

1 Minutes of the regular monthly meeting of the Planning Commission of the County of Henrico, Virginia, held in
2 the Board Room of the County Administration Building in the Government at Parham and Hungary Springs
3 Roads, Beginning at 9:00 a.m. Tuesday, April 28, 1998

4

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

10

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

13

14 Others Present: Mr. David D. O'Kelly, Jr., Principal Planner, Acting Secretary
15 Mr. Jim P. Strauss, CLA, County Planner
16 Mr. E. J. (Ted) McGarry, III, County Planner
17 Mr. Kevin D. Wilhite, County Planner
18 Ms. Leslie A. News, CLA, County Planner
19 Mr. R. Kirby Smith, Drafting Technician
20 Mr. Robert J. Eagle, Associates County Planner
21 Mr. L. Jerry Peay, Planning Technician
22 Mr. Todd Eure, Assistant Traffic Engineer
23 Mr. Alvin Hicks, Dept. of Public Works
24 Ms. Diana B. Carver, Recording Secretary
25 Mrs. L. B. Ann Cleary, Office Assistant

26

27 Other Absent: Mr. Randall R. Silber, Secretary

28

29 Mr. Archer - Good morning everyone. We have a rather lengthy agenda today so we are going to
30 get started. To my left is Principal Planner, Mr. David O'Kelly, who will be the acting secretary today in lieu of
31 Mr. Randall Silber who is probably right now boarding the "Red Eye" coming back from Seattle.

32

33 Mr. O'Kelly - Thank you, Mr. Chairman. All members are present this morning. We can conduct
34 business. We do have a quorum. Mr. Donati did call earlier this morning. He has a prior engagement so he will
35 not be at the meeting today. With that, Mr. Chairman, the first order of business is request for deferrals and
36 withdrawals on the 9:00 a.m. portion of the agenda.

37

38 Mr. Archer - All right.

39

40 Mr. Wilhite - Good morning, Mr. Chairman, Commission members, ladies and gentlemen. The staff
41 is aware of three requests for deferral and withdrawals at this time. The first one is on page nine of your agenda,
42 POD-35-98.

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

44

POD-35-98
Canterbury Green,
Phase IV

TIMMONS for Wilton Family Ltd. III: Request for approval of a plan of development and transitional buffer deviation, as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code to construct a two-story, 7,567 square foot office building on part of parcel 89-A-17. The 0.660 acre site is located southwest of the intersection of Patterson Avenue and Pump Road. The zoning is B-2C, Business District (Conditional). County water and sewer (**Tuckahoe**)

45

46 Mr. Wilhite -

The applicant is requesting a deferral to your May 26, 1998, meeting.

47

48 Mr. Archer -

Is there anyone in the audience in opposition to the deferral of POD-35-98, Canterbury

49 Green, Phase IV? No opposition.

50

51 Ms. Dwyer -

Mr. Chairman, I move POD-35-98 be deferred to our May 26 meeting at the

52 applicant's request.

53

54 Mr. Vanarsdall - Second.

55

56 Mr. Archer -

The motion was made by Ms. Dwyer and seconded by Mr. Vanarsdall. All in favor

57 say aye...all oppose nay. The motion passes.

58

59 At the request of the applicant, the Planning Commission deferred POD-35-98, Canterbury Green, Phase IV, to
60 its meeting on May 26, 1998.

61

62 **PLAN OF DEVELOPMENT (Deferred from the January 27, 1998, Meeting)**

63

POD-17-97
Short Pump Station,
Phase III

Balzer & Associates, P.C. for Short Pump Investors, L.P.: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a one-story, 39,925 square foot shopping center addition. The 5.77 acre site is located on W. Broad Street (U.S. Route 250), 450 feet west of Pouncey Tract Road on parcels 36-A-19D, 21, 22, 23, and 24. The zoning is B-2C, Business District (Conditional) and M-1, Light Industrial District. County water and sewer (**Three Chopt**)

64

65 Mr. Archer -

Is there anyone in the audience in opposition to the deferral of POD-17-97, Short

66 Pump Station, Phase III? No opposition.

67

68 Mr. Wilhite -

The applicant is requesting deferral to your June 23, 1998, meeting.

69

70 Mrs. Wade -

Is there anybody here for them? Nobody's here. I'm not going to be here on that date
71 and it could be complicated. If they had been here I would have ask them to take May or July.

72 Mr. Wilhite -

We are expecting new plans to be submitted early May to try and make it on the June

73 23 agenda.

74 Mr. Archer -

Do you think we need to change the date, Mrs. Wade?

75

76 Mrs. Wade - Is there any particular reason why... They said they were going to get it to you by
77 June, it's been months and months now.

78

79 Mr. Wilhite - I believe this is the 7th deferral on this project.

80

81 Mrs. Wade - Okay. Let's defer it to July. I'll have to tell them.

82

83 Mr. Archer - That would be July 28. All right.

84

85 Mrs. Wade - I move then that POD-17-97, Short Pump Station, Phase III, be deferred until the 28th
86 of July, at the applicant's request.

87

88 Mr. Vanarsdall - Second.

89

90 Mr. Archer - The motion was made by Mrs. Wade and seconded by Mr. Vanarsdall. All in favor
91 say aye...all oppose nay. The motion passes.

92

93 At the request of the applicant, the Planning Commission deferred POD-17-97, Short Pump Station, Phase III, to
94 its meeting on July 28, 1998.

95

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

97 **(Deferred from the March 24, 1998, Meeting)**

98

POD-31-98
Winn Dixie Marketplace
@ Springer Plaza
Shopping
Center-Airport & Beal
(POD-36-93 Revised)

E. D. Lewis & Associates for The Marsoby Company, Winn Dixie Raleigh, Inc. and ARS Investment Corporation: Request for approval of a revised plan of development and transitional buffer deviation, as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code to construct a one-story, 49,800 square foot food store addition to an existing shopping center. The 9.933 acre site is located on the northeast corner of Airport Drive (State Route 156) and Beal Street on parcels 155-A-27 and 155-2-2-1A. The zoning is B-2, Office District and ASO (Airport Safety Overlay District) County water and sewer (**Varina**)

99

100 Mr. Wilhite - On page 13 of your agenda, the applicant is requesting a withdrawal.

101

102 Mr. Archer - We don't need a motion on that, right?

103

104 Mr. O'Kelly - Yes, sir, we do.

105

106 Mrs. Wade - We do for PODs.

107 Mr. Archer - Okay. We need to ask for opposition. Is there anyone in the audience oppose to the
108 withdrawal of POD-31-98, Winn Dixie Marketplace?

109

110 Mr. Zehler - Mr. Chairman, I move that POD-31-98, Winn Dixie Marketplace @ Springer Plaza
111 Shopping Center be withdrawn.

