflect those requests as well as the applicant will be adding one more  
435 Crape Myrtle and staff will annotate the plan to include that Crape Myrtle in the area of the gas  
436 pump between the road and the convenience store. Staff therefore recommends approval of  
437 this plan and I'll be happy to answer any questions.

438

439 Mr. Archer - Thank you, Ms. News. Are there any questions of Ms. News by  
440 Commission members? All right, Mr. Jernigan.

441

442 Mr. Jernigan - Mr. Chairman, I move for approval of landscape plan LP/POD-22-99,  
443 Four Mile Creek Commercial Center, with the standard conditions for landscape plans plus the  
444 addition of the annotations of the Crape Myrtles going in.

445

446 Mr. Vanarsdall - Second.

447

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

450

451 The Planning Commission approved the landscape plan for LP/POD-22-99, Four Mile Creek  
452 Commercial Center, subject to the standard conditions attached to these minutes for landscape  
453 plans and the annotations on the plan.

454

455 **LANDSCAPE & LIGHTING PLAN**

456

LP/POD-52-00

Walgreens - N. Parham &  
Three Chopt Roads

**Balzer & Associates for G.H.K. Developments Inc.:** Request for approval of a landscape and lighting plan as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code. The 5.84-acre site is located on the southwest corner of the intersection of Three Chopt Road and N. Parham Road on parcels 79-A-36 and part of 79-A-39 and 79-A-38A. The zoning is B-2C, Business District (Conditional) and O-2C, Office District (Conditional). **(Tuckahoe)**

457

458 Mr. Archer - Is there anyone here in opposition to landscape and lighting plan  
459 LP/POD-52-00, Walgreens? No opposition. Ms. News.

460

461 Ms. News - Mr. Chairman. The revised landscape plan just distributed addresses to  
462 you addresses most of staff's recommendations. Just prior to this meeting, the applicant  
463 agreed to make additional revisions to the plan, which includes eliminating the Leyland  
464 Cypress along Three Chopt Road and adding some Foster Holly of eight-foot height, Cheno  
465 Cherries and Washington Hawthornes. The placement of these plants will be per discussions  
466 with myself, Ms. Dwyer and the applicant's landscape architect this morning. In addition, the  
467 applicant has provided a revised photo-metric plan. This plan indicates the relocation of one  
468 light pole out of a landscape island. There are also two wall packs on the plan, which will be  
469 completely shielded and the applicant will be removing flood lights which were previously  
470 shown to be mounted on the poles in the parking lot. Staff can recommend approval of this  
471 revised plan with the annotations that the staff will make, per our discussion this morning.

472

473 Mr. Archer - Thank you, Ms. News. Are there any questions of Ms. News by  
474 Commission members?

475

476 Ms. Dwyer - Ms. News, do we need to waive the time limits this morning?

477

478 Ms. News - Yes, we do.

479

480 Mr. Taylor - Mr. Chairman, I don't have a question but I would like to ask if there is  
481 an elevation drawing of this landscape plan.

482

483 Ms. News - No, they did not prepare one.

484

485 Mr. Taylor - Thank you. That's all.

486

487 Mr. Archer - All right, Ms. Dwyer.  
488  
489 Ms. Dwyer - I would like to make a motion that the Commission waive its time limit  
490 for the landscape and lighting plan submitted in this case, LP/POD-52-00.  
491  
492 Mr. Vanarsdall - Second.  
493  
494 Mr. Archer - The motion was made by Ms. Dwyer and seconded by Mr. Vanarsdall.  
495 All in favor say aye...all oppose say nay. The motion carries.  
496  
497 The Planning Commission approved to waive the time limits for LP/POD-52-00, Walgreens.  
498  
499 Ms. Dwyer - The lighting plan, Ms. News, eliminates floodlights and requires full  
500 screening of the wall packs.  
501  
502 Ms. News - Yes. I've made those annotations on that plan.  
503  
504 Ms. Dwyer - For the Commission's benefit, we met this morning and all we did was  
505 discuss certain plant materials that will be used along Three Chopt Road and eliminated some  
506 of the Leyland Cypress, and just use some different plant materials along there. So, I don't  
507 think that there were any significant changes. I'll go ahead and make the motion that the  
508 Commission approved the landscape and lighting plan for LP/POD-52-00, in accordance with  
509 the revised plan dated today (April 25, 2001) and also subject to the verbal communications  
510 among the applicant, the staff and myself relating to certain plant materials, subject also to the  
511 standard conditions for landscape and lighting plans.  
512  
513 Mr. Taylor - Second.  
514  
515 Mr. Archer - The motion was made by Ms. Dwyer and seconded by Mr. Taylor. All  
516 in favor say aye...all opposed say nay. The motion passes.  
517  
518 The Planning Commission approved the landscape and lighting plan for LP/POD-52-00,  
519 Walgreens, subject to the standard conditions attached to these minutes for landscape plans and  
520 the annotations on the plan.

521 **SUBDIVISION**

522

Sadler Grove  
(April 2001 Plan)

**Youngblood, Tyler & Associates, P.C. for Queen Esther Bush, Lillie B. Morton Estate, T-N Corporation of Virginia, Donna F. Tyler, et. als. and Sadler Grove, L.L.C.:** The 26.64 acre site is located at the intersection of Sadler Road and Wonder Lane (private) on parcels 27-A-34 and 35, 37-A-14, 17 and 18. The zoning is R-3C, One-Family Residence District (Conditional) and C-1, Conservation District. County water and sewer. **(Three Chopt) 56 Lots**

523

524 Mr. Archer -  
525 Mr. Wilhite.

Is there anyone here in opposition to this subdivision, Sadler Grove?

526

527 Mr. Wilhite -

Mr. Chairman, since the agenda was prepared, we have received a request for a transitional buffer deviation from the applicant. This would apply to lots 1 through 5 that abuts the C-1 portion of the property. Staff is recommending that the deviation be granted instead of the 35 feet that is required by Code. The staff is recommending that there would be a 30-foot area between the back of the lots where the existing vegetation already there would be saved. There will be no additional planting required. This would allow for buildable areas for these lots plus attached decks. The applicant is in agreement with the staff's recommendation on this transitional buffer request. Staff is recommending approval of this subdivision with additional conditions Nos. 12 through 21 that appear on your agenda.

536

537 Mr. Archer -  
538 Commission members?  
539 ready?

Thank you, Mr. Wilhite. Are there any questions of Mr. Wilhite by Mr. Taylor, would you like to hear from the applicant or are you

540

541 Mr. Taylor -

Would the applicant like to speak?

542

543 Mr. Webb Tyler -

No, sir.

544

545 Mr. Taylor -

All right. Mr. Chairman, I'm satisfied with the way we've got this. We looked at this project. We worked hard with relationship to the neighbors, mostly with Ms. Christina King who was concerned, and really the only adjacent neighbor. I was impressed by what the developer has been able to accomplish to satisfy her that this would occur with no deleterious effects to her property. So, I would like to move approval of Sadler Grove subject to the standard conditions for developments of this type, additional conditions Nos. 12 through 21, the annotations on the plan and today's described buffer modification to 30 feet.

552

553 Mr. Marlles -  
554 motion.

Mr. Taylor, I would suggest that we do the buffer deviation as a separate

555

556 Mr. Taylor -

All right, then I'll....

557

558 Mr. Vanarsdall - I'll second the first part of the motion.

559

560 Mr. Archer - The motion was made by Mr. Taylor and seconded by Mr. Vanarsdall.

561 All in favor of the motion say aye...all opposed say nay. The motion carries.

562

563 The Planning Commission granted conditional approval of subdivision Sadler Grove (April  
564 2001 Plan) subject to the standard conditions attached to these minutes for subdivisions served  
565 by public utilities, the annotations on the plan and the following additional conditions:

566

567 12. Each lot shall contain at least 11,000 square feet exclusive of floodplain areas.

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

571 14. The detailed plant list and specifications for the landscaping to be provided within the 20-  
572 foot-wide buffer along Sadler Grove Road shall be submitted to the Planning Office for  
573 review and approval prior to recordation of the plat.

574 15. A County standard sidewalk shall be constructed along the north and south sides of Sadler  
575 Grove Road.

576 16. The proffers approved as part of zoning cases C-2C-01 and C-77C-99 shall be  
577 incorporated in this approval.

578 17. Prior to final approval, a draft of the covenants and deed restrictions for the maintenance  
579 of the common area by a homeowners association shall be submitted to the Planning  
580 Office for review. Such covenants and restrictions shall be in form and substance  
581 satisfactory to the County Attorney and shall be recorded prior to recordation of the  
582 subdivision plat.

583 18. A maximum of 50 lots shall be recorded in this subdivision prior to the construction of  
584 a second point of access.

585 19. The developer shall provide signage, the wording and location as deemed appropriate  
586 by the Director of Public Works, which addresses the possible future extension of any  
587 stub street.

588 20. Prior to final subdivision approval, the applicant shall provide evidence satisfactory to  
589 the County Attorney of its legal right to construct a public road over top of Wonder  
590 Road (private).

591 21. The applicant shall quitclaim his interest in Wonder Road and any other private access  
592 roads or easements within the bounds of this development prior to recordation of the  
593 subdivision plat.

594

595 Mr. Archer - Now the buffer deviation.

596

597 Mr. Taylor - Well, I guess I will have to waive the time limits.

598

599 Mr. Wilhite - That will not be necessary.

600

601 Mr. Taylor - Second, Mr. Chairman, I'll move approval of the buffer deviation to 30  
602 feet in the tree-save area.

603 Mr. Vanarsdall - Second.

604

605 Mr. Archer - The motion was made by Mr. Taylor and seconded by Mr. Vanarsdall.

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

607

608 The Planning Commission approved the transitional buffer deviation for Sadler Grove (April  
609 2001 Plan).

610

611 **SUBDIVISION (Deferred from the March 28, 2001, Meeting)**

612

Stoney Run Estates  
(February 2001 Plan)

**Engineering Design Associates for Barbara Bannister Estate and Glenwood Investments, LLC:** The 15.03 acre site is located at 3111 Creighton Road, approximately 1,450 feet south of Featherwood Way on part of parcel 140-A-45. The zoning is R-3AC, One-Family Residence District (Conditional) and ASO, Airport Safety Overly District. County water and sewer. **(Varina) 44 Lots**

613

614 Mr. Archer - Is there opposition to Stoney Run Estates? No opposition. Mr.  
615 McGarry.

616

617 Mr. McGarry - The developer originally purchased only a portion of the parcel that was  
618 rezoned in 1999 and has closed on it. He is providing the right-of-way on his portion and does  
619 meet all of the requirements of the proffers. Staff had the concern that the residue parcel was  
620 going to be difficult to develop. Staff understands that the seller of the original parcel will  
621 submit for revised proffers to allow proper use of his remaining portion for at least a single-  
622 family dwelling. And with that understanding, staff can now recommend approval of this  
623 subdivision subject to the standard conditions plus additional conditions Nos. 12 through 15.  
624 I'll be happy to answer any questions.

625

626 Mr. Archer - Mr. McGarry, on the cover page of the staff report, there's something  
627 on here that looks like a race track. Is that what that is?

628

629 Mr. McGarry - A race track?

630

631 Mr. Archer - Kind of northeast of the property. There's a circular drawing there and I  
632 can't figure out what it is.

633

634 Mr. McGarry Glenwood Golf Course was originally....

635

636 Mr. Archer - No. No. No. On the other side. It's in the A-1 piece.

637

638 Mr. McGarry - It's zoned A-1. I don't recall what that is unless someone has a private  
639 track for a horse.

640

641 Mr. Archer - Do you know what this is, Mr. Jernigan?  
642  
643 Mr. Jernigan - I walked up on their property but I didn't see anything back there. There  
644 is no race track. When I walked up there I didn't see anything.  
645  
646 Mr. Archer - Okay. I was just curious.  
647  
648 Mr. McGarry - Mr. Archer, if that was a horse exercise area that would create some  
649 problems for the neighborhood development because of the separation requirement for it.  
650  
651 Mr. Archer - Okay. Are there any other questions of Mr. McGarry? Hearing none,  
652 Mr. Jernigan.  
653  
654 Mr. Jernigan - Mr. Conlin, would you come up please. I want to clear up a couple of  
655 things here.  
656  
657 Mr. Conlin - I'm Andy Conlin from Williams Mullen on behalf of the developer for  
658 Stoney Run Estates.  
659  
660 Mr. Jernigan - The reason I asked Mr. Conlin... this Stoney Run Estates has been under  
661 a lot of controversy and the deal was finished off this morning. So, I wanted it entered into the  
662 record that you had talked to both Mr. Luke Bannister, Sr. and Martin Bannister. That you  
663 have come to an amenable agreement.  
664  
665 Mr. Conlin - That's correct.  
666  
667 Mr. Jernigan - They have given me permission to go ahead and grant an approval.  
668 They are the additional land owners.  
669  
670 Mr. Conlin - That is correct.  
671  
672 Mr. Jernigan - And that you are going to work closely with them to take care of the  
673 additional proffers.  
674  
675 Mr. Conlin - Yes, sir.  
676  
677 Mr. Jernigan - And on the lot that faces Creighton Road, that we will work to have that,  
678 if things don't work out that they can have access from Creighton.  
679  
680 Mr. Conlin - To amend the proffers to allow for that access. Yes, sir.  
681  
682 Mr. Jernigan - Okay. All right. I just want that entered into the record. Mr.  
683 Chairman, I move for approval of Stoney Run Estates Subdivision with the standard conditions  
684 for subdivisions served by public utilities, and added conditions Nos. 12 through 15 and  
685 consent of Luke Bannister, Sr. and Martin Bannister to move ahead with this.

686 Mr. Taylor - Second.

687

688 Mr. Archer - The motion was made by Mr. Jernigan and seconded by Mr. Taylor. All  
689 in favor say aye...all opposed say nay. The motion carries.

690

691 The Planning Commission granted conditional approval to subdivision Stoney Run Estates  
692 (February 2001 Plan) subject to the standard conditions attached to these minutes for  
693 subdivisions served by public utilities, the annotations on the plan and the following additional  
694 conditions:

695

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

699 13. The detailed plant list and specifications for the landscaping to be provided within the 25-  
700 foot-wide planting strip easement along Creighton Road and Concept Road 140-1 shall be  
701 submitted to the Planning Office for review and approval prior to recordation of the plat.

702 14. Each lot shall contain at least 9,500 square feet, exclusive of floodplain areas.