112

113 Mr. Vanarsdall - Second.

114

115 Mr. Archer - The motion was made by Mr. Zehler and seconded by Mr. Vanarsdall. All in favor
116 say aye...all opposed say nay. The motion passes.

117

118 At the request of the applicant, the Planning Commission withdrew POD-31-98, Winn Dixie Marketplace @
119 Springer Plaza Shopping Center – Airport & Beal (POD-36-93 Revised), from further consideration.

120

121 Mr. O’Kelly - Next, Mr. Chairman. We have the subdivision extensions of conditional approval and
122 Mr. Wilhite will provide a report on staff’s recommendations.

123

124 Mr. Vanarsdall - Mr. Chairman, before we have that. This was for the 9:00 a.m. agenda. Do we have any more
125 for the 10:00 a.m. agenda that we could announce but not make a motion on? Is that all right?

126

127 Mr. Archer - That’s fine.

128

129 Mr. Wilhite - Those are all of the requests at this time that I am aware of.

130

131 Mr. Vanarsdall - Okay. Thank you. Excuse me, Mr. Secretary.

132

133 **SUBDIVISION EXTENSIONS OF CONDITIONAL APPROVAL**

134

<u>Subdivision</u>	<u>Magisterial District</u>	<u>Remaining Lots</u>	<u>Previous Extensions</u>
Brookland Gardens Addition	Brookland	4	4
Hunters Run (March 1997 Overall Plan)	Varina	82 73	0
Hunton Park (March 1997 Plan)	Brookland	0	0
Phillips Woods (February 1992 Plan)	Varina	24 4	5

135

136 Mr. Wilhite - On your agenda, we have four subdivisions in for extension. We can recommend
137 approval of all four subdivisions with some slight changes. Hunters Run, 73 lots, are remaining in that
138 subdivision for conditional extension, and, in Phillips Wood, instead of 24 that should read 4 lots. The staff can
139 recommend approval of those four subdivisions.

140

141 Mr. Vanarsdall - I move that we approve the four subdivisions as recommended by staff.

142

143 Ms. Dwyer - Second.

144

145 Mr. Archer - The motion was made by Mr. Vanarsdall and seconded by Ms. Dwyer. All in favor
146 say aye...all oppose say nay. The motion passes.

147

148 The Planning Commission voted to approve the subdivision extensions of conditional approval for 12 months,
149 April 27, 1999.

150

151 Mr. O'Kelly - Next we have a provisional use permit deferred from the Commission's April 9, 1998,
152 meeting.

153

154 **THREE CHOPT**

155 **Deferred from the April 9, 1998 Meeting**

156 **P-15-98 James W. Theobald and Charles H. Rothenberg for SprintCom, Inc.:** Request for
157 approval of a provisional use permit in accordance with Sections 24-95(a) and 24-122.1 of Chapter 24 of the
158 County Code in order to construct and operate a communication tower up to 199' high and related equipment and
159 improvements, on part of Parcel 11-A-1, containing 2,500 square feet, located approximately 300' north of the
160 terminus of Twin Hickory Lane (5700 Twin Hickory Lane). The site is zoned A-1, Agricultural District.

161

162 Mr. Archer - Is there anyone here in opposition to this case? We have opposition in the back.
163 Thank you, sir. All right. Mr. Bittner.

164

165 Mr. Bittner - Thank you, Mr. Chairman. As you know, I have already presented this case a couple
166 of weeks ago so I won't go through the whole report. I'll just simply reiterate staff's concern. Overall, we do
167 not support the location of communication towers within residential areas. As you are aware, this is the
168 developing section of the Wyndham subdivision. We also feel that there are sites in this area that are preferable
169 to the one that they have now proposed, including going across the river to Hanover County. If this is ultimately
170 approved, we recommend the conditions in the staff report be placed on this provisional use permit, and I'd be
171 happy to answer any questions you may have.

172

173 Mr. Archer - Thank you, Mr. Bittner. Are there any questions of Mr. Bittner by Commission
174 members?

175

176 Mrs. Wade - As I understand it, one reason for the deferral was so that they could better explain
177 why they need this particular spot as opposed to some others in terms of their entire grid and pattern. We have
178 had a meeting about that.

179

180 Mr. Bittner - Staff did meet with the applicant and they showed us a grid. I'll let them explain the
181 technical aspect of it. They can do it better than I can.

182

183 Mr. Archer - Are there any further questions of Mr. Bittner?

184

185 Mrs. Wade - Yes. I have one question. Of those in the area, there is one on Trexler Road which is
186 that one across I-295, what does the land use plan show for that area? Is that not residential?

187 Mr. Bittner - I don't know off the top of my head on that. I will have to look at the Land Use Plan.
188

189 Mrs. Wade - Off Sadler and across I-295. Okay. Thank you. I have one other question. Can you
190 tell me why the name of one of the adjacent property owners appear in the staff report? Nobody who has ever
191 seen can remember ever having seen this done before.
192

193 Mr. Bittner - No, it's not something we typically do. It was only done for information purposes.
194 That gentleman's name was not mentioned in the first staff report; however, his name did come up at the last
195 Planning Commission meeting. I simply wanted it to be in there for information so that everyone had all of the
196 data concerned with this case and so that the Commission could have the most chance to make a formal decision.
197 It is my understanding, that gentleman had contacted not only staff, but the Commissioners as well, so they were
198 familiar with him so that's why I chose to put that name in the staff report.
199

200 Mrs. Wade - Well, I understood that he requested that that not be done. Anyway, that's something
201 we need to talk about before we have another case like that.
202

203 Mr. Archer - Are there any more questions of Mr. Bittner? Mrs. Wade, would you like to hear from
204 the applicant?
205

206 Mrs. Wade - Yes. He needs to answer the question I have for him, the location and what appears as
207 a reworded condition.
208

209 Mr. Rothenberg - Yes, ma'am. Mr. Chairman and members of the Commission, my name is Chuck
210 Rothenberg on behalf of Sprint. My assistant, Ms. Cooke, is handing out some revised plans that shows the
211 relocated site for the tower that we came up with after meeting with Mrs. Wade. And staff, at least for ten days
212 ago, you will note that the revised plans show the location of the tower about an additional 250 to 270 feet
213 further northeast from the site shown up on the screen now. The new site is tucked up in the floodplain, granted
214 on two sides by floodplains. We believe that is well out of the way of future development. It's a total of about
215 750 feet now away from the Wyndham Forest Subdivision. It's no closer to the property owners to the south of
216 the parent tracts. We think it's geared to an appropriate location. Mrs. Wade, could you repeat your question
217 about the other site?
218

219 Mrs. Wade - Across I-295, I'm not sure whose tower it is, but there is a tower you see from the
220 interstate that's down a little road west of Sadler. It must not be one of yours. I don't know if anybody has a
221 copy of the Land Use Plan. I would guess that, that is on the plan for residential in that area also.
222

223 Mr. Rothenberg - Mr. Waller of Sprint can explain what tower site that is.
224

225 Mrs. Wade - My only question is, what does the land use plan provides over there, across the
226 highway. Evidently, I should have looked it up myself.
227

228 Mr. Rothenberg - That is a GTE Tower. I'm not sure what the land use plan is. At the request of one of
229 the neighbors, we would ask that we add one condition to the case. If I can just read that into the record. It is as
230 follows. It would be condition No. 7. "If and when public roads are completed to the parent tract providing an
231 alternate means of vehicular access to the communication tower, the private driveway extending from Twin
232 Hickory Lane shall no longer be used for vehicular access to the communication tower." The purpose of that
233 condition is simply to encourage traffic to and from the tower, however limited that traffic is to use the public

234 roads as opposed to a private easement over a neighbors property for access to the site. And that is something
235 that Sprint is willing to agree to.