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

708

#### 709 **PLAN OF DEVELOPMENT & MASTER PLAN**

710

POD-31-01

Trigon - Blue Cross and  
Blue Shield - Phase 1 and  
Master Plan - Staples Mill  
Road & W. Broad Street  
(POD-168-85 Revised)

**Draper Aden Associates for Trigon:** Request for approval of a revised plan of development and master plan, as required by Chapter 24, Section 24-106 of the Henrico County Code to construct phase one parking and a three-level parking deck, a future 308,000 square foot, four-story office building, and remodeling of the existing 265,000 square foot, four-story office building and northern parking area. The total building area is 573,000 square feet. The 27.18 acre site is located at 2015 Staples Mill Road on parcels 115-A-27, 28 and 29 and N-2003-20 (City of Richmond). The zoning is B-3, Business District and B-3C, Business District (Conditional). County water and sewer. **(Brookland)**

711

712 Mr. Archer - Is there opposition to this development, POD-31-01, Trigon - Blue Cross  
713 and Blue Shield? No opposition. Mr. Strauss.

714

715 Mr. Strauss - Good morning, Mr. Chairman. The applicant requests Planning  
716 Commission approval for a master plan for phase one for this project, which consist of 27  
717 acres at the intersection of Staples Mill Road and W. Broad Street. There is a revised site plan  
718 in your package this morning with the addendum. It does include a phasing plan. The project

719 includes the existing Trigon office building which is located at the northern end of this site on  
720 Thalboro Street and Staples Mill Road. The applicant has acquired additional land which  
721 includes the now vacant Lawrence Chrysler Plymouth, which is at the southern end of this site  
722 on W. Broad Street. The applicant proposes construction in a phased manor, which is why we  
723 are considering a master plan this morning. The most critical part of the project is the new  
724 surface parking which is needed prior to construction of the parking deck. This is because  
725 there are currently employees that will need to have a place to park during the latter  
726 construction phases for this project.

727

728 Phase 1 consists of new surface parking on the now vacant Lawrence Chrysler site on W.  
729 Broad Street. Phase 1B, consist of an 857 space parking structure. This is the parking deck  
730 proposed to be located on the eastern half of the site on Maywill Street. The Phase 2 will  
731 consist of a new 308,000 square foot, four-story building located at the center of this site.  
732 This is the building that is referred to as HQ-2 on your plan.

733

734 The applicant's architect has prepared design development drawings and he has done quite an  
735 impressive amount of work at this stage. He is here today with drawings and exhibits, if the  
736 Commission would like to look at them. The staff has reviewed this proposal which will be  
737 approved administratively at a future date with future sections of the project.

738

739 The final phase, phase 3, would consist of minor parking area renovations and renovations to  
740 the existing office building at the northern end of the site.

741

742 Staff has reviewed this application and can recommend approval of this much needed surface  
743 parking of Phase 1A. Staff recommends deferral of the master plan and the future phases to  
744 our next Planning Commission meeting in order to afford the opportunity for the Public Works  
745 Division and the Traffic Engineer to complete its review of the traffic study, which was  
746 recently submitted.

747

748 Since the additional information with respect to the site plan and storm drainage design and  
749 phasing was submitted this week, a waiver of the time limits would be the first order of  
750 business as the Commission considers approval of this application. Approval of Phase 1A  
751 would be the next item for approval, and then deferral of the master plan is recommended by  
752 the staff to the Commission for our meeting in May.

753

754 With that, I'll be glad to any questions you may have. Of course, the architect and civil  
755 engineer are also here this morning to assist us in that. Thank you.

756

757 Mr. Archer - Thank you, Mr. Strauss, are there any questions for Mr. Strauss by the  
758 Commission?

759

760 Mr. Vanarsdall - In other words, what we are doing is just taking care of the first part of  
761 this and then the rest will follow as the gentleman explained.

762

763 Mr. Strauss - Yes, sir.

764

765 Mr. Vanarsdall - If there are no questions, I'm ready for a motion.

766

767 Mr. Archer - All right, Mr. Vanarsdall.

768

769 Mr. Vanarsdall - First of all, on the addendum are the conditions. But I want to say up  
770 front that this is a good example, perfect example, of reconstruction and having something  
771 done in an older area. And this is something that we have been saying for a long time that we  
772 need to do. And I'm very happy that Trigon - Blue Cross & Blue Shield has decided to put  
773 their headquarters there. And if any of you have not passed there, they have completely  
774 demolished the old Lawrence Chrysler Plymouth and they are going to have a pretty entrance  
775 out on Broad as well as Staples Mill. It will really make a difference on that corner. Several  
776 other businesses tried to get that corner for a long time, and they couldn't purchase the radio  
777 part of it, the radio tower and the station that was there. Blue Cross/Blue Shield tried for a  
778 number of years to get that and they were successful in getting it. So, with that said, we look  
779 forward to working with them and with you Jim on it and with that, I move that POD-31-01,  
780 Trigon Blue Cross/Blue Shield, the first phase of it, be approved with the annotations on the  
781 plan for developments of this type, and the following additional conditions, which would be  
782 No. 9 amended and Nos. 23 through 33.

783

784 Mr. Strauss - There is a waiver of the time limit with the information I received this  
785 week.

786

787 Mr. Vanarsdall - Do you want to take that motion first and then waive the time limit?

788

789 Mr. Taylor - I'll second that motion and then we can take the time limit.

790

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

793

794 The Planning Commission approved POD-31-01, Trigon - Blue Cross & Blue Shield, Phase 1  
795 (POD-168-85 Revised), subject to the standard conditions attached to these minutes for  
796 developments of this type, the annotations on the plan and the following additional conditions:

797

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

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

806 24. The developer shall provide fire hydrants as required by the Department of Public  
807 Utilities and Division of Fire.

808 25. Any necessary off-site drainage and/or water and sewer easements must be obtained in

809 a form acceptable to the County Attorney prior to final approval of the construction  
810 plans.  
811 26. Deviations from County standards for pavement, curb or curb and gutter design shall be  
812 approved by the County Engineer prior to final approval of the construction plans by  
813 the Department of Public Works.  
814 27. Storm water retention, based on the 50-10 concept, shall be incorporated into the  
815 drainage plans.  
816 28. Insurance Services Office (ISO) calculations must be included with the plans and  
817 approved by the Department of Public Utilities prior to the issuance of a building  
818 permit.  
819 29. Approval of the construction plans by the Department of Public Works does not  
820 establish the curb and gutter elevations along the Henrico County maintained right-of-  
821 way. The elevations will be set by Henrico County.  
822 30. Approval of the construction plans by the Department of Public Works does not  
823 establish the curb and gutter elevations along the Virginia Department of Transportation  
824 maintained right-of-way. The elevations will be set by the contractor and approved by  
825 the Virginia Department of Transportation.  
826 31. A notice of completion form, certifying that the requirements of the Virginia  
827 Department of Transportation entrances permit have been completed, shall be submitted  
828 to the Planning Office prior to any occupancy permits being issued.  
829 32. The applicant shall provide evidence that all approvals required by the City of  
830 Richmond have been obtained, prior to approval of the final construction plans.  
831 33. Loading doors shall remain closed at all times except while loading or unloading.  
832  
833 Mr. Vanarsdall - Now, I will move to waive the time limit on POD-31-01, on the plan  
834 dated today, April 25, 2001.  
835  
836 Mr. Taylor - Second.  
837  
838 Mr. Archer - All right. The motion was made by Mr. Vanarsdall and seconded by  
839 Mr. Taylor. All in favor say aye...all opposed say nay. The time limit is waived.  
840

841 **PLAN OF DEVELOPMENT AND ALTERNATIVE FENCE HEIGHT**

842

POD-23-01  
Northside Recreation Hall -  
Meadowbridge Road

**Charles H. Fleet & Associates for M. L. Pinchback:** Request for approval of a plan of development and alternative fence height, as required by Chapter 24, Section 24-106 and 24-95(l)(5)b of the Henrico County Code to convert an existing retail building to a catering hall and construct a 308 square foot bathroom addition and a parking lot. A six-foot high fence would be located within the required front yard along Meadowbridge Road. The 0.4869 acre site is located at 3708 Meadowbridge Road at Savannah Avenue on parcel 117-6-A-23. The zoning is B-3, Business District. County water and sewer. **(Fairfield)**

843

844 Mr. Archer - Is there anyone here in opposition to POD-23-01, Northside Recreation  
845 Hall? We do have opposition. Mr. Kennedy.

846

847 Mr. Kennedy - Ladies and gentlemen of the Commission, staff requested a revised floor  
848 plan for the development, and we haven't received that from the applicant at this time.  
849 Primarily, staff is concerned about the seating arrangements and the occupancy load of the  
850 building. The building was previously used as a dry cleaning establishment. It's  
851 approximately 2,700 square feet. It's being converted to a catering establishment, with a dance  
852 floor, a stage, and a warming kitchen. The approximate seating capacity would be for 125  
853 people. Without tables and chairs it would have an occupancy load of approximately 200  
854 people. That is a concern to us because of the number of parking spaces is limited on this site.  
855 There are only 28 parking spaces and that's one of our concerns. There were significant  
856 concerns expressed by the Police Department during the review of the public safety issues.  
857 There are significant annotations that are on the plans that the applicant has agreed to. I can go  
858 over them briefly with you but there are a couple annotations that the Police wish to put on but  
859 the applicant was not prepared to agree to it at the time when we went forward with this plan.  
860 They agreed to enclose the parking lot with a security fence. Provide adequate security  
861 lighting to maintain on-site managerial functions. To provide a security plan. To provide  
862 uniformed license security or off duty police for events extending beyond 12 midnight or if  
863 occupancy will exceed 125 person. They have agreed to relocate the main entrance to face the  
864 parking area to secure secondary entrances to limit access to the building. To provide valet  
865 parking for off-site when it exceeds 125 persons. To not have exterior pay phones and  
866 basically have the event manager responsible for this site and only to have ABC license when  
867 ever they have alcohol being served on the premises. This area is located on a parcel of  
868 property, which is bordered by the City of Richmond. We have had some interest shown by  
869 residents not only by the County but also of the City. Staff has met with the neighborhood  
870 civic association of Providence Park Civic Association. They will express concerns about  
871 public safety. This area is going through transition. If you look at the location plan, what you  
872 have basically to the east of the property is a single-family residential district with a lot of  
873 small single-family homes with older persons, in an older neighborhood. To the west, what  
874 you have is some low-income apartments and assisted apartments. There have been security

875 problems that have risen in that area. The residents that we have spoken to have expressed  
876 concerns, so has the Police, not about the fact that Mr. Pinchback would be operating a bad  
877 business, it's just that it may attract people just because it's party crashers. And their concern  
878 is of public safety to make sure that it's safe for both the residents and for the patrons. Some  
879 of these concerns are addressed by the annotations on the plans. However, even if they have  
880 100 people, they are going to need 50 parking spaces. Twenty-eight cars would be in the  
881 parking lots, and 22 cars would be on the surrounding streets. So, there would be significant  
882 impact, parking that could not be observed easily by the managers. The Police requested, as  
883 an additional annotation, that there be video surveillance of the parking lot and the surrounding  
884 streets. This is a request that's been made on various occasions. It's a pretty standard request  
885 whenever people ask for extended hours under provisional use permits. Staff has requested,  
886 previously, with movie theatres and some other types of uses. But Mr. Pinchback has not  
887 agreed to that at this time. He has indicated that he's making significant improvements to the  
888 building, paving, parking, fencing, landscaping and at this time he doesn't feel that it is  
889 appropriate. At this time, I think we would like to give Mr. Pinchback a chance to make his  
890 presentation. And, of course, there is opposition from the neighborhood as well.

891

892 Mr. Archer - Could you briefly mention something about the fence, Mr. Kennedy?

893

894 Mr. Kennedy - Yes. He has agreed to fence the property in the rear of the building,  
895 around the back and along the alley with a six-foot-high fence. The fence would extend into  
896 the front yard in front of the building and that's why they will need the alternate fence height  
897 exception.

898

899 Mr. Archer - Okay. Thank you, sir. Are there any questions of Mr. Kennedy by  
900 Commission members?

901

902 Mr. Kennedy - I do have an aerial photo if the Commission is interested in seeing that,  
903 of the overall site, if that would help.

904

905 Mr. Archer - Would anybody like to see that?

906

907 Ms. Dwyer - Sure.

908

909 Mr. Kennedy - Just for your information, the subject property is right here (referring to  
910 rendering on the screen).

911

912 Mr. Archer - All right. Are there any questions by the Commission?

913

914 Mr. Taylor - No, sir.

915

916 Mr. Archer - Is the applicant here?

917

918 Mr. Pinchback - Yes, sir.

919

920 Mr. Archer - Good morning, sir. Would you state your name for the record please?  
921

922 Mr. Pinchback - M. L. Pinchback.  
923

924 Mr. Archer - Okay. Any statement you would like to make about your proposed  
925 POD?  
926

927 Mr. Pinchback - Mr. Chairman, I was really, was definitely unprepared to present a  
928 presentation pertaining to the property. I assumed that the architects and the engineers would  
929 handle this type of thing. But, nevertheless, the reason why this property was acquired in the  
930 first place because of a great concern....  
931

932 Mr. Archer - Mr. Pinchback, pardon me for interrupting you, but we do have a time  
933 limit in which both sides can present their argument. And, I'm sorry, Mr. Secretary, we  
934 didn't tell him before he started. You will have 10 minutes to present your side of the case and  
935 the opposition will also have 10 minutes. You may want to reserve a couple minutes of your  
936 time or more for rebuttal to the opposition. Would you like to reserve some time?  
937

938 Mr. Pinchback - Yes.  
939

940 Mr. Archer - How much time?  
941

942 Mr. Pinchback - About three or four minutes.  
943

944 Mr. Archer - We will let you know when you get near that time. I apologize. Go  
945 right ahead.  
946

947 Mr. Pinchback - That's all right. Thank you. The reason why this property was  
948 purchased in the first place because of a vast number of people who wanted to rent such a  
949 reception hall for wedding receptions and anniversaries etc. I was invited to a wedding  
950 reception through one of the retired magistrates and the building was quite impressive and  
951 that's why I attempted to seek such a building to have such affairs to be presented to the public  
952 and be available to the public. And there is a demand for this type of business in this  
953 particular area. Thank you.  
954

955 Mr. Archer - Sir, before you take your seat we might have a couple of questions to ask  
956 you. Do any of the other Commissioners have any questions before I ask a few? Mr.  
957 Pinchback, realizing that this would be certainly be an improvement to the existing building  
958 that's there. Have you thought of any way, or have you any idea about what types of events  
959 would be permissible on this site, or would there be any prohibition on any types of events on  
960 the site?  
961

962 Mr. Pinchback - The only events that would be occurring on the site would be wedding  
963 receptions, anniversaries, and banquets. Those are the only ones that I can think of at this  
964 particular time.

965 Mr. Archer - I guess my question is. If someone were to lease your facility for  
966 whatever period of time, how would you know and how would you be able to control what  
967 type of event was being planned for the site?

968

969 Mr. Pinchback - In the beginning they would have to submit an application to rent the  
970 building. Upon submitting the application there will be contracts to sign pertaining to the  
971 event that they intend to occur at the building.

972

973 Mr. Archer - So, you are saying that there will be a condition of each contract of the  
974 only type event held could be wedding reception, banquet or anniversaries?

975

976 Mr. Pinchback - There aren't any specific type of events with exception of those wedding  
977 receptions, anniversaries or banquets. Now there could be more but I haven't thought of any  
978 at this particular time. But I'm quite sure there would be.

979

980 Mr. Archer - The reason why I asked that question because a banquet is a very far  
981 reaching term. And there are a lot of things that could fit within that term banquet. A  
982 wedding reception is a wedding reception. You can pretty much control what that is. But,  
983 being in a B-3 district there's no limitation on hours of operation. So you could have a  
984 banquet that could go on for quite some time. But in any event, we will get back to that later.  
985 We do need to hear from the opposition and you may want to respond to some things that they  
986 have to say.

987

988 Mr. Pinchback - Thank you.

989

990 Mr. Archer - Thank you for coming, sir. All right. Will the opposition come forward  
991 please?

992

993 Mr. Ross - Good morning, Mr. Chairman, my name is Jerome Clayton Ross. I'm  
994 the pastor of the Providence Park Baptist Church and also a member of the Providence Park  
995 Civic League. I have some statements here to hand out. The president of our civic league is  
996 here and one of our members of the civic as well. As responsible citizens and representatives  
997 of the Providence Park neighborhood, we the members of the Providence Park Civic League in  
998 conjunction with the members of the Providence Park Baptist Church, respectfully would like  
999 to go on record opposing the authorization the operation of the Northside Recreation Hall that  
1000 is being planned for the location at Savannah Avenue and Meadowbridge Road. Our reasons  
1001 for such are as follows: It's perspective business. It's incompatible with the character of our  
1002 neighborhood. It has great potential for attracting and increasing other elements that are  
1003 detrimental to the quality and the safety of the Providence Park neighborhood. It's perspective  
1004 policy of catering indiscriminately or without conditions that are considered of the Providence  
1005 Park neighborhood is risky and disrespectful of the Providence Park residents. The processing  
1006 of this matter has not been done in a manner that is timely and considerate of the members of  
1007 the Providence Park neighborhood. That is to say that the Providence Park Civic League or  
1008 the residents of the Providence Park neighborhood have not been officially informed or  
1009 engaged for input or approval regarding the authorization/operation of this perspective

1010 business. Therefore, we the members of the Providence Park Civic League, in conjunction  
1011 with the members of the Providence Park Baptist Church, express our opposition to the  
1012 establishment of this business within the Providence Park neighborhood. And in light of the  
1013 appropriateness of this business regarding zoning, we respectfully requests that any action  
1014 regarding this matter be deferred until the perspective owner/operator meets with the  
1015 Providence Park Civic League in order to develop cooperatively conditions for operation that  
1016 we feel are compatible with the character and quality of the Providence Park neighborhood.  
1017 This is our statement that we wish to put on record here.

1018

1019 Mr. Archer - Thank you Rev. Ross. Anybody has any questions for Rev. Ross from  
1020 the Commission? Thank you, sir.

1021

1022 Mr. Gaines - Good morning. My name is Walter Gaines and I'm the president of the  
1023 Providence Park Civic Association. I would just like to state that we request an opportunity to  
1024 meet with the owner to stipulate some of the things that may differ from his perspective and  
1025 ours. We did meet this past Monday and it was brought to our attention. Contact has been  
1026 made with him by both Rev. Ross and I. We talked to him by telephone but to date we have  
1027 yet to met to come up with the stipulation in concrete, in writing, that we both can live by.  
1028 This is our request to him and hopefully we can do that. I would like to state that the residents  
1029 of Providence Park have a sanitary district thanks to you. We have done things with other  
1030 buildings in the community, Alexander & Alexander, for the Winston Manor Apartments.  
1031 These things were worked out in good faith. That's all we request. Some opportunity to meet  
1032 with the owner, to work out something that's livable to all of us. Thank you.

1033

1034 Mr. Archer - Thank you, Mr. Gaines. Are there any questions for Mr. Gaines? All  
1035 right. Is there anyone else from the opposition that care to speak? Good morning, ma'am.

1036

1037 Ms. Epps - Good morning. My name is Janet Epps and I'm representing the Life  
1038 Line for Jesus Community Church, which is right across the street from the projected building  
1039 that we have been talking about here. We have major concerns and I have talked with some of  
1040 the elderly people in the community. A part of our concern is what this project will be  
1041 representing. And I understand it to be a recreational type building but some of the concerns  
1042 that goes along with that is the use of alcohol and things of these nature. And in this particular  
1043 area there are parts of it that is considered kind of like a high-crime area, drugs and other  
1044 things that are going on in this area. Some of the elderly neighbors are very concerned. To  
1045 bring something of this magnitude and not really know what you are agreeing to, what I am  
1046 saying is that if someone wants to come in have... Well you all can put it in your own terms,  
1047 but I call it a party or a recreation or whatever it is serving alcohol. You don't know if it is  
1048 going to cause more drug traffic to come into the area. We are a church and we are right  
1049 across from this. We can't say that they can't have this but their time of operation and what  
1050 kind of resources that's going to be causing drugs. We have children, we have elderly people  
1051 and within three weeks, already, we have had vandalism, even during our church services to  
1052 one of our vehicles. A truck was set on fire. What Mr. Pinchback is wanting to do here, I  
1053 think it would be good if he would meet with the civic association, meet with Life Line and  
1054 more of the other community people so that we can be more stipulant about what he wants. If

1055 for some reason he was to sell this business or it would change ownership, even though he  
1056 might agree to wedding receptions or something like that, the next person might allow other  
1057 things to come in. Even though they would have to get a proper ABC license or an event  
1058 license, meaning for that particular event, I just feel it would open doors for other things that  
1059 are unfavorable to the community. Thank you.

1060

1061 Mr. Archer - Thank you, Ms. Epps. Are there any questions for Ms. Epps. Thank  
1062 you, ma'am. Is there anyone else? How much time do we have for the opposition, Mr.  
1063 Secretary?

1064

1065 Mr. Marlls - They have four minutes left.

1066

1067 Mr. Archer - All right, ma'am. Please state your name for the record.

1068

1069 Ms. Carter - My name is Lenora Carter. My aunt owns the property directly behind  
1070 this. Her question is that she thinks that the existing fence that's there is on a part of her  
1071 property and she would like to know what she can do about that before the fence is  
1072 reconstructed.

1073

1074 Mr. Archer - She thinks it is on her property?

1075

1076 Ms. Carter - Yes, a part of it is on her property.

1077

1078 Mr. Archer - Is it her fence?

1079

1080 Ms. Carter - No. It's his fence.

1081

1082 Mr. Archer - Mr. Kennedy.

1083

1084 Mr. Kennedy - The existing fence runs along the alley. There a 15-foot alley that  
1085 separates the properties along Savannah and Ladies Mile Road.

1086

1087 Ms. Carter - Her property is directly behind the building.

1088

1089 Mr. Kennedy - According to this survey, the existing fence is located on his property.

1090

1091 Ms. Carter - Okay.

1092

1093 Mr. Archer - Is there anyone else? Good morning, please state your name for the  
1094 record ma'am.

1095

1096 Ms. Wells - I'm Nina Wells and I am one of the associate minister at Life Line for  
1097 Jesus Community Church. One of the things that I really wanted to bring out, many of my  
1098 concerns have already been stated, but we have in our church a lot of people who are a product  
1099 of the issues that we are talking about today, alcoholism and drug abuse and things being shot

1100 up and everything, things that have happened at parties and at clubs where alcohol is involved.  
1101 So, that's our main concern is that we really look at it from that standpoint. We are  
1102 ministering to and counseling these people everyday. It's affecting families, it's affecting  
1103 lives, it's affecting our communities and we are really, really, concerned about this particular  
1104 community. So, we are asking that if Mr. Pinchback would really reconsider what he is doing.  
1105 Especially, as it relates to allowing people to bring in alcohol. That's all I have to say. It's the  
1106 families that we are concerned about.

1107

1108 Mr. Archer - Thank you, ma'am. Is there anyone else to speak in opposition? All  
1109 right, Mr. Pinchback, you reserved some time for rebuttal, sir, so we will hear from you  
1110 again.

1111

1112 Mr. Pinchback - Thank you, Mr. Chairman. In the beginning, as far as the alcohol is  
1113 concern, it will be strictly controlled. I will be willing to meet with anyone pertaining to the  
1114 project to discuss any safety features that they may want. In the beginning there's going to be  
1115 a privacy fence put up and there will be security cameras to control the area. There will be a  
1116 manager on duty at all times during the engagement or any event that might occur. As far as  
1117 vandalism or anything that has happened in the past, it can't be construed as being connected  
1118 with the building that is not there at this particular time or the establishment that is not there. I  
1119 want to impress the general public and the members of the neighborhood that around the area,  
1120 that it will be under control at all particular times. And I do thank you, Mr. Chairman.

1121

1122 Mr. Archer - Mr. Pinchback, I don't want you to get the impression that we or  
1123 anybody else are trying to be accusatory or to say that you would deliberately promote any  
1124 activity that would be detrimental to the community. I think the overriding fact here is that all  
1125 of the speakers have indicated that they have not had an opportunity to sit down and talk with  
1126 you. We have had some discussion with them because I spoke with some of them between the  
1127 last time they met and today. And they all expressed that same concern. They have not had an  
1128 opportunity to talk with you all. And I have also made them understand that there are things  
1129 that are permissible within the B-3 zoning that are within the scope of what you are planning to  
1130 do. But, I think they would feel a lot more comfortable if they could sit down and meet with  
1131 you, and you could probably do it all at once, perhaps at the church or wherever and have  
1132 some discussion as to how you plan on controlling these activities and make them feel more  
1133 comfortable. After all, this is adjacent to a residential community and it is one of those  
1134 unfortunate things that happen when commercial zoning abuts to residential property. But I do  
1135 think we owe them that. So, my suggestion, sir, would be that you, and this is up to you, that  
1136 you defer this case until you can have an opportunity to meet with them. Would that be  
1137 agreeable?

1138

1139 Mr. Pinchback - That would be fine, sir. I will be willing to meet with the group at any  
1140 time that they specify.

1141

1142 Mr. Archer - Okay. Then, can you get with them before you leave here today and set  
1143 that up and would someone notify me when that meeting has been set, where and what time.

1144

1145 Mr. Vanarsdall - And the deferral date would be the May 23.

1146

1147 Mr. Pinchback - May 23? That will be fine.

1148

1149 Mr. Archer - And the same time as now.

1150

1151 Mr. Taylor - And, Mr. Chairman, if I might, to share your views. It seems to me,  
1152 Mr. Pinchback, from the comments of the people who live in the community, one very fertile  
1153 approach that you might pursue is to work, as Mr. Archer said, with the group. And, actually,  
1154 discipline that meeting to specifying or different type of activity what the community would  
1155 like and what you would like and get together in a wide range of things like the time of  
1156 operation so that the hours of operation are compatible with the neighborhood motives and  
1157 habits and operating principals, even such a thing on a short term basis of having an event  
1158 permit for every activity in there so that you know and the people associated with that activity  
1159 know exactly what the conditions of their uses are including many of the guest. Some times  
1160 when you say you are going to have a wedding it sounds like a noble thing, and that might  
1161 depend on exactly who is invited, how long it goes, how much drinking and other things. But,  
1162 I think if you work with each of the groups in the community and Mr. Archer and come up  
1163 with those, it will satisfy many objectives and mollify their concerns.

1164

1165 Mr. Vanarsdall - And there maybe be some things you don't want there and you can tell  
1166 them that.

1167

1168 Mr. Pinchback - Of course.

1169

1170 Mr. Taylor - And certainly we don't want to prevent you from engaging in this  
1171 activity, but by the same token we wouldn't want to have you engaging in this activity to the  
1172 detriment of the neighbors or the neighborhood or in the entire society of the fabric in that  
1173 adjacent area. So, I think it's better for all if everybody comes to an agreement as to what they  
1174 want and work with the pastoral community and the residential community and just be able to  
1175 work this out. And if you are able to do that it will be a good signal to everybody. Once it is  
1176 in practice, the communication that's established between you and the people who live there,  
1177 and Mr. Archer, will help, if there are, and there probably will be some rubs as you go ahead.  
1178 There will be some disagreements, some new conditions that best of us can't think of and that  
1179 will also help to corral the activity so that everybody can live in harmony and benefit the entire  
1180 community.

1181

1182 Mr. Pinchback - Okay.

1183

1184 Mr. Archer - Thank you, Mr. Taylor. All right, then, we will have a meeting  
1185 scheduled and with that, Mr. Pinchback, I will move deferral of this case until the May 23,  
1186 2001, meeting at the request of the applicant.

1187

1188 Mr. Vanarsdall - Second.

1189

1190 Mr. Archer - The motion was made by Mr. Archer and seconded by Mr. Vanarsdall.  
1191 All in favor say aye...all opposed say nay. The motion carries.

1192

1193 At the applicant's request, the Planning Commission deferred POD-23-01, Northside  
1194 Recreation Hall, to its May 23, 2001, meeting.

1195

1196 Mr. Archer - The Commission will now recess until approximately 10:20 a.m.

1197

1198 **AT THIS TIME THE COMMISSION TOOK A BREAK**

1199

1200 **PLAN OF DEVELOPMENT (Deferred from the March 28, 2001, Meeting)**

1201

POD-6-01 Short Pump Town Center - W. Broad Street (POD-123-98 Revised)	<b>McKinney &amp; Company for Short Pump Town Center LLC:</b> 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 two-story, 1,300,000 square foot regional shopping center. The 147.19 acre site is located on the north line of W. Broad Street (U.S. Route 250), opposite its intersection with Lauderdale Drive on parcels 36-A-26, 27, 28, 29, 30, 31, 32, 34A, 35A, 36, 37, 38 and part of parcels 36-A-13 and 15. The zoning is B-3C, Business District (Conditional) and W.B.S.O. (West Broad Street Overlay) District. County water and sewer. <b>(Three Chopt)</b>
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1202

1203 Mr. Marlles - Mr. Chairman, before I turn this over to the staff to give its report, I did  
1204 want to point out to the members of the Commission, and, again, this is pointed out in the staff  
1205 report. This is a revision to a plan of development that was originally approved by the  
1206 Planning Commission in December of 1998. So, the zoning for this site is already in place.  
1207 As the Commission is aware, a POD requires administrative approval only, it does not require  
1208 action by the Board. Legally, a POD that meets all of the conditions of the ordinance must be  
1209 approved. I would also like to remind the public that this is a public hearing to discuss the  
1210 merits of the revised POD. It is not a meeting to discuss the financing of the project or other  
1211 issues that are not germane to the POD. Mr. Chairman, all adjacent property owners have  
1212 been notified as required by the County Code. And, with that, I would like to turn the report  
1213 over to Mr. Wilhite who will give the staff report.