236

237 Mrs. Wade - Have you submitted then something with the new site location on it?

238

239 Mr. Rothenberg - I have not. We have just revised this language, but I will be more than happy meeting
240 right after the hearing to get copies to staff and the Planning Commissioners.

241

242 Mrs. Wade - And some of the others might be interested, sometime, in the type of chart you showed
243 us at the meeting about the area that you cover and with the holes in the grid and all that. I don't know whether
244 if the others have been in meetings that you have used those charts or not. We don't need it today but just
245 sometime in the future. We always have questions about these towers when they come up. Thank you.

246

247 Mr. Archer - Are there any further questions of Mr. Rothenberg? I believe we had some opposition,
248 did we not? Okay, sir. Please come forward and state your name and address.

249

250 Mr. Edwards - Good morning. My name is Norm Edwards and I live at 5500 Twin Hickory Lane. I
251 happen to be the private citizen whose name appears in your staff report. I would like to address a couple of
252 things. The first being , I don't know why I was granted the dubious honor of being the first person to ever have
253 their name put in a staff report, especially since I specifically requested that it not be used. I would like some
254 explanation of this, not at this particular time but in the future we would like an explanation of why this was
255 done. We had a specific reason for asking for that.

256

257 The next item I have is that the way the staff report is written, it says concerns about this proposed location and
258 its access has been expressed by adjacent property owner. I have never had any concern about the location of
259 this tower. We have never opposed this tower. I have talked to Mrs. Wade, Mr. Rothenberg, to Mr. Bittner and
260 at no time did we ever oppose the location of this tower. We only ask for a condition for the access. I would ask
261 that you seriously consider approving the alternate access that we talked about, if and when public roads ever
262 become available to this tract. We are not asking to change anything that's in progress right now. There is an
263 easement across our property for access to the parent tract. We have no problem with that easement, but we
264 would like future development traffic, which is definitely development of parts of that tract, to be ran over public
265 roads rather than private easements. We really don't think that is asking too much. That's all I have. Any
266 questions?

267

268 Mr. Archer - Thank you, Mr. Edwards. Are there any questions of Mr. Edwards? Is there anyone
269 else here to speak in opposition or for this case? Mrs. Wade.

270

271 Mrs. Wade - As he said the.... Well, there was one party here at our last hearing who had questions
272 about it. I think part of it was perhaps that the people in the area were not involved early enough in the process
273 to know exactly what the plans are. But, we certainly know one, as Mr. Edwards points out here, opposing the
274 tower and it's final location you are going to submit. The reason I brought up Trexler Road site, across I-295, I
275 just feel sure that that's on the Land Use Plan for residential also. Have you looked that up?

276 Mr. Rothenberg - I can't be positive, but I'm pretty sure it's suburban residential on the Land Use Plan.
277

278 Mrs. Wade - So, they do sometimes come in residential areas. That was basically my only point
279 there. It's not the most desirable place, certainly. They did make a strong case at our meeting I think to have it
280 located here in order to meet the needs in that area. Frankly, the people who live around there and the offices
281 and so forth are the ones who will most likely be using the service. So, I really don't have a problem with that.
282 The tower is going to be there before any residents may come. As I recall, going out there for the demonstration,
283 it's a lower site than the residents. Also there are a lot of trees along the property line, between the residential
284 proposed or at least it is zoned residential area, and the property on which the tower is requested to be located.
285 As far as the access is concerned, one of the arguments given is not to favor one residential area over the other.
286 It seems to me whichever one you pick you are going to be favoring one over the other. So, I don't really follow
287 the logic there. I would, therefore, move that P-15-98 be recommended for approval with the condition on the
288 record condition one thru six and add No. 7, which is the same one that we had on the 9th of the month, which
289 said, "If and when that portion..." Let me make sure I've got the right one here. "Concept road 10 adjacent to
290 the parent tracts completed providing an alternate means of access to the communication tower. The private
291 driveway extending from Twin Hickory Lane shall no longer be used for vehicular access to the communication
292 tower."
293

294 Mr. Vanarsdall - Second.

295

296 Mr. Archer - The motion was made by Mrs. Wade and seconded by Mr. Vanarsdall. All in favor
297 say aye...all opposed say nay.

298

299 Mrs. Wade - Now, did I get the right one for No. 7? The one I want is the previous one.

300

301 Mr. Archer - That's the way it's stated in the staff report.

302

303 Mrs. Wade - Well, I'm adding No. 7 but I am not changing it from the one that was on the agenda at
304 the first meeting. Okay. Let me read it. They both look the same. The applicant's suggested language as of the
305 15th of the month is the one that I want. And that says "If and when that portion of concept road adjacent to the
306 parent tract is completed providing an alternate means of vehicular access to the communication tower, the
307 private driveway extending from Twin Hickory Road shall no longer be used for vehicular access to the
308 communication tower." That's the first one that was suggested. The wording is not very different.

309

310 Mr. Bittner - That language was in the staff report.

311

312 Mrs. Wade - Yes, that's in the staff report and that's to be No. 7.

313

314 Mr. Bittner - So, you want the staff report language, is that correct, instead of what Mr. Rothenberg
315 has offered today? His language today is different from this.

316

317 Mrs. Wade - Yes, the staff report. Although, staff didn't like it. We will add that as No. 7.

318

319 Mr. Archer - Well, Mrs. Wade, we haven't voted on the motion. So, would you like to reinstate it
320 then?

321 Mrs. Wade - Well, I just read it. I want to change it from the first one to the one in the staff report
322 and call that No. 7 and add it to the list of conditions.

323

324 Mr. Archer - Do you still second it, Mr. Vanarsdall?

325

326 Mr. Vanarsdall- Yes, I still second it.

327

328 Mrs. Wade - The idea being, when the concept road comes through there that that will be used, that
329 the access will go off of that instead of around Twin Hickory which is the private road. Thank you.

330

331 Mr. Archer - All in favor of the motion let it be known by saying aye...those oppose say nay. The
332 motion passes.

333

334 Mrs. Wade - I just saw this second one this morning when we got here.

335

336 Acting on a motion by Mrs. Wade, seconded by Mr. Vanarsdall, the Planning Commission voted 4-0
337 (two absent) to recommend that the Board of Supervisors **grant the requested revocable**
338 **provisional use permit**, subject to the following conditions:

339

340 1. If the use of the tower for communication purposes is discontinued, the tower and all related structures
341 shall be removed from the site within ninety (90) days.

342

343 2. Application for a building permit to install the tower must be made within one year after the Provisional
344 Use Permit is granted by the Board of Supervisors, unless an extension of time is granted by the
345 Director of Planning upon written request by the applicant.

346

347 3. The applicant shall obtain approval from the Henrico County Planning Commission should the FAA
348 require the addition of standard obstruction marking and lighting to the tower (i.e., red lighting, and
349 orange and white striping). The applicant shall notify the Henrico County Planning Director prior to
350 making any changes to the original galvanized finish of the tower.

351

352 4. When site construction is initiated, the applicant shall complete requirements prescribed by Chapter 10
353 of the Henrico County Code. In particular, land disturbance of more than 2,500 square feet will require
354 that construction plans include a detailed drainage and erosion control plan prepared by a professional
355 engineer certified in the State of Virginia. Ten (10) sets of the construction plans shall be submitted to
356 the Department of Public Works for approval.

357

358 5. A landscaping plan for the purpose of screening the base of the tower from view of public streets, shall
359 be submitted to the Planning Office for approval prior to the issuance of a building permit for the tower.
360 The Director of Planning may waive the enforcement of this condition if it is deemed unnecessary.

361

362 6. The applicant agrees to allow the co-location of as many additional users as technically possible at this
363 site in accordance with the provisions of the Letter of Intent to Permit Co-location on Communications
364 Tower filed by the applicant with this request.

365

366 7. If and when that portion of Concept Road 10-1 adjacent to the parent tract is completed providing an
367 alternate means of vehicular access to the communication tower, the private driveway extending from
368 Twin Hickory Road shall no longer be used for vehicular access to the communication tower.

369

370 The Planning Commission recommendation was based on its finding that the Provisional Use Permit
371 is reasonable; when properly developed and regulated by the recommended special conditions, it
372 would not be detrimental to the public health, safety, welfare and values in the area; and the
373 proposed tower at this location was of adequate distance from the closest residential area.

374

375 **LANDSCAPE & LIGHTING PLAN**

376

LP/POD-68-97
Stanley Works Parking
Expansion

Grattan Associates, P.C.: 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 20.9 acre site is located at the northwest corner of Laburnum Avenue and Charles City Road on parcel 182-A-7. The zoning is M-2C, Light Industrial District (**Varina**)

377

378 Mr. Archer - Is there anyone in the audience in opposition to the landscape and lighting plan,
379 LP/POD-68-97, Stanley Works Parking Expansion? No opposition. Ms. News.

380

381 Ms. News - This plan includes lighting, landscaping and installation of an eight-foot vinyl clad
382 black security fence around the parking lot addition. Staff can recommend approval of the plan as annotated.

383

384 Mr. Archer - All right. That's nice and short. Are there any questions by Commission members of
385 Ms. News?

386

387 Mr. Zehler - Mr. Chairman, I move LP/POD-68-97, Stanley Works Parking Expansion be
388 approved subject to the annotations on the plan and the standard conditions.

389

390 Mrs. Wade - Second.

391

392 Mr. Archer - The motion was made by Mr. Zehler and seconded by Mrs. Wade. All in favor say
393 aye...all opposed say nay. The motion passes.

394

395 The Planning Commission approved the landscape and lighting plan for LP/POD-68-97, Stanley Works Parking
396 Expansion subject to the standard conditions and the annotations on the plan.

397

398 **PLAN OF DEVELOPMENT**

POD-39-98
Capri Jewelers @
Virginia Center Commons

Grattan Associates, P.C. for DecHill DeCapri Commons, L.L.C. and Innsbrook Development Group: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a one-story, 3,800 square foot retail store. The 0.95 acre site is located at Virginia Center Commons Shopping Center on part of parcel 24-A-7D. The zoning is B-3C, Business District (Conditional). County water and sewer. (**Fairfield**)

399 Mr. Archer - Is there anyone in the audience in opposition POD-39-98, Capri Jewelers @ Virginia
400 Center Commons? No opposition. Ms. News.

401

402 Ms. News - This proposal is for a retail store on an outparcel of Virginia Center mall. It is located
403 on an inner loop of the shopping center, and is not adjacent to any public roads. The applicant has submitted a

404 color rendering of the building, which staff feels is compatible with the surrounding development. Staff
405 recommends approval of the plans as annotated.

406

407 Mr. Archer - Ms. News, does anyone else have this or just me? I'm going to pass it around just in
408 case.

409

410 Ms. Dwyer - I have it.

411

412 Mr. Archer - All right. We all have it.

413

414 Mrs. Wade - Where is the roof of this building? What would be considered the roof?

415

416 Ms. News - There's a two-foot parapet around the edge of the building and then the center line,
417 that's still within the required height allowance. That's where their HVAC equipment is supposed to be hidden
418 behind that parapet. It is supposed to be a flat roof.

419

420 Ms. Dwyer - Behind the tall portion of the parapet? Is the HVAC is going to be behind the tall
421 portion of the parapet?

422

423 Ms. News - The applicant indicated to me, and I believe they are here, that the HVAC equipment
424 would be down below the shorter parapet on the first level.

425

426 Mrs. Wade - So, this is a good example of the question I've been raising lately about the towers,
427 that this would seem to be an architectural feature.

428

429 Ms. News - Yes.

430

431 Mrs. Wade - With obviously, well, in fact, they even mentioned the sign connection with it.

432

433 Ms. News - The applicant has indicated that they would like to attach a sign on that. That's not a
434 part of the approval but it's being regarded as an architectural element to this building, in this particular design.

435

436 Mr. Archer - So, the sign would go where, now, Ms. News?

437

438 Ms. News - They have not had approval for a sign but I believe it is their intention to put the sign
439 on the taller part.....

440

441 Mr. Archer - On the raised parapet?

442

443 Ms. News - Yes.

444

445 Ms. Dwyer - We have another one like this today, I believe, Mrs. Wade, the motel.

446

447 Mrs. Wade - Yes. We are seeing more and more of them. They want to put the sign on what is
448 basically the architectural feature. So, I'm asking the question about, since signs aren't supposed to go above
449 the roof line, where is the roof line? Anyway, I suppose somebody else will determine that.