1214

1215 Mr. Archer - Mr. Secretary, before we do that. We have agreed to give some special  
1216 consideration as to the time limits for both sides of the arguments. You may as well explain  
1217 that now.

1218

1219 Mr. Marlles - Yes, sir. Ladies and gentlemen, it is the policy of the Commission  
1220 where there is opposition to a case to grant an equal amount of time to the applicant to present  
1221 their case and an equal amount of time to the opposition. In this case the Chairman is granting  
1222 a total of 20 minutes to each side. The 20 minutes does not include any time responding to  
1223 questions from the Commission. The applicants and those in favor of the application will

1224 speak first, right after the staff member presents his report. The applicant may wish to reserve  
1225 some time for rebuttal. The opponents to the case will speak next.

1226

1227 Mr. Archer - All right. Thank you. And with that, is there any opposition to this  
1228 development? We do have opposition. All right, Mr. Wilhite.

1229

1230 Mr. Wilhite - Thank you, Mr. Chairman. I would just like to say that you should have  
1231 by now received a presentation packet. There is also a map showing the road system in the  
1232 Short Pump area with future road changes anticipated by the County. This case was deferred  
1233 from last month. This is a requested revision to a POD, which is still valid, POD-123-98,  
1234 which was approved in December 1998. That approval was granted by the Planning  
1235 Commission and it gave approval for a 928,000 square foot mall and in addition a 21-screen  
1236 movie theatre. With this submittal that we received, and is before you today, the applicant is  
1237 requesting that the mall be increased to 1,300,000 square feet. This is the area within the ring  
1238 road that shows on the map. No part of the POD applies to the area outside of the ring road  
1239 for any buildings that may be built there in the future. The 21-screen theatre has been  
1240 removed and in its place they are anticipating a fifth large major retail space. Although, at this  
1241 point we have no indication that any agreements have been signed at this point. I would like to  
1242 point out that the conditions that appear on your agenda are the same ones that were on last  
1243 month's agenda. There are no changes in the conditions being recommended at this point.

1244

1245 Since the last meeting, and the major reason for the deferral, was for us to receive a revised  
1246 traffic study that was requested by the County and the Virginia Department of Transportation.  
1247 That was received by us on April 12, 2001. We have reviewed that and completed its review.  
1248 We also have comments submitted from VDOT as a part of that study as well. We have Tim  
1249 Foster and Todd Eure here from the Traffic Engineering section of Public Works. They will  
1250 be available to respond to any questions that you may have concerning the traffic study or any  
1251 other recommendations dealing with traffic on this particular development. I would also like  
1252 to point out that Bill Axselle is here representing the applicant. He has prepared a formal  
1253 presentation. I'll be happy to answer any questions you may have concerning other aspects of  
1254 the staff report or any annotations or conditions that appear on the agenda or in your plan  
1255 packet.

1256

1257 Mr. Archer - Is that it, Mr. Wilhite?

1258

1259 Mr. Wilhite - Yes, sir.

1260

1261 Mr. Archer - All right. Are there questions for Mr. Wilhite from the Commission?

1262

1263 Ms. Dwyer - So, Mr. Wilhite, the major change to make your difference between this  
1264 POD and the one earlier today approved is the elimination of the theatres and the addition of  
1265 retail space in that rear portion of the property.

1266

1267 Mr. Wilhite - That is correct. From 928,000 square feet to 1,300,000 square feet.  
1268 The department stores have gotten larger. They have added second story gross building area

1269 to the smaller shops. The movie theatres have been eliminated and there is a possible fifth  
1270 large tenant proposed in its place.

1271

1272 Mr. Vanarsdall - They also made the pedestrian traffic come through the center and also  
1273 put the road around the center to make the traffic flow better.

1274

1275 Mr. Wilhite - Right. The original POD anticipated vehicular access through the  
1276 middle of this. That has been eliminated and is strictly a pedestrian mall at this point. The  
1277 overall footprint of the mall has shrunk a little bit to become more compact.

1278

1279 Ms. Dwyer - What about this access road to the west, termed the future access road on  
1280 our plan? Is that presently a two-lane access road?

1281

1282 Mr. Wilhite - At this point it is two. That will be constructed with either development  
1283 on adjacent property or with the PODs outside the ring road adjacent to this. There are  
1284 conditions in the staff recommendation that does cover this, conditions Nos. 37 and 38.

1285

1286 Ms. Dwyer - Is there potential for widening that particular access road?

1287

1288 Mr. Wilhite - There would be the potential of widening this with adjacent  
1289 development. Anything outside of the ring road will have to come back before the Planning  
1290 Commission as separate plans of development. We will be seeing more on this project in the  
1291 future and at that time that could be addressed.

1292

1293 Ms. Dwyer - That would come back as another revised POD for all of the  
1294 development external to the ring road?

1295

1296 Mr. Wilhite - It would be a revised POD, but we would receive separate PODs on all  
1297 outparcels within the shopping center.

1298

1299 Ms. Dwyer - So, that road would come up in conjunction with an outparcel  
1300 development?

1301

1302 Mr. Wilhite - That would be able to be addressed at that time, yes.

1303

1304 Mr. Archer - Are there further questions for Mr. Wilhite? All right. Thank you, Mr.  
1305 Wilhite. Mr. Taylor, I suppose we need to hear from the applicant.

1306

1307 Mr. Taylor - Yes, Mr. Chairman, I would expect we would.

1308

1309 Mr. Archer - Good morning, Mr. Axselle.

1310

1311 Mr. Axselle - Good morning.

1312

1313 Mr. Marlles - Mr. Axselle, before you get started would you like to reserve some time

1314 for rebuttal?

1315

1316 Mr. Axselle - Yes, but I would really like for the staff, if they could, to help me out. I  
1317 have this major power point presentation that I can't access. She told me how to do and I did  
1318 it but I did not do it right (staff technician approached the podium to start Mr. Axselle's  
1319 presentation). She gave me the right instructions I just didn't get it right. Mr. Chairman I  
1320 would like to use 16 minutes of my time, for my presentation 2 minutes for Malcolm Holley,  
1321 the Wellesley Homeowners Association, I would like to reserve 2 minutes for rebuttal.

1322

1323 Mr. Archer - So, noted, Mr. Axselle.

1324

1325 Mr. Axselle - Mr. Chairman, members of the Commission, I'm Bill Axselle on behalf  
1326 of the applicant requesting your approval of this POD. With me today are Tommy Pruitt, of  
1327 Pruitt & Associates, Doug Lund, Forest City Enterprises, Stacey Burcin with the engineering  
1328 firm and Ed Prezioso. Each of them will be available to respond to any questions that you  
1329 might have and especially of interest to you maybe Ed Prezioso who did the traffic study for  
1330 this property. As it has been indicated to you, the property is zoned for the use of a shopping  
1331 center zoned in 1998. It's the subject of an existing POD for a shopping center. And what we  
1332 are asking for today is a revised POD. The County staff has determined that the revised POD  
1333 is in full compliance with all County requirements and we are asking that the revised POD be  
1334 approved. As that POD is in compliance with the County requirements and your staff has  
1335 recommend approval, we would ask for your concurrence and most respectfully I would  
1336 suggest that the legal obligation of the Planning Commission is to approve the revised POD as  
1337 it complies with all Henrico County's criteria. Your staff has suggested standard conditions,  
1338 the 38 standard, new and amended conditions. We are in agreement to all of those conditions.  
1339 Your Department of Public Works has recommended eight conditions regarding traffic all of  
1340 which we are agreeable to doing.

1341

1342 As we anticipated, there will be fairly extensive discussion from some folk. Let me give you a  
1343 quick overview of the center. As you know the project is located on I-64 and Broad Street  
1344 opposite Lauderdale. And shown here is the conceptual presentation of the Lauderdale Drive  
1345 entrance with a fairly impressive water feature, quality construction and stunning architectural  
1346 appearance. This is the type of quality of development and architectural considerations that are  
1347 found throughout this upscale center. The center will be anchored by four national retailers,  
1348 Nordstrom, Lord & Taylor, a flagship Dillard's and a flagship Hecht's. They will be joined  
1349 by some of the very finest national and local retailers and restaurants. The center will  
1350 emphasize plazas, pedestrian walking areas and landscaping. And we think, as simply put, it's  
1351 going to be one of the finest retail centers in America. We think we are bringing to this the  
1352 best of the best shopping that there is.

1353

1354 The facades of the anchors will vary but they will always be of the type of quality aesthetic and  
1355 architecture treatment illustrated in the façade on this particular slide. You will recall that the  
1356 initial POD had a theatre in the rear, that's been removed and replaced with additional retail as  
1357 shown on the previous slide. These slides are turning automatically so forgive me if I have to  
1358 go back. I'm sorry (Mr. Axselle is having trouble maneuvering powering point presentation

1359 on the screen). This, basically, shows you various pictures from within the plaza, as you  
1360 know, the plaza is pedestrian-oriented and has a main street feel and look to it. You will  
1361 notice that it has a lot of landscaping and is pedestrian-oriented. The names on these stores are  
1362 all generic, if you will, they are actually not the names of the store. You see outdoor dining  
1363 and things of this nature. It is illustrious of the quality that you will see throughout. This is a  
1364 center that, I'm sorry (still having trouble with screen) I'm just going to stop using this if I  
1365 may because it's not working like it should. Excuse, me, sir. I apologize this was not set  
1366 up.... Anyway let me if I could just go on with the script and not the pictures. You have them  
1367 there before you. Basically, we think this will be one of the finest shopping areas in the  
1368 United States and definitely the finest shopping experience of Virginia. There are many non-  
1369 financial benefits to this. Highest quality shopping, we think it an enhancement of the quality  
1370 of life and an appealing option for tourists, especially those who may be coming to the  
1371 convention center. And having a center of this nature will in fact enhance the reputation of  
1372 Henrico and the Richmond area. There are a lot of financial benefits. There is about  
1373 \$183,500,000 in new tax revenues will come to the County of Henrico for 25 years. That's an  
1374 average net of about 8 and a half million a year in new revenues to the County for education,  
1375 public safety, capital improvements and transportation. The Short Pump Town Center, ladies  
1376 and gentlemen, will be the largest tax revenue generator in Henrico County and this is in fact a  
1377 once in a life time opportunity for Henrico and its residents.

1378

1379 There are no legitimate unsolved issues. The staff has so concluded. I think you should  
1380 following their recommendation and approve the case. That is not to say that there will not be  
1381 allegations made by Taubman who is a retail competitor. And in anticipation of those remarks,  
1382 let me comment a little bit about that. You may ask "what's the motive of Taubman and their  
1383 colleagues." As simply put, Taubman is trying to delay or stop the development of the center  
1384 to force the center to the property it owns at Stoney Point on Chippenham Parkway in the City  
1385 of Richmond. The national retailers narrowed their decision to two sites, Short Pump and  
1386 Stoney Point and they chose Short Pump in Henrico County. Taubman, by their actions, is  
1387 attempting to have the center delayed or stopped for their own personal benefit and not in any  
1388 public interest. The best indication of the lack of public interest by Taubman is what they have  
1389 done in the past. And I ask you, what has their involvement been on any prior zoning and  
1390 development along Broad Street. In a word...none. They have had no comments on any prior  
1391 zonings, PODs, environmental considerations or traffic on any other development in the Broad  
1392 Street corridor, none. In fact, it's no word, that they had no prior concerns of this property.  
1393 When this property was zoned they made no comments and they had no concerns. When the  
1394 original POD was approved they had no comments and they had no concerns. It's evident  
1395 their "quote" concern "in quote" came only after they lost in the market place and now they  
1396 want to misuse government reviews, regulations, and approval for their personal benefit. I do  
1397 find, and I must confess, it's a little ironic that Taubman has such a newfound interest in traffic  
1398 in Henrico County. As you know, Taubman owns Regency Square. What actions have they  
1399 taken regarding traffic problems near Regency Square? What actions have they taken  
1400 regarding the existing traffic problems at intersections such as Parham and Patterson and Three  
1401 Chopt and Parham? Both of which, currently operate at a level of service "F" that they are  
1402 now going to come in here and complain about. What have they done in that respect? They  
1403 also by their writing and so forth asked that this study be expanded far beyond what it would

1404 normally be. They have asked that we study a depth, a distance, if you will, much further than  
1405 the normal County requirements. They have had us study as far away as I-64 and Broad Street  
1406 interchange, but yet when Regency was doing its expansion and study some time back, they  
1407 did not study to the Parham at I-64 interchange which is the exact same distance away. It's a  
1408 double standard. Unfortunately, this is fairly typical for Taubman, this is what we have seen  
1409 around the country of where they tried to move to defeat or delay a proposal by a competitor  
1410 so that they can maintain a monopoly position or to gain approval for their particular center.  
1411 Fortunately, this type of approach is not acceptable in Virginia. It is very inconsistent with the  
1412 appropriate competition environment we enjoy in the Commonwealth.

1413

1414 Let me look at a couple of things that were in their February 6, 2001, letter and you decide if  
1415 these are creditable comments that they made at that time. They said that the POD should not  
1416 be approved because Nordstrom said that they would be delaying its coming to the center for  
1417 up to a year. In fact, as you know, Nordstrom has said on two or three occasion it is definitely  
1418 coming. Even more importantly, the fact that a tenant may or may not be in the center is not  
1419 the determining factor in the POD. They said that the POD should be delayed because the  
1420 financing is under scrutiny of the court. In fact, the Circuit Court ruled against Taubman on  
1421 six issues and against the Short Pump Town Center on one issue. And, in fact, that is being  
1422 reviewed by the Supreme Court now. Again, the POD is never contingent upon the financing.  
1423 They talked about the fact that there was some national wetland litigation that may be filed.  
1424 That has nothing to do with us. In fact, the POD will require that we have, before we start  
1425 construction, all of our wetland or permits, and in fact we do in fact have our wetland permits  
1426 which are being updated. But, perhaps the best evidence or the lack of creditability in the  
1427 approach that Taubman takes is in their allegation in that February 6 letter that the, quote,  
1428 "The developer has cooked the numbers regarding parking." It goes on to say, "that a 20%  
1429 ratio of storage area is unheard of in the industry" end quote. Ladies and gentlemen, 20% is  
1430 exactly what the County of Henrico uses for shopping centers. It, in fact, is the exact same  
1431 calculation used for Regency Square in the early 1970's, the exact same calculation that has  
1432 been used for every shopping center in Henrico County since that time. So, the calculations by  
1433 the Short Pump Town Center are based on County criteria, not cooked numbers.