450

451 Mr. Archer - Well, that is a good question. I guess we will have to have the applicant answer that.
452

453 Mrs. Wade - Okay. Thank you.
454

455 Mr. Archer - Are there any further questions of Ms. News? Okay. Will the applicant come forward
456 please?
457

458 Mr. Grattan - Good morning, I'm Stuart Grattan with Grattan Associates representing DeCapri
459 Common, L.L.C. I think the ownership is wrong on your report. I guess there were questions about to the height
460 of the parapet and location of the HVAC equipment, also the use for the so call tower. The HVAC could be a
461 split system and part of the unit would be beneath the parapet part. It would also be within the tower. The tower
462 will have access from the inside. There will be an enclosed space. I think that has been acceptable for several
463 buildings in the past as no longer quote "architectural treatment" but actually an enclosed space and a part of the
464 building and acceptable for signage.
465

466 Mr. Archer - So, it is your intention to put the sign on the tower?
467

468 Mr. Grattan - Yes, it is.
469

470 Mr. Archer - Okay. Mr. Secretary, help me out here. Where does that leave us in terms of.... Are
471 we in violation of the policy?
472

473 Mr. O'Kelly - No, Mr. Chairman. Stuart is exactly right, as long as this is a functional part of the
474 building, and it is used, it has access. In the past the Code has allowed these types of structures above the
475 roofline to be used for signage purposes.
476

477 Mr. Archer - Does that clarify the Commission member's questions about the roofline and etc.?
478

479 Ms. Dwyer - That's only if the extenuation is a part of the building and not if it's an architectural
480 detail and that's the distinction we make. And, this is part of the building because....
481

482 Mr. Grattan - It is. It will have access from the inside and we will possibly house HVAC equipment,
483 if not something else.
484

485 Mr. Archer - All right. Are there any further questions of Mr. Grattan? Thank you, Mr. Grattan.
486 Okay. There being no further questions or no opposition, I move for approval of POD-39-98, subject to the
487 annotations on the plan, the standard conditions for developments of this type and the additional conditions Nos.
488 23 through 30.
489

490 Mr. Vanarsdall - Second.
491 Mr. Archer - The motion was made by Mr. Archer and seconded by Mr. Vanarsdall. All in favor
492 say aye...all oppose say nay. The motion passes.
493

494 The Planning Commission approved POD-39-98, Capri Jewelers @ Virginia Center Commons, subject to the
495 standard conditions attached to these minutes and the following additional conditions:
496

497 23. The easements for drainage and utilities as shown on approved plans shall be granted to the County in a

498 form acceptable to the County Attorney prior to any occupancy permits being issued.
499 24. The developer shall provide fire hydrants as required by the Department of Public Utilities in its
500 approval of the utility plans and contracts.
501 25. The certification of building permits, occupancy permits and change of occupancy permits for individual
502 units shall be based on the number of parking spaces required for the proposed uses and the amount of
503 parking available according to approved plans.
504 26. Any necessary off-site drainage easements must be obtained in a form acceptable to the County
505 Attorney prior to final approval of the construction plans by the Department of Public Works.
506 27. Deviations from County standards for pavement, curb or curb and gutter design shall be approved by the
507 County Engineer prior to final approval of the construction plans by the Department of Public Works.
508 28. Insurance Services Office (ISO) calculations must be included with the utilities plans and contracts and
509 must be approved by the Department of Public Utilities prior to the issuance of a building permit.
510 29. Evidence of a joint ingress/egress maintenance agreement must be submitted to the Planning Office and
511 approved prior to issuance of a certificate of occupancy for this development.
512 30. The ground area covered by all the buildings shall not exceed in the aggregate 25 percent of the total
513 site area.

514
515 Mr. Archer - Mr. Secretary, call the next case please.
516

517 Mr. O'Kelly - Is Mr. David Bryant in the audience? Mr. Chairman, if I might, Mr. Bryant called this
518 morning. He has to come from Fredericksburg and he's tied up in traffic. I would suggest that we pass this case
519 by until later on. The case is POD-23-98, Spin Cycle – Laburnum Avenue.

520
521 Mr. Archer - All right. Did you say he is in route?
522

523 Mr. O'Kelly - Yes, sir.
524

525 Mr. Archer - Okay. Let's proceed to the next case.
526

527 **TRANSFER OF APPROVAL**
528

POD-3-70
Quarles Petroleum, Inc.
(Formerly Staples Mill
Shell)
Greg Jordan and Quarles Petroleum, Inc.: Request for transfer of approval
of a plan of development, as required by Chapter 24, Section 24-106 of the
Henrico County Code, from Shell Oil Company and Quarles Petroleum, Inc. to
Third Generation, L.P. The 0.78 acre portion of the site is located at the
southeast corner of the intersection of Staples Mill Road (U.S. Route 33) and
Bethlehem Road on parcels 103-A-84 and part of 85. The zoning is B-1,
Business District. **(Brookland)**

529 Mr. Archer - Is there anyone in the audience in opposition to the transfer of approval POD-3-70,
530 Quarles Petroleum, Inc.? Mr. McGarry.
531

532 Mr. McGarry - Mr. Chairman, staff can recommend approval.
533

534 Mr. Archer - Mr. Vanarsdall.
535

536 Mr. Vanarsdall - Actually, all he's doing is changing the canopy out front, and they had to get the
537 ownership in order before they could do that. That's what this is. I follow the staff's recommendation and

538 recommend POD-3-70 transfer of approval, and the new owner Third Generation, L. P. has agreed to all of the
539 conditions accepted by the previous owner. That's it.

540

541 Mr. Zehler - Second.

542

543 Mr. Archer - The motion was made by Mr. Vanarsdall and seconded by Mr. Zehler. All in favor say
544 aye...all oppose say nay. The motion passes

545

546 The Planning Commission approved the transfer of approval for POD-3-70, Quarles Petroleum, Inc. (Formerly
547 Staples Mill Shell), with the new owner, Third Generation, L.P. accepting all of the conditions to which the
548 previous owner agreed.

549

550 **TRANSFER OF APPROVAL**

551

POD-2-89
Pitstop Convenience
Store (Formerly
Racetrack)

Thomas B. Porterfield and Woodfin Oil Company: Request for transfer of approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, from Racetrac Petroleum Company to Nine Mech Corporation. The 1.4 acre portion of the site is located at the northeast corner of the intersection of Nine Mile Road (State Route 33) and Gordon's Lane on parcel 146-A-22. The zoning is B-2, Business District. **(Fairfield)**

552

553 Mr. Archer - Is there anyone in the audience in opposition to the transfer of approval POD-2-89,
554 Pitstop Convenience Store? Mr. McGarry, the notes indicate necessary minor repairs by April 28, 1998.

555

556 Mr. McGarry - Minor discrepancies including stop bars and stop signs. Andy Sadler, the
557 representative, indicated in a letter to me that he has completed those minor repairs. The staff can recommend
558 approval.

559

560 Mr. Archer - Thank you, sir. All right. I move for the approval of this transfer of approval POD-2-
561 89.

562

563 Mrs. Wade - Second.

564

565 Mr. Archer - The motion was made by Mr. Archer and seconded by Mrs. Wade. All in favor say
566 aye...all oppose say nay. The motion passes

567 The Planning Commission approved the transfer of approval for POD-2-89, Pitstop Convenience Store
568 (Formerly Racetrac), with the new owner, Nine Mech Corporation accepting all of the conditions to which the
569 previous owner agreed.

570

571 **TRANSFER OF APPROVAL**

572

POD-39-97
RCV Deep Run

James Irby for Eck Enterprises, Inc.: Request for transfer of approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, from Burham, LLC to Eck Enterprises, Inc. The 1.2 acre site is located on the west side of Deep Rock Road, 550 feet south of W. Broad Street (U.S. Route 250) on parcel 48-04-A-20C. The zoning is M-1C, Light Industrial District (Conditional) (**Three Chopt**)

573

574 Mr. Archer - Is there anyone in the audience in opposition to the transfer of approval POD-39-97,
575 RCV Deep Run? Mr. Whitney.

576 Mr. Whitney- Thank you, Mr. Chairman. The owners accepts the conditions of approval on this
577 POD, and staff recommends the transfer of approval be approved.

578

579 Mr. Archer - Is there a motion? Mrs. Wade

580

581 Mrs. Wade - I move transfer of approval for POD-39-97 be approved.

582

583 Mr. Vanarsdall - Second.

584

585 Mr. Archer - The motion was made by Mrs. Wade and seconded by Mr. Vanarsdall. All in favor
586 say aye...all opposed say nay. The motion passes.

587

588 The Planning Commission approved the transfer of approval for POD-39-97, RCV Deep Run, with the new
589 owner accepting all of the conditions by the previous owner.

590

591 **PLAN OF DEVELOPMENT (Deferred from the March 24, 1998, Meeting)**

592

POD-30-98
North Court at Innsbrook
(POD-25-90 Revised)

TIMMONS for Elizabeth W. Pratt, 5020 Associates, L.L.C. and R. L. Stanfield: 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, 31,344 square foot office building. The 2.709 acre site is located on the southwest corner of Nuckols Road and Cox Road on parcel 28-A-43I. The zoning is O-2C, Office District (Conditional) and O-3C, Office District (Conditional) County water and sewer (**Three Chopt**)

593

594 Mr. O'Kelly- Mr. Wilhite, do we now have authorization from the adjacent property owner to
595 proceed with this application?

596

597 Mr. Wilhite - Yes, sir. This case was deferred last month because we were lacking that signature
598 from the adjacent property owner for all site improvements. Also, in your packet you have a revised site plan
599 that shows a reduced building size down to 29,500 square feet. This was the largest building they could build on

600 the site and still be able to have enough parking spaces to meet site coverage ratios that are proffered on the site.
601 A color rendering is available here if you would like to see it. Staff can recommend approval of the revised plan
602 with the standard conditions and conditions Nos. 23 through 30.

603

604 Mrs. Wade - Does the color rendering show red brick?

605

606 Mr. Wilhite - Yes, ma'am.

607

608 Mrs. Wade - Thank you. I do have a question for Mr. Pike.

609

610 Mr. Archer - All right. Is the applicant present?

611

612 Mr. Pike - For the record, my name is Charlie Pike and I'm with TIMMONS and I'm here
613 representing the applicant in this case.

614

615 Mrs. Wade - Are they going to do the landscaping that's comparable to Phase I?

616

617 Mr. Pike - I hope they will do a much better job.

618

619 Mrs. Wade - Oh, really.

620

621 Mr. Pike - Yes, ma'am. They will. It's a nice landscape site but we intend to do at least equal to
622 that, yes. And the brick is very similar. It is a brick building.

623

624 Mrs. Wade - It's a little larger than the small residential that was talked about at zoning time, but it
625 appears to be compatible with what's there. That's all I have. Do you have anything else to add, Mr. Pike?

626

627 Mr. Pike - No, ma'am. We accept the staff's recommendations and solicit your approval.

628

629 Mr. Archer - Are there any further questions of Mr. Pike.

630

631 Mrs. Wade - Are you ready for my motion, Mr. Chairman?

632

633 Mr. Archer - Yes, ma'am.

634

635 Mrs. Wade - I move POD-30-98, North Court at Innsbrook, which is POD-24-90 revised, be
636 approved subject to the standard conditions, conditions Nos. 23 through 30, and now 29,500 square feet instead
637 of 31,344 square feet.

638

639 Mr. Vanarsdall - Second.

640

641 Mr. Archer - The motion was made by Mrs. Wade and seconded by Mr. Vanarsdall. All in favor
642 say aye...all oppose say nay. The motion passes.

643

644 The Planning Commission POD-30-98, North Court at Innsbrook (POD-25-90 Revised), subject to the standard
645 conditions attached to these minutes, the annotations on the plan and the following additional conditions:

646

- 647 23. The easements for drainage and utilities as shown on approved plans shall be granted to the County in a
648 form acceptable to the County Attorney prior to any occupancy permits being issued.
- 649 24. The developer shall provide fire hydrants as required by the Department of Public Utilities in its
650 approval of the utility plans and contracts.
- 651 25. The certification of building permits, occupancy permits and change of occupancy permits for individual
652 units shall be based on the number of parking spaces required for the proposed uses and the amount of
653 parking available according to approved plans.
- 654 26. Deviations from County standards for pavement, curb or curb and gutter design shall be approved by the
655 County Engineer prior to final approval of the construction plans by the Department of Public Works.
- 656 27. Any necessary off-site drainage easements must be obtained in a form acceptable to the County
657 Attorney prior to final approval of the construction plans by the Department of Public Works.
- 658 28. Insurance Services Office (ISO) calculations must be included with the utilities plans and contracts and
659 must be approved by the Department of Public Utilities prior to the issuance of a building permit.
- 660 29. Evidence of a joint ingress/egress maintenance agreement must be submitted to the Planning Office and
661 approved prior to issuance of a certificate of occupancy for this development.
- 662 30. Any easements in conflict with the building footprint shall be vacated prior to the issuance of a building
663 permit for this development.
- 664

665 **SUBDIVISION**

666

Westchase
(April 1998 Plan)

TIMMONS for Dominion Land & Development Partnership, Walter A. Stosch, and Thomas E. Knauer: The 29.18 acre site is located along Nuckols Road, approximately 300 feet south of Wyndham Lake Drive on parcels 9-A-37, 9-A-26 and a part of parcels 9-1-C-3 and 9-1-D-8. The zoning is R-2C, One-Family Residence (Conditional), R-2AC, One-Family Residence District (Conditional) and A-1, Agricultural District. County water and sewer. **(Three Chopt) 34 Lots**

667

668

669 Mr. Archer - Is there anyone in the audience in opposition to subdivision Westchase (April 1998
670 Plan)? Mr. Wilhite.