1434

1435 Now let me turn to the traffic considerations, which would probably be the point on which  
1436 Taubman will put his primary focus. I'm going to give you 20, you are going to hear a lot of  
1437 numbers, you are going to hear more than you would probably want to know. But, I am going  
1438 to give you 20 bottom line conclusions and while I'll voice these conclusions I will tell you that  
1439 I have asked your Public Works Department to review these and they concur that these are  
1440 valid conclusions, while I have voice them, they have verified there accuracy. First, from the  
1441 standpoint of a supporting road network there's likely no site in the metropolitan area as  
1442 ideally situated for a center of this nature. It will be accessible by three interstates, I-295, I-64  
1443 and I-288. It fronts on Broad Street, which is a major commercial corridor in the Richmond  
1444 area. The site will have accessibility by a series of roads design for extensive travel,  
1445 Lauderdale, Gayton, Pouncey Tract, Pump, Three Chopt, John Rolfe, and the center itself will  
1446 have direct access to Broad Street by three intersections. One to Pouncey Tract and one to  
1447 Gayton Road extended. Ms. Dwyer, I will say at this point that that road that you made an  
1448 inquiry about is at this time, discussions have been for a two-lane road, we will be glad to

1449 widen that to a four-lane. We think that would help carry the increasing traffic that will come  
1450 from the west. And I ask you, does Taubman own Regency Square have the same  
1451 accessibility? Does Taubman facility at Stoney Point have the same accessibility? They do  
1452 not. Two. The traffic studies that were presented included all the properties currently  
1453 developed. All the properties zoned and subject to being developed in the near future and all  
1454 of the existing background traffic, not just the center property. Third. The scope of the study  
1455 area in the initial study was established pursuant to normal County criteria for such studies.  
1456 They are the same criteria used for every study for every major retail center including the  
1457 proposed expansion of Regency Square. Four. The recent addendum to the study was  
1458 conducted for a study area that's significantly larger than typically required for development of  
1459 this type for this size and its nature. It was requested by VDOT to provide an indication of  
1460 future conditions and to identify what traffic improvements may be needed. Five. Normal  
1461 Henrico County criteria for major retail centers would not include an analysis of the I-64,  
1462 Broad Street interchange. Just as the expansion of Regency did not include an analysis of I-64  
1463 and Parham Road interchange which is the same distance away. Six. When the Department of  
1464 Transportation was considering widening Broad Street and the rest I-64, the County of Henrico  
1465 strongly recommended that it widen the bridge for I-64 over Broad Street, which now only  
1466 carries four lanes and that it make other changes to the ramps and I-64/Broad interchange.  
1467 VDOT chose not to make those changes. The current nature of I-64/Broad Street interchange  
1468 obviously impacts the consequences of the addendum traffic study. Seven. The traffic  
1469 conditions are evaluated and the traffic addendum are the worse case situation representing  
1470 weekday commuter p.m. peak hour when the commuter travel is at its heaviest. This is  
1471 understandable. This is an area that's planned for mix development. It is office, it is retail, it  
1472 is residential and so the numbers you are seeing are for the peak p.m. period. Weekday mid-  
1473 day, Saturday conditions, Sunday conditions, will be much, much better. That's the  
1474 conclusion of Public Works. So, we are talking only about the weekday commuter p.m. peak  
1475 hours at the worse condition. We are not talking about the same situation during the  
1476 weekdays, at nights, or on weekends. Eight. The addendum analysis may actually over  
1477 estimate the trips along Broad Street since it assumes that no interaction between the future  
1478 land use and the existing land uses. Nine. And this is fairly important. Traffic volumes on  
1479 Broad Street will continue to increase with or without the center. As a result, traffic delays on  
1480 Broad Street will increase with or without the center. Ten. The center is a factor but is not,  
1481 and I'll repeat, is not the primary cause of current or future traffic consideration of Broad  
1482 Street. Eleven. The intersections in the immediately vicinity of the center will operate at an  
1483 acceptable level of service. In other words, the intersection that's right at the center do operate  
1484 under the traffic study in accordance with the County at an acceptable level of service.  
1485 Twelve. The intersection east of Pump Road and farther away from the center will decrease in  
1486 level of service even without the center. Thirteen. The biggest travel concern is at Pouncey  
1487 Tract, Pump Road and that intersection with Broad Street. Today that intersection operates at  
1488 a level of service "F." Without the construction of the center, it operates today at a level of  
1489 service "A." And approval of the center will also generate a level of service "A." Now, if  
1490 you are like me you want to know what's a level of service "F" I mean give me some  
1491 examples. Here are some that the County staff indicates are applicable. Broad and Parham,  
1492 Glenside and Broad, Route 1 and Parham, Three Chopt and Parham, Parham and Patterson,  
1493 and of course Pump and Board and they are at the p.m. peak periods it's not during the regular

1494 day. Fourteen. Certain major improvements in the area are planned. We've got the John  
1495 Rolfe Parkway. That will open in the fall of 2004. You've got the extension of Gayton Road  
1496 across I-64 in the future. You've got the new Route 288 that will open in June of 2003.  
1497 Another significant improvement is the proposed Gayton Road interchange on Gayton Road  
1498 extended. Gayton Road extended will be extended across as a County project. There is a  
1499 proposal from the County to have an interchange at Gayton Road and I-64. And those  
1500 improvements are being pursued. And as VDOT has said, or as other have said, it will be  
1501 expensive. But, I will keep in mind that the pattern we have seen with VDOT and the Federal  
1502 folks. When Parham and I-64 was built there was a little modest interchange at Parham and I-  
1503 64, but as development came and the need arose, they improved the intersection at Parham and  
1504 I-64. Then as development continued to move farther west, they put in the new Gaskins Road  
1505 interchange. And we suggest that they will in fact find that there is a need and they will be the  
1506 funding for Gayton Road interchange. But, also we would like to point out to you that this  
1507 project that we, the Short Pump Town Center, will be taking care of the traffic considerations,  
1508 I suggest, in two ways. One. Every single traffic recommendation that the County is  
1509 recommending, we will incorporate and do at our sole expense. Second. If you keep in mind,  
1510 that this project will generate new net revenue to the County of Henrico of 8.5 million dollars  
1511 a year. And that money maybe used for whatever purpose the County determines appropriate,  
1512 obviously, including transportation improvements. And there are a number of other points and  
1513 because of time that I will skip. But, I will point out to you that most importantly that every  
1514 recommendation that your County traffic folks has recommended we have incorporated into  
1515 our plan. Remember, that these conclusions I just shared with you on traffic are not just my  
1516 comments they are the ones that have been verified by your staff as being accurate. I  
1517 apologize, in some respect, for the length of time this has taken. I know it is more than your  
1518 usual time but I think that you can see that this in fact a project of considerable importance to  
1519 the County.

1520

1521

1522 I will also tell you that it is anticipated that Taubman and their colleagues will ask you to delay  
1523 or deny this POD approval. Two comments. First, the POD is in compliance with all County  
1524 requirements, and I suggest most respectfully legally must be approved. Second. A delay or  
1525 denial would cause Henrico residents over 8.5 million a year. It would cause Henrico  
1526 residents over 183.5 million over 25 years. Money is needed for transportation, schools and  
1527 public safety. It will cost Henrico residents its largest tax revenue generator. It will also cost  
1528 Henrico residents and the residents of this area the finest shopping experience in Virginia.  
1529 Ladies and gentlemen, when they ask you for a delay, or they ask you for a denial, the  
1530 projected effect of what they are asking you are these points and I would ask that you keep that  
1531 in mind. And I would also ask that you keep in that the folks who are most directly impacted  
1532 by this project I think you will find are supported of it. I would like to turn to Malcolm  
1533 Holley, if I may, who is a member of the Wellesley Homeowners Association for remarks.

1534

1535 Mr. Holley - Good morning. Mr. Chairman, members of the Planning Commission,  
1536 My name is Malcolm Holley as Mr. Axselle has said and I'm here before you as a Henrico  
1537 resident and Wellesley resident, which is the largest community mostly effected by this  
1538 development. And I'm here as a representative of its homeowners association and its board of

1539 directors. I was originally here before you, in 1998, as president of the association then. At  
1540 that time I was here and expressed our community support of this project. Since that time,  
1541 there have been many changes to it, all of which you are aware, and many issues have been  
1542 raised, which Mr. Axselle has so eloquently just now addressed. I'm here again to express our  
1543 community support which our community is approximately 800 homes and here to express our  
1544 continued support of this project. The association and the homeowner group most directly  
1545 affected by this, many of these issues, we are wondering why they are now coming up and why  
1546 we aren't continuing to move forward with this. We would hope that you would see fit to  
1547 approve this POD and move forward so that we can have a quality development versus just a  
1548 vacant lot that has now had construction started on it and would be considered an eyesore if it  
1549 is not developed. Many of the issues that are being raised by Mr. Taubman and his colleagues  
1550 are of concern to us because we don't understand where he was during the last eight years as  
1551 we have seen Short Pump developed. And all of these issues have been raised based on the  
1552 individual projects and most particularly the biggest one was the John Rolfe if there is such an  
1553 issue about traffic. Many of the area associations and the County itself held a number of  
1554 meetings to address those issues and present them before the residents. Having attended those  
1555 meetings, I do remember Mr. Taubman and his colleagues at any of those. I would hope that  
1556 you would see fit, as I said, to approve this POD and allow this project to move forward. I  
1557 appreciate your time this morning and your consideration of my remarks on behalf of the  
1558 Wellesley community and I'll be happy to entertain any questions. Thank you.

1559

1560 Mr. Archer - Thank you, sir. Are there any questions for either Mr. Axselle or for  
1561 Mr. Holley from the Commission?

1562

1563 Mr. Axselle - I would like to reserve the rest of the time for rebuttal.

1564

1565 Mr. Marlles - You have a little less than two minutes.

1566

1567 Mr. Archer - All right at this time we will hear from the opposition.

1568

1569 Mr. Johnson - Mr. Chairman, members of the Commission, Director Marlles, my name  
1570 is Steve Johnson, and I am here on behalf of TRG-Regency Square Associates.

1571

1572 Mr. Archer - Good morning, Mr. Johnson.

1573

1574 Mr. Johnson - I appreciate the limitations you placed on the comments, not wanting to  
1575 hear about the financing of the project, but I wished you had made the same limitations and  
1576 placed them on the applicant who I will note has spent fully half of his time not speaking about  
1577 the POD, but spoke about the wonderful financial benefits and what Taubman's motives are  
1578 here. I would point out that we did submit detailed written comments on February 26 and  
1579 April 20, and I want to ask that those be placed in the record as far as these proceedings. The  
1580 purpose today, the reason I am here is to supplement those comments with some additional  
1581 comments about traffic issues, some new traffic issues, but I see that this morning I was beaten  
1582 to the punch by VDOT. I think that VDOT's opposition really does strengthen our request  
1583 today, and that is that the Commission really ought to defer action on the POD application until

1584 critical traffic safety issues are resolved. The fact is and it has been born out by the Traffic  
1585 Developer's own study and not Taubman that there are going to be major congestion and  
1586 traffic safety problems on West Broad Street, all the way up to and including the I-64  
1587 interchange. These problems were confirmed by the Department of Public Works in a memo  
1588 to the Planning Office on April 21. In that memo, the department stated that "There will be  
1589 "significant traffic congestion delays on West Broad Street with this development." However,  
1590 the department did note, and Mr. Axselle as well, that delay problems are on West Broad  
1591 Street right now and the department did state that the problems are "greatly exacerbated by the  
1592 addition of this retail center." Now, with respect to Pouncey Tract and Pump Road  
1593 intersection of West Broad Street, which I think is the one that is going to face the most critical  
1594 problems, the department stated that this intersection will fail significantly. Now, these are  
1595 serious traffic problems. I think the Commission has a duty to insure that these traffic  
1596 problems are resolved before they approve the POD, because the memo from the Department  
1597 of Public Works was so recent, I'd like to formally request that it be made a part of the record  
1598 of these proceedings.

1599

1600 Again, as I was saying, I think that the Commission really does have a duty to the public to  
1601 assure that these problems that have been identified be resolved. At this point, nothing has  
1602 been done on that score. Neither the developer nor the County has undertaken the slightest bit  
1603 of analysis as to what improvement or mitigation measures would be required or necessary to  
1604 alleviate these safety problems. Instead, the developer just simply dismisses these problems  
1605 and counts the great benefits of the mall, or suggests that the problems are not the developer's  
1606 doing, and most recently I heard on the radio, and again today, that the developer is addressing  
1607 those problems because of the conditions that were in the DPW's memo. Well, those  
1608 conditions relate only to the ease of ingress and egress from the shopping mall. There is  
1609 absolutely no meaningful improvement that has been suggested or required by the County with  
1610 respect to the traffic problems on West Broad Street or at the I-64 interchange. Instead, it  
1611 seems that the County and the developer intend to fulfill their responsibility to insure that these  
1612 problems are resolved and that there is sufficient traffic safety on the prayers that the proposed  
1613 Gayton Road extension and the interchange at I-64 will alleviate the problems on West Broad  
1614 Street. Well, those prayers are not likely to be answered. On April 11 we received a letter  
1615 from the Federal Highway Administration and we put it in our comments two days ago, and I  
1616 want to read an excerpt from the letter. In this letter the Federal Highway Administration said,  
1617 "Your letter addresses a new interchange at the planned extension of Gayton Road and  
1618 Interstate I-64. As you may know, the new interchange will be located between the existing  
1619 Interstate-64 interchanges 288 and Interstate 295. Both the Route 288 interchange and  
1620 Interstate 295 interchange are freeway-to-freeway connections. An interchange located  
1621 between these existing interchanges would require a good deal of engineering effort and  
1622 financial resources to design and construct. Based on these factors, we have concluded that an  
1623 additional interchange at extended Gayton Road would be difficult to justify. Now, we think  
1624 that before the Commission approves this POD there ought to be some detailed study and  
1625 feasibility analysis about whether or not that interchange at I-64 is feasible.

1626

1627 Now, Mr. Chairman and members of the Commission, we believe that it is really your duty to  
1628 insure that new developments do not cause substantial traffic safety problems and that it is also

1629 your duty not to approve developments that will necessitate costly highway improvements  
1630 without first consulting with and obtaining the concurrence of VDOT and the Federal Highway  
1631 Administration. As you are aware, VDOT at this point does not concur. Now, I fully  
1632 recognize that this project is a top priority, that the Board of Supervisors have expressed their  
1633 strong support, and, in fact, legislated their support with financing for this project, but I don't  
1634 believe that relieves this Commission of its duty to insure that the problems of this and the  
1635 impact of this project are fairly and objectively analyzed, and that the improvements are  
1636 required are imposed. Now, we urge you to defer action on the POD application. We will  
1637 note that Mr. Axselle said "the financing of this project is currently in litigation and that is not  
1638 likely to resolve until the Fall, so there really is no real reason why this project has to move  
1639 forward today. The financial benefits that Mr. Axselle talked about are not going to be  
1640 realized for a couple of years anyway, so there really is no rush. Failing a deferral of the  
1641 POD, we would ask that you deny the POD. That concludes my comments. Thank you very  
1642 much.

1643

1644 Mr. Archer - Thank you, Mr. Johnson.

1645

1646 Mr. Johnson - I would like to enter into the record some of these documents. To whom  
1647 might I give those to?

1648

1649 Mr. Archer - The Secretary. Are there other questions for Mr. Johnson from the  
1650 Commission?

1651

1652 Mr. Vanarsdall - Yes, I have a question, Mr. Chairman. Mr. Johnson, I have not  
1653 understood, and don't understand it today, and I didn't understand it yesterday. Why is  
1654 Taubman so interested in the traffic in this shopping center, when it does not affect anything to  
1655 do with Regency Square? It certainly can't affect him personally. He doesn't even live in the  
1656 area.

1657

1658 Mr. Johnson - I appreciate that. I am not sure that that is right. Maybe if Regency  
1659 Square's patrons and employees are going to have to drive on these same roads, and another  
1660 point I want to make it is - and I don't want to talk about Taubman's motive because I don't  
1661 think they are relevant here, but Taubman is going to be forced to compete with the publicly  
1662 financed shopping center and I think that to add insult to injury, we want to make sure that this  
1663 project doesn't go forward without the proper scrutiny over all issues, parking, traffic,  
1664 wetlands. I hope that answers your question.

1665

1666 Ms. Dwyer - Mr. Johnson, one of the comments made, and I think this has been  
1667 validated in studies is that the traffic issues in this area are only partly due to the anticipated  
1668 traffic generated by this particular town center. We have seen, at this Commission,  
1669 tremendous explosion of development in this whole northwest area of the County. I guess I am  
1670 concerned at this juncture that this is not a zoning case in which we typically have more  
1671 latitude in making decisions than we do at POD. Are you, it seems to me that to follow this  
1672 juncture to its logical conclusion we would need to suspend development, not only of this  
1673 center, but of all development in this northwestern part of the County until we resolve the

1674 impending traffic issues. Don't you think that is...

1675

1676 Mr. Johnson - Actually, I don't disagree with you. The key thing here is I don't think a  
1677 local body can approve a project that is going to cause, not just local but regional traffic  
1678 impacts, and I think that VDOT's memo, actually the DPW's memo points out, it really is the  
1679 traffic generated from this center that is really going to cause the failures of the intersection,  
1680 and so I would just point out that it is the duty with respect to this POD to not let that  
1681 development go forward with the traffic impact that is going to happen.

1682

1683 Mr. Marlles - Mr. Johnson, I would remind you and the Commission, that VDOT does  
1684 not dictate local land use decisions. That is the prerogative of local government to do that.

1685

1686 Mr. Johnson - Again, I will point out, and we did point out in our written comments  
1687 that I don't think it is the prerogative of local government to permit new development that will  
1688 have regional impact on both state and federal highways. I think that both VDOT and the  
1689 Federal Highway Administration have a very important role to insure that there is regional  
1690 development of highway improvements, and that shouldn't be mandated by local government.

1691

1692 Mr. Marlles - Sir, I think that is an issue that is more legitimate to bring up at the time  
1693 of rezoning, not at the time of plan of development approval, and I would add that Taubman or  
1694 no one else raised those issues at the time of rezoning.

1695

1696 Ms. Dwyer - Following up on the Secretary's statement, we are limited in our review  
1697 at the POD stage, as you, I am sure are aware. It is a fairly technical review to determine  
1698 whether the proposed development meets the specific requirements in our ordinance. Are there  
1699 specific ordinances that you could point to today which have not been complied with? You  
1700 heard from staff that they approve, that they recommend approval of this because it has, in  
1701 fact, complied with all of the necessary County requirements.

1702

1703 Mr. Johnson - Well, I think that in our written comments of April 20 that we did point  
1704 out that the POD zoning ordinance does have as one of its key objectives traffic safety. I think  
1705 you absolutely have the authority to deny or defer this POD based on what a clear traffic safety  
1706 problems are as a result of this project. So, I don't think that your approval is so technically  
1707 narrow that you can't do that. And I would also ask that you then just put out of your mind all  
1708 of the proposed anticipated financial benefits as a result of this project, which Mr. Axelle will  
1709 continually try to persuade you of.

1710

1711 Ms. Dwyer - There is a general statement in our ordinance that says the purpose of the  
1712 POD in general terms and there are no specific ordinances that you can point to that they have  
1713 not complied with this or that requirement?

1714

1715 Mr. Johnson - Not as I stand before you, but I won't say there's not.

1716

1717 Mr. Marlles - Ms. Dwyer, I can tell that both staff in the Planning Office and the  
1718 County Attorney's office have reviewed that section, and that we do not feel that provides

1719 sufficient authority for the Commission to deny a POD.

1720

1721 Ms. Dwyer - Based on off-site traffic issues?

1722

1723 Mr. Marlles - Yes, ma'am.

1724

1725 Mr. Johnson - I noted that, but I don't know what authority you need. This project is  
1726 going to cause significant traffic problems. VDOT has recommended that you oppose it, that  
1727 you deny it, and it is hard for me to understand how the Planning Commission could be so  
1728 constrained that it could not defer or deny a POD with those kinds of problems, but I will  
1729 leave it to your best judgment on that.

1730

1731 Mr. Archer - Mr. Johnson, as the Secretary explained when we began, we are  
1732 obligated to act within the scope of the ordinance as it pertains to the zoning on this particular  
1733 property, so I don't think it is so much of whether we personally or any of us have any  
1734 particular feeling as to how we should go. But, we do have those constraints and I say to  
1735 you...

1736

1737 Mr. Johnson - It is a matter of interpretation of what your constraints are.

1738

1739 Mr. Archer - It is. I admit that. I am sorry. Mr. Kaechele.

1740

1741 Mr. Kaechele - Yes, you indicated you might not want to talk about motives, but having  
1742 heard it discussed by the applicant and knowing the competitive nature of shopping center  
1743 developers, would you not conclude that this Commission might think there is some levity to  
1744 those motives?

1745

1746 Mr. Johnson - Well, you might, but I don't think that those motives have any relevance  
1747 to this POD project. As I stated at the beginning, nobody is naive here. Taubman is concerned  
1748 about competing with the publicly-financed shopping center, and the last thing that Taubman  
1749 wants is to see this project slip through without the proper scrutiny on top of it.

1750

1751 Mr. Kaechele - Was Taubman in the process of trying to develop and finance a project  
1752 itself? Publicly finance it?

1753

1754 Mr. Johnson - That is true, but again that is not relevant to your duties with respect to  
1755 this POD.

1756

1757 Mr. Kaechele - Well, these are some of the same conditions you are objecting to.

1758

1759 Mr. Johnson - Then you will be there objecting when it comes time for Taubman's  
1760 project?

1761

1762 Mr. Kaechele - No. That is not in my jurisdiction.

1763

1764 Mr. Marlles - I would say, Mr. Chairman, if there are no other questions, there is a  
1765 little less than two minutes remaining for rebuttal.

1766

1767 Mr. Archer - OK. Thank you, Mr. Johnson. Mr. Axselle.

1768

1769 Mr. Axselle - Gentlemen, a very brief point. One, Mr. Johnson indicates to you that  
1770 part of the motive of Taubman is we don't want to compete with the public-supported project.  
1771 Keep in mind that the Stoney Point project by Mr. Taubman in the City of Richmond is  
1772 proposed to have a 34.5 million dollar assistance from the City of Richmond. Keep in mind  
1773 that the McArthur Center by Mr. Taubman was built at a \$300,000,000 cost, with  
1774 \$100,000,000 assistance from the City of Norfolk.

1775

1776 Second, it is interesting to me, and we all know the things that Taubman has been doing, but it  
1777 is interesting to me and perhaps most telling that the people who know this area the best, the  
1778 people who are most affected by it, have appeared before you in effect through the  
1779 homeowner's association, say that this is something we would support and request your  
1780 approval.

1781

1782 Lastly, I think Mr. Johnson perhaps has done the best he can at this particular time in the  
1783 development of this project. But the fact remains that the law is that the property has been  
1784 zoned. There is a legal right to use this property for a shopping center. There is a legal right  
1785 under the County Ordinance to use it to a certain square footage, and we are below that. There  
1786 is an obligation on the developer to comply with the County requirements and criteria. Your  
1787 staff has concluded that we have done so. And then there is an obligation on the Planning  
1788 Commission to approve that plan of development for this local project, and we would ask for  
1789 your approval. Thank you very much.

1790

1791 Mr. Archer - Thank you, Mr. Axselle. All right, Mr. Taylor. Before that, Ms. Dwyer  
1792 has some questions for staff, Mr. Taylor. Mr. Wilhite. I might have one, also.

1793

1794 Ms. Dwyer - Mr. Wilhite, we have received a map that shows some road  
1795 improvements in the vicinity and one such road improvement is John Rolfe Parkway. Another  
1796 is Route 288 interchange with West Broad Street and Interstate 64. I have the respective dates  
1797 for those, Fall of 2004 for John Rolfe and September 2002 for Route 288. What is staff's  
1798 opinion about the effect those roadways will have with the traffic generated by not only this  
1799 development, but all the adjacent and additional development in this northwestern part of the  
1800 County?

1801

1802 Mr. Marlles - Ms. Dwyer, I think that might be best addressed by Mr. Foster rather  
1803 than Mr. Wilhite, so, Mr. Foster, would you come to the podium, please?

1804

1805 Mr. Foster - For the record, I am Tim Foster, Traffic Engineer. To answer your  
1806 question, Ms. Dwyer, we looked at these improvements and included some of the traffic lights  
1807 from the center to use some of these roads. John Rolfe Parkway is listed as Fall of 2004. That  
1808 is the first phase, but one thing that is not listed there is that when John Rolfe is completed,

1809 that also includes the widening of Pump Road, as well. So it is not just John Rolfe Parkway.  
1810 It is the widening of Pump Road. Route 288 obviously is going to interchange with West  
1811 Broad Street and I-64. We do expect traffic to redistribute over to those roads, to use 288 as  
1812 well as traffic from the south, that would normally use Lauderdale Drive and Pump Road  
1813 would actually be using John Rolfe Parkway, which avoids some of the intersections in the  
1814 vicinity of the center. So, we do expect that type of distribution to change.

1815

1816 Ms. Dwyer - Did the traffic studies take that into account?

1817

1818 Mr. Foster - The traffic studies took some of that into account, not all of it. We do  
1819 not; we did have some distribution from Pump Road. We did not include any distribution  
1820 from Lauderdale Drive, and you remember, John Rolfe Parkway does go all the way down to  
1821 Lauderdale Drive, so we do expect some traffic to decrease from Lauderdale Drive that would  
1822 use, traffic that uses Lauderdale Drive now that would use John Rolfe Parkway to get all the  
1823 way to West Broad Street with a minimum of traffic signals through there.

1824

1825 Ms. Dwyer - And also, I am asking for the residential uses in this area of which there  
1826 are many and they are increasing. Traffic flowing west on 64 would not have to get off at the  
1827 Broad Street interchange on 64 and could get off at the future 288 interchange, and then  
1828 wouldn't have to come through that Broad Street-Pouncey Tract intersection.

1829

1830 Mr. Foster - That is correct. We did not figure the background traffic to do that, but  
1831 what our experience is, before West Broad Street was widened, a lot of traffic in the west went  
1832 all the way out to 623 to use the interchange out there to come back in, so we do anticipate, if  
1833 you look at the maps and where 288 is going to be located, we do anticipate that some traffic  
1834 will actually go to the interchange. You can actually get to North Gayton Road, for example,  
1835 without going through a traffic light, except at North Gayton, which is a right turn. So, we  
1836 expect those types of redistribution of traffic when all of these projects are completed.

1837

1838 Mr. Kaechele - In addition to that, Mr. Foster, future improvement of Three Chopt Road  
1839 from Gaskins and then perhaps a double access road onto Gaskins, building Three Chopt back  
1840 down to Pump Road, that has a potential to relieve a lot of early-morning traffic.

1841

1842 Mr. Foster - Yes, sir. And the early-morning traffic, we really don't have an effect  
1843 from the center of this size in the early morning, but it is not very great, but the afternoon  
1844 traffic, some of the things we did not consider in the study that is going to happen is that we  
1845 have Three Chopt Road, will start design within the next 30 days to widen Three Chopt from  
1846 Three Chopt Place, so it is near Barrington all the way to Pemberton. Traffic now physically  
1847 because of the narrowness of Three Chopt Road would go from Gaskins to Broad Street at that  
1848 interchange, and we do expect a diversion of the traffic to be using Three Chopt Road to avoid  
1849 that area, and also there will be a more direct shot. You can actually get to Three Chopt Road  
1850 to the Wellesley area without ever entering into the Broad Street traffic stream. So, we do also  
1851 expect that improvement to redistribute some of the traffic as well.

1852 Ms. Dwyer - That is basically parallel to Broad in that area.

1853

1854 Mr. Foster - Yes, ma'am. If you think about it, it is parallel to Broad all the way to  
1855 Pemberton. That is a real good parallel there to do that with.

1856

1857 Ms. Dwyer - Now the future extension of North Gayton across 64, that would be a  
1858 County project and we wouldn't be dependent on State funds for that, is that correct.

1859

1860 Mr. Foster - That is correct. We anticipate that most of that would be done with  
1861 development, but we may have to come in and do the bridge in the future depending on the  
1862 situation, but we do anticipate a large part of that will be done with development. We do  
1863 anticipate the interchange to go there, and I would like to speak briefly on the interchange.  
1864 Just because something is difficult to engineer doesn't mean it cannot be engineered. Just  
1865 because something may be a little more expensive doesn't mean it can't be done. The FHWA  
1866 letter, or the one that I saw and I think it is the same one, did not say that it could not be done.  
1867 We essentially, if you ask for any interchange on 64, you'd probably get a similar letter. The  
1868 County, and this was before my time, got a similar letter on Gaskins Road, that it was too  
1869 close to Parham Road, and obviously that is one of the most important interchanges now. The  
1870 other thing, as far as North Gayton Road Extended to John Rolfe Parkway, all of these roads  
1871 and even the interchange proposal, has been on our Thoroughfare Plan for several years now,  
1872 and we talked about and requested that the interchange be reviewed long before this retail  
1873 center was ever proposed. As a matter of fact, as I recall, the apartment complex that was  
1874 approved by this Commission but was not signed, actually had to reserve right of way for the  
1875 loops and the ramps for that, so this is something we've been planning for a long time, and we  
1876 think will happen.

1877

1878 Mr. Marlles - Mr. Foster, one of the letters that was introduced into the record by Mr.  
1879 Johnson characterizes the revised amended traffic study as being inadequate and contrary to  
1880 seasoned traffic analysis. Would you care to comment on the adequacy of the current traffic  
1881 study?