671

672 Mr. Wilhite - At this time, the water quality issues have been addressed to the satisfaction of the
673 Public Works Department. As well, they have approved the layout of Road "C" that appears on the plat. This
674 subdivision involves some land swap between the existing Cross Creek Subdivision. Part of those lots will be
675 incorporated into this new subdivision being proposed. A couple of the reserved sections will be swapped with
676 those lots in Cross Creek as well as the adjacent parcel 9-A-28F. The area south of Nuckols Road is to be
677 reserved for future development, at each phase of the subdivision. The cul-de-sac islands that appear in the two
678 cul-de-sacs will be common area. That is acceptable to the traffic engineer. Staff can recommend approval of
679 this plan subject to the conditions listed on your agenda.

680

681 Mrs. Wade - So, the houses are going to be on land that the owners, basically, when they get
682 through swapping?

683 Mr. Wilton - Yes. At final time, we have requested that, and it is a condition, that they provide us
684 information that those existing lots in Cross Creek will meet all zoning requirements.

685

686 Mr. Archer - All right. Are there any further questions of Mr. Wilhite by Commission members?

687 All right, Mrs. Wade.

688

689 Mrs. Wade - Is the applicant agreeable to all of the conditions and annotations?

690

691 Mr. Wilhite- I have not heard.

692

693 Mrs. Wade - All right. I move that subdivision Westchase (April 1998 Plan) be approved subject to
694 the annotations and conditions Nos. 12 through 15 as listed on the agenda.

695

696 Mr. Vanarsdall - Second.

697

698 Mr. Archer - The motion was made by Mrs. Wade and seconded by Mr. Vanarsdall. All in favor
699 say aye...all oppose say nay. The motion passes.

700

701 The Planning Commission granted conditional approval to Westchase (April 1998 Plan), subject to the standard
702 conditions attached to these minutes, and the following additional conditions:

703

704 12. Prior to requesting final approval, the engineer shall furnish the Planning Staff a plan showing the dwellings
705 situated on Lot 3, Block C and Lot 8, Block D of Cross Creek Subdivision to determine if the lot design is
706 and elevation of the 100 year frequency flood shall be conspicuously noted on the plat and adequate to meet
707 the requirements of Chapter 24, of the Henrico County Code.

708 13. The limit construction plans and labeled "Limits of 100 Year Floodplain." Dedicate floodplain as a
709 "Variable Width Drainage & Utility Easement."

710 14. The detailed plant list and specifications for the landscaping to be provided within the 20-foot-wide planting
711 strip easement along Nuckols Road shall be submitted to the Planning Office for review and approval prior
712 to recordation of the plat.

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

717

718 **LANDSCAPE & LIGHTING PLAN**

719

LP/POD-83-95
Homewood Suites

TIMMONS and Jamie Smith for Looney Ricks Kiss Architects: 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 3.7 acre site is located on the east line of Innslake Drive on part of parcel 48-A-11C. The zoning is O-3C, Office District (Conditional) (**Three Chopt**)

720

721 Mr. Archer - Is there anyone in the audience in opposition to LP/POD-83-95, Homewood Suites,
722 landscape and lighting plan? No opposition. Mr. Strauss.

723 Mr. Strauss - Thank you, Mr. Chairman. The staff has finished its review for this landscape and
724 lighting plan and can now recommend approval of the plan as annotated. As you can see, we have distributed
725 the plan with the annotations this morning. You will note, that we asked for additional photometric information
726 at the rear property line to verify that the foot candles were below .5, which they indeed are. With that, I believe
727 Mr. Ken Magdzivk is here from TIMMONS to answer any additional questions you may have.
728

729 Mr. Archer - Thank you, Mr. Strauss. Mrs. Wade, do we need to hear from applicant?
730 Mrs. Wade - I don't think so. I was going to ask you about the lights but this meets the expectation
731 for the property line?
732

733 Mr. Strauss - Yes, ma'am.
734

735 Mrs. Wade - It didn't appear that way or it hadn't been extended back to the property line, is that
736 right?
737

738 Mr. Strauss - Yes. The first plan we had did not have the photometrics to the property line. I
739 received that information yesterday.
740

741 Mrs. Wade - Oh. Okay. And the light fixtures look like what, concealed source?
742

743 Mr. Strauss - One of the good things about having a lighting plan already installed, is you can go out
744 and look at it. They are shoe-box features and they meet the requirements of Henrico County.
745

746 Mrs. Wade - Yes. I looked at the landscaping that's there and the lights. Okay. So, basically, your
747 recommendation is they will replant on the rear there with the staggered row of six to eight-foot-high Austrian
748 Pine.
749

750 Mr. Strauss - Yes, ma'am. That recommendation is based on a meeting with Ms. Nuckols yesterday
751 and an agreement was reached and that is an annotation based on our meeting yesterday.
752

753 Mr. Archer - Okay. Are there any further questions of Mr. Strauss by the Commission?
754

755 Mr. O'Kelly - Mr. Chairman, I have a comment. There is a neighbor here that's interested in this
756 project. And, just for the record, property to the north of this site, there's some plant material along Innsbrook
757 Road that needs to be replaced. We have contacted the leasing agent, property manager, for that property and
758 that's Morton G. Thalhimers. They have agreed that they will replace the plant material that is dead. I just
759 wanted the Planning Commission know that we have contacted them.
760

761 Mrs. Wade - Oh. Good. Thank you. Yes, and that neighbor is here and is apparently satisfied.
762 Thank you, Mr. O'Kelly.
763

764 Mr. Archer - Are there any further questions or comments. All right, Mrs. Wade, we are ready for a
765 motion.
766

767 Mrs. Wade - I move the landscape and lighting plan for LP/POD-83-95, Homewood Suites, the
768 revised plan dated today, be approved, subject to the annotations and the standard conditions.
769 Ms. Dwyer - Second.

770

771 Mr. Archer - The motion was made by Mrs. Wade and seconded by Ms. Dwyer. All in favor say
772 aye...all oppose say nay. The motion passes.

773

774 The Planning Commission approved the landscape and lighting plan for LP/POD-83-95, Homewood Suites,
775 subject to the annotations on the plans and the standard conditions applicable to such plans.

776

777 **PLAN OF DEVELOPMENT & ALTERNATIVE FENCE HEIGHT PLAN**

778

POD-36-98
Storage USA at Willow
Lawn
(POD-7-83 Revised)

Balzer & Associates, Inc. for H. W. and M. J. Vanlandingham, B. T. Associates, L.L.C. and SUSA Partnership L.P.: Request for approval of a plan of development and alternative fence height, as required by Chapter 24, Section 24-106 and Section 24-95(1)(5)(c) of the Henrico County Code to construct three, one-story, mini warehouse building additions, totaling 29,600 square feet to an existing development. The 9.3 acre site is located on the north line of W. Broad Street (U.S. Route 250), approximately 215 feet west of 50th Street on parcels 103-0A-54, 103-0A-53, and 103-0A-57. The zoning is M-1, Light Industrial District. County water and sewer (**Brookland**)

779

780 Mr. Archer - Is there anyone in the audience in opposition to POD-36-98, Storage USA at Willow
781 Lawn? No opposition. Mr. Wilhite.