1882

1883 Mr. Foster - Yes, sir. One of the things that we do in Public Works, I've probably  
1884 reviewed several scores of traffic impact studies in my career here at the County. Quite  
1885 frankly, I have stood in front of this Commission and have said that there has been studies that  
1886 we'd had to do work on, and there have been studies that are good. One of the things I always  
1887 do, if a developer or engineer sends me a good study, I tell them it is good. We felt this study  
1888 and VDOT felt this study was very thorough. It told us the facts, and we felt that it was  
1889 accurate and from that standpoint, we agree with the study. As far as locally inadequate, that  
1890 is an opinion. I am not going to argue with that. That is their opinion or their traffic  
1891 engineers. Our opinion, after reviewing many, many of these studies, submitted by dozens of  
1892 different traffic engineers, except for some very minor changes which they made, we agree  
1893 with the study and think it is a good study, and it covers all of the information that we needed  
1894 in the study.

1895

1896 Mr. Marlles - Thank you.

1897 Mr. Taylor - Mr. Foster, with regard to (unintelligible) words, perhaps, when they  
1898 use the term, "woefully inadequate," we are talking about, as I understand it, free-flowing

1899 traffic will be slightly impeded, but some people may actually have to sit through one stop  
1900 light.

1901

1902 Mr. Foster - Well, I think there are two different things there. “Woefully  
1903 inadequate” was referring to the site itself, which, once again, is opinion, but one of the things  
1904 in my memo that I wrote to the Commission and the Planning Office was that I did not want to  
1905 give anyone the impression that we are just going to have a little bit of traffic out here. We are  
1906 going to have a substantial amount of traffic and my memo says that. It was quoted, so I am  
1907 not going to deny that, but the Traffic Impact Study shows that we are going to have a  
1908 substantial amount of traffic. It is a regional retail center. We expect it to have a lot of traffic.  
1909 So, my memo to the Commission and the Planning Office, as well as I was quoted, as well as  
1910 the Traffic Impact Study shows that we are going to have some traffic problems in this area.  
1911 That does not mean that once the POD is approved that we walk away from it. We will  
1912 continue to work on these traffic issues as we have always done. This is something that if you  
1913 took all the development from, beginning at Willow Lawn Drive, I am sure that when Willow  
1914 Lawn was built there were some problems there, and it was probably felt that the roads were  
1915 two lanes and they did not have enough, but we were able to solve these problems. As we go  
1916 out to Broad Street or any major corridor like this, this is what we typically see, and this is  
1917 what we have to solve as we go along with these developments. This is, if you look at the type  
1918 of development on a major retail corridor, this is what we expect for the type of development  
1919 to take place there. We don’t expect single-family homes. So, we are going to have traffic  
1920 problems out here. We have some now, but we try to deal with it. We will deal with some of  
1921 the traffic problems we have. What we will typically see, also, is the redistribution of traffic  
1922 that I talked about earlier. Then when we get the improvements, such as the Gayton Road  
1923 interchange, that is when we will see the dramatic distribution of traffic change, and it will  
1924 improve the whole corridor at that point then. So, I did not want to say that there was going to  
1925 be no traffic out here. We are going to have some traffic problems. A retail mall, there is not  
1926 a mall at Virginia Center, Regency Square, that we don’t have traffic around them. It is really  
1927 no different and we expect it.

1928

1929 Mr. Kaechele - Mr. Foster, the main entrance to the Town Center from Lauderdale  
1930 measures out about a mile and a half to the Broad Street I-64 interchange, and it is a little over  
1931 two miles to the 288-Broad Street interchange, 2.2 maybe. Does that complete 288 to 64,  
1932 Broad Street and across the river to Chesterfield and is that all slated by the year 2003?

1933

1934 Mr. Foster - It is my understanding, and I don’t know if it is all completed, Mr.  
1935 Kaechele. I just got the dates from 64 down to the river. I am making the assumption that, I  
1936 know it is under construction already in Chesterfield County, so I think that does complete the  
1937 loop all the way around.

1938

1939 Mr. Kaechele - Those distances being fairly similar, isn’t that the logical approach to the  
1940 Town Center from the south and also from the west?

1941

1942 Mr. Foster - From the south, and we did not really put a lot of traffic into the Traffic  
1943 Impact Study knowing how 288 goes across the river into Powhatan County and down into

1944 Chesterfield County. And when I say Powhatan County, all of a sudden that sounds real far,  
1945 but what some people don't realize is that it is south of, we touch Powhatan County right down  
1946 here at this point (pointing to map) and we do expect traffic to divert over there, and not only  
1947 from the Parham Road area or I should say across the river in that area, but we do expect some  
1948 traffic to divert there, and if they divert there, they don't have to come up to the interstate at  
1949 64 and Broad, so we do expect that. Yes, sir.

1950

1951 Mr. Kaechele - There was a lot of discussion during the John Rolfe hearings about that  
1952 thoroughfare being used as access to Broad Street and eventually to the Town Center, and  
1953 divert some traffic from Lauderdale, but 288, in effect, would serve a duplicate access point,  
1954 wouldn't it?

1955

1956 Mr. Foster - We are actually going to have two north-south roads that we don't have  
1957 now in the area, which is John Rolfe Parkway and 288. That is very significant in  
1958 redistributing the traffic, especially from the south where we have a large population center if  
1959 you are looking south.

1960

1961 Mr. Kaechele - Yes. That may not affect the peak hour.

1962

1963 Mr. Foster - We actually think it will affect the peak hour, but, once again, it is a  
1964 retail center and in the peak hour we are going to have a lot of traffic, but we have some, or it  
1965 was stated that we have no plans for mitigation, but I mentioned several roads that we do have  
1966 plans in the future to help alleviate some of the traffic in the area.

1967

1968 Ms. Dwyer - Mr. Foster, as I look at the level of service at intersections that seem to  
1969 be in or near my district, and I know because of my familiarity in this that we don't have a lot  
1970 of options, and that already built our area to correct some of those traffic problems, but as I  
1971 look at this I see substantial traffic, but I also see plans that are in the works, funded and ready  
1972 to roll to actually improve the situation, namely 288, John Rolfe, widening of Pump, widening  
1973 of Three Chopt and eventually the Gayton Interchange.

1974

1975 Mr. Foster - When you look at some of the other intersections, we are boxed in  
1976 because we are in developed areas. We do have an opportunity out here to be able to make  
1977 those improvements. Also, once you get past Lauderdale Drive, West Broad Street is six lanes  
1978 all the way to 288, and we have tremendous capacity out there that is not being used yet. The  
1979 traffic, obviously, if you go out Broad Street, around Gayton Road right now, we could put a  
1980 lot of vehicles on that road.

1981

1982 Mr. Archer - Mr. Foster, when POD-123-98 was approved back in December of  
1983 1998, I am sure there were traffic studies done then. Were the same considerations given at  
1984 that period of time, and does this alter that very much?

1985

1986 Mr. Foster - As far as our recommendations for the improvements, it really doesn't  
1987 alter that it that much. That Traffic Study also included the problems; it stated there would be  
1988 a problem at Pouncey Tract and Pump, as well. So, we do, regardless of what is developed

1989 out there, that was going to be the focus intersection, and that study also includes that. And  
1990 we also tried to include other things in the study that are not built. For example, Bon Secours  
1991 Hospital was included in the study and that is not there yet, but it is possible the Center may be  
1992 there before that is there. Some apartments, some other developments that we told the  
1993 developer to include because we had plans that were approved for zoning cases so that we  
1994 knew what was going there, and even then, some of those may not even be there when this is  
1995 built.

1996

1997 Mr. Archer - Thank you, sir.

1998

1999 Mr. Vanarsdall - Mr. Foster, don't we usually address the traffic at zoning time?

2000

2001 Mr. Foster - That is correct, sir.

2002

2003 Mr. Vanarsdall - And that is the time that we didn't have much opposition on that either,  
2004 did we?

2005

2006 Mr. Foster - That is correct, and for the most part of the zoning case, we stated some  
2007 of the same things.

2008

2009 Mr. Taylor - Mr. Foster, in looking at the caliber and nature of these potential stores,  
2010 they are obviously going to increase the interest of some of the shoppers far to the west of us,  
2011 possibly everything this side of the Blue Ridge. They are really going to have a clear sail all  
2012 the way from Charlottesville or points beyond into the shopping center.

2013

2014 Mr. Foster - That gets into a point I would like to make about this affecting the traffic  
2015 regionally. We know, as with most centers, we've got some problematic intersections that we  
2016 will be working on, but to say that it affects it regionally, I don't think this mall is going to  
2017 affect the intersection of Broad and Gaskins or 64 and Gaskins or 64 and Parham, and when I  
2018 think regionally, I think all the way down - for the County it is all the way to 95. If you think  
2019 of this region, it is almost the whole county. This Center is not going to affect regionally the  
2020 traffic. It is going to have an affect on the intersections close by. It will have affects from the  
2021 standpoint of redistributing some of the traffic. If someone is going to Virginia Center, they  
2022 may come here. That is one less over there and one more here, but to say it affects it  
2023 regionally, I would not agree with that statement.

2024

2025 Mr. Taylor - Well, I don't think it would impede any determined shopper for a  
2026 discount sale at Nordstrom's.

2027

2028 Mr. Foster - Well, from a traffic standpoint, that is something that I can't answer. I  
2029 don't know.

2030

2031 Mr. Archer - All right. Any further questions or comments for Mr. Foster?

2032 Ms. Dwyer - Mr. Foster, I was going to ask you if you could just briefly tell us what  
2033 the F level of service means.

2034

2035 Mr. Foster - That is probably the hardest thing that you have asked me so far. When  
2036 we have, we have levels of service and it is defined as A, B, C, D, E and F. It is like a grade,  
2037 with A being the best, which is really in the middle of nowhere, typically, you have A's, with  
2038 F being the worst, and, of course, we don't have F- or F+ . F is F. Typically we see an F  
2039 level of service at intersections, you'll probably have to sit through a couple of phases at the  
2040 traffic signal, and you will have traffic backup, that will occur. When you get to E's, you are  
2041 starting to see that not as often, but once again this is during the peak hit. Everything we  
2042 measure is during the peak period. And sometimes that peak period last an hour and a half,  
2043 not just an hour. Other than that, most of the time during the day, most intersections like this  
2044 will be a C or D level of service, but at the peak hour. So, you do expect traffic backup out of  
2045 the left-turn lanes if they happen to have and the types of delays I discovered. You can have a  
2046 level of service at E at an intersection but have a leg of it being at level service F.

2047

2048 You can have a level service B at intersections and have a leg of it at level service F. It is just  
2049 the way the calculations work. That does not mean that someone in the left-turn lane waits a  
2050 little bit longer than the people in the free movement. So, an F is a worst-case situation, and it  
2051 will be usually a couple clicks of the light, which is the terminology I hear on the radio, to get  
2052 through an intersection.

2053

2054 Ms. Dwyer - And again that means during the peak hour?

2055

2056 Mr. Archer - Who set that standard, Mr. Foster? Is that pretty universal or is that our  
2057 standard?

2058

2059 Mr. Foster - That comes directly from the Highway Capacity Manual, which is the  
2060 document that all traffic engineers use to determine traffic analysis set forth in that document.  
2061 It is used not only in this country, but in other countries as well.

2062

2063 Mr. Taylor - So, then basically if people plan their shopping excursions around those  
2064 peak periods, it would be basically clear sailing to get to that discount sale.

2065

2066 Mr. Foster - If someone, if I understand what you are saying, if someone decides at  
2067 2:00 this afternoon to go to the mall, yes, there should not be a problem.

2068

2069 Mr. Kaechele - One other thing you might comment on, Mr. Foster, is the parking that  
2070 has been generally slightly today, was the increased square footage of the Center. Is you  
2071 department satisfied with the parking?

2072

2073 Mr. Foster - As far as I can tell, and we don't determine the parking, but from  
2074 looking at the calculations, they look accurate to me. I don't know, but we don't determine the  
2075 parking, so I can't really answer that question, Mr. Kaechele.

2076

2077 Mr. Marlles - Mr. Kaechele, Mr. Wilhite can respond to that question.

2078

2079 Mr. Wilhite - Mr. Kaechele, the way the Planning Office determines the parking  
2080 calculations in the shopping center is we look at the gross building area for the development,  
2081 we factor out the 20% credit and then base the remaining square footage on one space per  
2082 every 200 square feet, no matter what uses are implied. I would like to point out that there  
2083 was with the proffered condition a requirement that they submit a parking study for this  
2084 development, which they did with the original POD. With that, there was a calculation that  
2085 under the County's requirements there were going to be 4,596 spaces needed. Their analysis  
2086 used the Urban Land Institute's calculations for mixed-use development and they came up with  
2087 the total of 4,594, so that only differs with two spaces from what the County required. I'd like  
2088 to also point out that no matter the County requires here as far as the calculations go, there is  
2089 also wording within the Ordinance and also in the standard conditions for PODs that the  
2090 developer has to provide sufficient, usable parking if the need dictates. That means that if  
2091 there are parking problems out there, they will have to provide more spaces under the Code.  
2092 There is additional land available outside the ring road to have parking. The original POD  
2093 actually showed additional parking spaces outside the ring road to satisfy the requirements. It  
2094 is felt that they are probably going to be able to meet the County's requirements within the ring  
2095 road currently under the new proposal, but if the parking situation is such that there is land  
2096 available outside the ring road to extend the parking, if that is necessary.

2097

2098 Mr. Archer - Thank you. Thank you, Mr. Wilhite.

2099

2100 Mr. Foster - I did want to clarify one thing. According to VDOT's web page that we  
2101 got, Route 288 from 76 to I-64 is expected to be completed by 2003, so it is the entire section  
2102 of 288.

2103

2104 Mr. Vanarsdall - What is the date?

2105

2106 Mr. Foster - It says late 2003.

2107

2108 Mr. Archer - All right. Any further questions of Mr. Foster? Thank you, sir.

2109

2110 Mr. Vanarsdall - Mr. Chairman, I have a couple of comments that I'd like to make before  
2111 Mr. Taylor makes his motion. I have been, as most of you know, I have been on this  
2112 Commission for quite a number of years and I wasn't here when Willow Lawn was built and I  
2113 wasn't here when Regency Square was built, but I was here when Virginia Center Commons  
2114 was. I believe that was about 10 years ago. I don't view this POD as anything any different  
2115 other than the notoriety and the publicity it has gotten, and the size of it, and I want Mr.  
2116 Prezioso, I have trouble with Robert's name, from VDOT. He is a resident engineer and we  
2117 are glad to have you this morning, and I want him to understand that we don't think of VDOT  
2118 as something that does not exist, but we are working, the Planning Commission here is  
2119 working under the laws of the County of Henrico, and is what we stay within for PODs, and  
2120 this POD meets all of the criteria of any POD that has every been before us. It has been  
2121 reviewed by every department in the County. Three of the gentlemen here, the County  
2122 Attorney, the Director of Public Works and the Assistant Director of Public Works, are all  
2123 here this morning, and it is in accordance with the Land Use Plan. The Land Use Plan called

2124 for mixed use. It is in accordance with that. We always go by that as a guideline and it meets  
2125 all of the goals, objectives and policies of the Land Use Plan. Certainly, last but not least, the  
2126 thing that is so obvious in this POD and was so obvious in the rezoning was the lack of  
2127 opposition from the citizens. The opposition this morning is not from citizens, so I think, with  
2128 all that, I think it does not make good sense.

2129

2130 Mr. Archer - Thank you, Mr. Vanarsdall.

2131

2132 Mr. Vanarsdall - That is all I have to say about it.

2133

2134 Mr. Archer - Any other comments from the Commission?

2135

2136 Mr. Taylor - Mr. Chairman, adding to what Mr. Vanarsdall has already said, I think  
2137 the issues of transportation, we discussed the improvements to 288, improvements to  
2138 Lauderdale and improvements to Route 64, John Rolfe Parkway and Three Chopt Road with  
2139 the net total improvement plan, I really think those remaining few problems we are discussing  
2140 are going to be greatly ameliorated, so I would appreciate it if I could move approval on POD-  
2141 6-01, Short Pump Town Center, POD-123-98 Revised, subject to the standard conditions for  
2142 developments of this type, conditions 9 and 11 amended, and Nos. 23 through 38, and the  
2143 annotations on the plan.

2144

2145 Ms. Dwyer - Second.

2146

2147 Mr. Archer - The motion was made by Mr. Taylor and seconded by Ms. Dwyer. All  
2148 in favor of the motion let it be known by saying aye. Those in opposition say no. The ayes  
2149 have it. The motion is carried.

2150

2151 The Planning Commission approved POD-6-01, Short Pump Town Center, (POD-123-98  
2152 Revised), subject to the standard conditions for developments of this type, the annotations on  
2153 the plans, Nos. 9 and 11 amended, and additional conditions Nos. 23 through 38.

2154

2155 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for  
2156 review and Planning Commission approval prior to the issuance of any occupancy  
2157 permits.

2158 11. **AMENDED** - Prior to the installation of the site lighting equipment, a plan including  
2159 depictions of light spread and intensity diagrams, and fixture and specifications and  
2160 mounting height details shall be submitted for Planning Office review and Planning  
2161 Commission approval.

2162 23. The right-of-way for widening of W. Broad Street (U.S. Route 250) as shown on  
2163 approved plans shall be dedicated to the County prior to any occupancy permits being  
2164 issued. The right-of-way dedication plat and any other required information shall be  
2165 submitted to the County Real Property Agent at least sixty (60) days prior to requesting  
2166 occupancy permits.

2167 24. The easements for drainage and utilities as shown on approved plans shall be granted to  
2168 the County in a form acceptable to the County Attorney prior to any occupancy permits

- 2169 being issued. The easement plats and any other required information shall be submitted  
2170 to the County Real Property Agent at least sixty (60) days prior to requesting  
2171 occupancy permits.
- 2172 25. The entrances and drainage facilities on W. Broad Street (U.S. Route 250) shall be  
2173 approved by the Virginia Department of Transportation and the County.
- 2174 26. A notice of completion form, certifying that the requirements of the Virginia  
2175 Department of Transportation entrances permit have been completed, shall be submitted  
2176 to the Planning Office prior to any occupancy permits being issued.
- 2177 27. The developer shall provide fire hydrants as required by the Department of Public  
2178 Utilities and Division of Fire.
- 2179 28. Outside storage shall not be permitted.
- 2180 29. The proffers approved as a part of zoning case C-29C-98 shall be incorporated in this  
2181 approval.
- 2182 30. Any necessary off-site drainage and/or water and sewer easements must be obtained in  
2183 a form acceptable to the County Attorney prior to final approval of the construction  
2184 plans.
- 2185 31. Deviations from County standards for pavement, curb or curb and gutter design shall  
2186 be approved by the County Engineer prior to final approval of the construction plans  
2187 by the Department of Public Works.
- 2188 32. Insurance Services Office (ISO) calculations must be included with the plans and  
2189 approved by the Department of Public Utilities prior to the issuance of a building  
2190 permit.
- 2191 33. Approval of the construction plans by the Department of Public Works does not  
2192 establish the curb and gutter elevations along the Virginia Department of Transportation  
2193 maintained right-of-way. The elevations will be set by the contractor and approved by  
2194 the Virginia Department of Transportation.
- 2195 34. The ground area covered by all the buildings shall not exceed in the aggregate 25 percent  
2196 of the total site area.
- 2197 35. No merchandise shall be displayed or stored outside of the building(s) or on sidewalk(s),  
2198 except in the pedestrian plaza areas and other locations specifically approved at the time  
2199 of landscape plan approval.
- 2200 36. The existing 10-foot and 50-foot access easements shall be abandoned prior to the  
2201 issuance of any building permits in this development.
- 2202 37. The access drive connection with the property to the east of this development shall be  
2203 constructed as part of this plan and evidence of a joint ingress/egress and maintenance  
2204 agreement must be submitted to the Planning Office and approved prior to the issuance of  
2205 a certificate of occupancy for this development.
- 2206 38. The access drive connection with the property to the west of this development shall be  
2207 constructed either when the adjacent property to the west is developed or when an  
2208 outparcel abutting the said access drive connection is developed.  
2209
- 2210 Mr. Marlles - Mr. Chairman, we are on page 21 of the agenda. We have approval of  
2211 minutes from the March 28, 2001 meeting.
- 2212 Mr. Archer - Any changes? Did anybody read the minutes?  
2213

2214 Mr. Vanarsdall - If there are no changes, I make a motion that we approve the minutes.  
2215

2216 Mr. Taylor - I will second that motion because I did read them and I did phone in my  
2217 corrections.  
2218

2219 Mr. Archer - Thank you, gentlemen. We have a motion by Mr. Vanarsdall and a  
2220 second by Mr. Taylor. All in favor of the motion say aye. All opposed say no. The minutes  
2221 are approved.

2222  
2223 The Planning Commission approved the March 28, 2001, minutes with the corrections.  
2224

2225 **PUBLIC HEARING: Ordinance - To Amend the County Code to Require a Conditional**  
2226 **Use Permit for Any Non-commercial Kennels in One-Family Residence Districts and in**  
2227 **Recorded Subdivisions in Agricultural Districts.**

2228

2229 Mr. Marlles - Mr. Chairman, the next item is a public hearing on a proposed ordinance  
2230 amendment to amend the County Code to require a conditional use permit for any non-  
2231 commercial kennel in one-family residence districts in the County and in recorded subdivisions  
2232 in Agricultural Districts. Mr. Ben Blankinship, our Principal Planner in charge of the Zoning  
2233 Division, is going to present the staff report. This is a public hearing.

2234

2235 Mr. Blankinship - Mr. Chairman, I have copies of the ordinance for anybody who needs  
2236 one.

2237

2238 Mr. Archer - You can pass them out, Mr. Blankinship. Thank you, sir.

2239

2240 Mr. Vanarsdall - I think I brought one, but I don't know if I can find it. Thank you, Ben.

2241

2242 Mr. Archer - I believe all of the public is gone.

2243

2244 Mr. Blankinship - I thought all those people were here for me.

2245

2246 Mr. Archer - The visible members of the staff will have to be the public from now on.  
2247 So, you members of the public pay attention. Thank you. Mr. Blankinship.

2248

2249 Mr. Blankinship - Mr. Chairman, we are trying to address a small loophole in the Code  
2250 that was discovered earlier this year. The way the regulation is currently written and  
2251 interpreted, private kennels, which means anyone who has more than four pets in their home,  
2252 are allowed in both residential and agricultural districts by conditional use permit if the  
2253 property is in a recorded subdivision, but by right if the property is not in a recorded  
2254 subdivision. What we found earlier this year is that we had one particular property that  
2255 represented a broad class of properties where a lot that is zoned one-family residential, but is  
2256 right between two recorded subdivisions could have a private kennel on it by right. The  
2257 particular case that brought this to our attention was settled without anybody's feelings being  
2258 hurt, but we were left with the conclusion that we really need an amendment to the ordinance  
2259 so that in the one-family residence district, a private kennel should always require a conditional  
2260 use permit from the Board of Zoning Appeals. After a pretty thorough discussion, the staff  
2261 reached a consensus that we should leave the agricultural district alone. The agricultural  
2262 district will continue with the present rule, which is in a recorded subdivision you do need a  
2263 conditional use permit. If you are not in a recorded subdivision, you do not need a conditional  
2264 use permit, but we recommend changing the one-family residence district, so that whether or  
2265 not the property is in a subdivision, any property in a one-family residence district would have  
2266 to have a conditional use permit to operate a private kennel.

2267

2268 So, the first paragraph of the amendment before you makes that change in the one-family  
2269 residence district and then paragraph 2 and 3 adjust the wording of the agricultural district, not

2270 changing the rules but making it more clear since we are changing the residence district,  
2271 making it clear how the rule will apply in the agricultural district. We went through all of this  
2272 a few weeks ago in a work session. There was one question that was unresolved at the work  
2273 session. Mr. Taylor, you asked about electrified fences. I spoke to the staff in Building  
2274 Inspections. They said the National Electrical Code does not address the issue. The State-wide  
2275 Building Code does not address the issue, and they have had no reports of anybody in Henrico  
2276 County being harmed by an electrical fence. Apparently, it is not only a matter of how high  
2277 the voltage is, but how long the shock lasts and electrical fences provide a very brief duration  
2278 of shock. So, apparently, there is not a serious health concern out there, and other than that, I  
2279 am prepared to answer questions.

2280

2281 Mr. Archer - All right, Commission members. Mr. Blankinship is prepared to answer  
2282 questions. Have you any? Most shocks are of brief duration.

2283

2284 Mr. Taylor - And I do remember one person having absorbed one.

2285

2286 Mr. Marlles - I was just going to point out to the Commission there has been some  
2287 information, in fact an article in the newspaper, about a gentleman in Henrico County who is  
2288 lobbying for a dog-free zone. We do know that a barking dog can be a real nuisance to  
2289 residents, and we do feel this is a reasonable approach to regulating commercial kennels, so  
2290 with that, Mr. Chairman, staff would recommend approval.

2291

2292 Mr. Vanarsdall - I read in the morning's paper someone has attempted to de-bark the dog,  
2293 something to his vocal cord. Did you see that? I guess he went from a bark to a squeak.

2294

2295 Mr. Taylor - Well, I understand it is not just dogs. It is the number of pets included.  
2296 I mean there is dogs, cats and birds, and birds also can squawk and make a lot of noise. My  
2297 question is, will it be clear that whether you have dogs, birds, cats or an aardvark, if your  
2298 number is over four, you have to have a conditional use permit, which is not necessarily a  
2299 tortuous process. So, if you are well advised to register and get a conditional use permit, even  
2300 though you have the best pet, quiet, peaceful, if the number is over four, you must have this  
2301 type of a permit, and that, sir, I think is going to require some publicity, because most people  
2302 count only, let's say, the troublesome pets, and some people that I know have three or four  
2303 dogs, two or three cats, and three or four birds.

2304

2305 Mr. Vanarsdall - You are not talking about me, either.

2306

2307 Mr. Taylor - I am certainly not talking about my distinguished colleague, but my point  
2308 is, what this will require, if we are to reasonably expect it to be followed, is some educational  
2309 program to recognize this is not necessarily changed. It has always been there, but it is a  
2310 requirement, and it should be adhered to by current occupants who are in a residential zone,  
2311 and have more than four pets.

2312

2313 Mr. Blankinship - That is certainly clear in the Code. Most of these cases come to us as a  
2314 result of a complaint.

2315 Mr. Taylor - I know that, and that is what I am leading up to is, how to get the word  
2316 across, as a public educational activity, that all pets count whether they be any different species  
2317 and the notice the conditional use permit is not necessarily punitive. It is administrative. It is  
2318 not a gargantuan process to go through. It is just like getting a dog license or cat license,  
2319 except now you have to get a conditional use permit collectively to encompass all of your  
2320 animals, your menagerie.

2321

2322 Mr. Marlles - I would like to try to field that one. We do, with some of the comments  
2323 of zoning violations; we do run public service announcements on Channel 37. We also have;  
2324 in fact, there has been some contact with some of the animal protection groups over this  
2325 amendment, so we do have some ways of getting that word out, as you suggest. I can also tell  
2326 you. This is related. The County has hired a consultant to look at ways that we can use  
2327 Channel 37 as a more effective communication medium. I think Channel 36, if you are  
2328 familiar with it, is a school administration cable TV channel, and they do a very good job of  
2329 programming, and I think their interest in the County administration to try to raise the level of  
2330 programming and, again, use Channel 37 as more effective communication tool, but public  
2331 service announcements and those types of efforts are things we can certainly look at.

2332

2333 Mr. Taylor - My only point here, Mr. Director, is that if we are going to put this  
2334 ordinance out, we should expect the people would follow it as a matter of it just being there  
2335 and a common courtesy to the neighbors and the community and to the County.

2336

2337 Mr. Kaechele - What has been the recourse in the past for citizens that have been  
2338 reported, you know, to have excess animal pets of five dogs or 16 cats. Their only recourse is  
2339 to get rid of a number of them. Is that right?

2340

2341 Mr. Blankinship - They can apply for the permit, and frequently when the Board of Zoning  
2342 Appeals has approved those permits, it has been with the condition that they cannot replace  
2343 those animals as they die or run off or whatever. They would, by attrition, come down to the  
2344 limit of three and no new animals. That is not always a condition, but it frequently is.

2345

2346 Mr. Archer - All right. Any more questions. All right. What actions do we need on  
2347 this, Mr. Secretary?

2348

2349 Mr. Marlles - Mr. Chairman, we need to take action on the recommendation and  
2350 forward it to the Board for public hearing and action.

2351

2352 Mr. Archer - All right. Is there a motion for that recommendation?

2353

2354 Mr. Vanarsdall - So moved.

2355

2356 Mr. Taylor - I will second Mr. Vanarsdall's motion.

2357

2358 Mr. Archer - All right. Motion by Mr. Vanarsdall and second by Mr. Taylor. All in  
2359 favor of the motion say aye. All opposed say no. The ayes have it. The motion is approved.

2360 All right, Mr. Secretary. Do we have a motion for adjournment?

2361

2362 Mr. Vanarsdall - I move we adjourn.

2363

2364 Ms. Dwyer - Second.

2365

2366 Mr. Archer - The motion was made by Mr. Vanarsdall and second by Ms. Dwyer to  
2367 adjourn. Meeting adjourned.

2368

2369 There being no further business, the Planning Commission adjourned its April 25, 2001,  
2370 meeting at 11:55 a.m.

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C. W. Archer, C.P.C. Chairman

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John R. Marlles, AICP, Secretary