782

783 Mr. Vanarsdall - Mr. Chairman, before Mr. Wilhite starts, is Mr. Bugg in the audience? I know you and I have
784 been playing phone tag, and I haven't been avoiding you, do you want us to sit this aside and go over what you
785 want to tell me? I'm satisfied with what you sent me.

786

787 Mr. Bugg - If you're satisfied with it (unintelligible, speaking from seat).

788

789 Mr. Vanarsdall - I do appreciate your effort. Thank you, Bill.

790

791 Mr. Archer - All right. Mr. Wilhite.

792

793 Mr. Wilhite- Yes, sir. This addition, a mini warehouse, will replace an existing RV sales lot. The
794 RV sales will cease on the site there. There is storage for RV's and trailers within the mini warehouse
795 development. The existing office that is there now will be turned into a watchman's quarters. The staff's
796 comments about providing raised islands in this trailer storage area can be deleted. They are not required in this
797 location. The applicant is also requesting an alternative fence height, which requires your approval. They are
798 proposing a six-foot-high metal fence in the front yard. Staff can recommend approval of this plan of
799 development with the standard conditions and conditions Nos. 23 through 31 as listed on your agenda.

800

801 Mr. Archer - Are there any question of Mr. Wilhite by Commission members?

802

803 Mrs. Wade- Is someone going to be living where the office was, is that what you are saying?

804

805 Mr. Wilhite - Yes. Currently, that is a watchman quarters now and an office is also in that building.
806 They are building a new office out front near Broad Street, and the other existing office will be converted
807 entirely into a watchman quarters.

808

809 Mr. Archer - Okay. Are there any further questions? Mr. Vanarsdall, would you like to hear from
810 the applicant?

811

812 Mr. Vanarsdall - No. I don't need to hear from him, unless some of the other Commissioners want to hear from
813 him.

814

815 Mr. Archer - Okay. We are ready.

816

817 Mr. Vanarsdall - All right. I'll follow staff's recommendation and recommend POD-36-98, Storage USA
818 Willow Lawn, be approved with conditions Nos. 23 through 31, the standard conditions and the annotations on
819 the plan. **(Note that this motion was restated after the next case due to the alternate fence height not
820 being included during this motion)**

821

822 Ms. Dwyer - Second.

823

824 Mr. Archer - The motion was made by Mr. Vanarsdall and seconded by Ms. Dwyer. All in favor
825 say aye...all opposed say nay. The motion passes.

826

827 The Planning Commission approved POD-36-98, Storage USA at Willow Lawn (POD-7-83 Revised), subject to
828 the standard conditions attached to these minutes, the annotations on the plans and the following additional
829 conditions:

830

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

833 24. The limits and elevations of the 100 year frequency flood shall be conspicuously noted on the plat and
834 construction plans and labeled "Limits of 100 Year Floodplain." Dedicate floodplain as a "Variable
835 Width Drainage & Utility Easement."

836 25. The entrances and drainage facilities on (U.S. Route 250) shall be approved by the Virginia Department
837 of Transportation and the County.

838 26. A notice of completion form, certifying that the requirements of the Virginia Department of
839 Transportation entrances permit have been completed, shall be submitted to the Planning Office prior to
840 any occupancy permits being issued.

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

843 28. A standard concrete sidewalk shall be provided along the north side of W. Broad Street.

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

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

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

850 **LANDSCAPE & LIGHTING PLAN (Deferred from the March 24, 1998, Meeting)**

851

LP/POD-33-98
Rennies Car Wash
Addition – Airport Drive
(POD-55-97 Rev.)

Garland Watkins: 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 1.99 acre site is located on the northeast corner of Airport Drive (State Route 156) and Audubon Drive on parcel 163-A-21B. The zoning is B-3, Business District and ASO (Airport Safety Overlay District. (**Varina**))

852

853 Mr. Archer - Is there anyone in the audience in opposition to the landscape and lighting plan for
854 LP/POD-33-98, Rennies Car Wash Addition? No opposition. Ms. News.

855

856 Ms. News - The plans in your packets have been revised by the applicant to address staff's
857 concerns. Staff, therefore, can recommend approval of the plans as annotated.

858

859 Ms. Dwyer - How have they been revised?

860

861 Ms. News - We went through some changes in the lighting and some changes in the landscaping. I
862 made several comments from staff early in the process and they have added planting to meet tree canopy
863 requirements and changed some light fixtures.

864

865 Mrs. Wade - Was that one of the main issues, the canopy lights?

866

867 Ms. News - Yes. And they have changed the canopy lights to an acceptable fixture, that's
868 concealed source.

869

870 Mr. Zehler - Ms. News, is this application for the service station itself or just the car wash?

871

872 Ms. News - This is for the entire project, the car wash and service station.

873

874 Mr. Zehler - Because our original POD was a car wash that shows a future building.

875

876 Ms. News - That's right. And it has been revised to incorporate the car wash into this landscaping
877 plan and we are approving it all, as on the revised POD.

878

879 Mr. Zehler - Mr. Chairman, I don't need to hear from the applicant. I move that LP/POD-33-98,
880 Rennies Car Wash Addition – Airport Drive, be approved subject to the annotations on the plan and the standard
881 conditions for landscape and lighting plans.

882

883 Mrs. Wade - Second.

884

885 Mr. Archer - The motion was made by Mr. Zehler and seconded by Mrs. Wade. All in favor say
886 aye...all opposed say nay. The motion passes.

887

888 The Planning Commission approved the landscape and lighting plan for LP/POD-33-98, Rennies Car Wash
889 Addition – Airport Drive (POD-55-97 Revised), subject to the annotations on the plans and the standard
890 conditions for landscape and lighting plans.

891

892 Mr. Vanarsdall - Mr. Chairman, I need to direct this question to Mr. Wilhite, on this case that I had, Storage
893 USA at Willow Lawn. When I made my motion I did not add the alternative fence height plan. Will that make a
894 difference, Mr. Secretary?

895

896 Mr. O'Kelly - Your motion should have included the recommendation on the alternate fence height,
897 correct, Mr. Vanarsdall.

898

899 Mr. Vanarsdall - How can I change that?

900

901 Mr. O'Kelly - We can reconsider that motion.

902

903 Mr. Vanarsdall - I'll just start it over. I follow staff's recommendation and recommend that POD-36-
904 98, Storage USA at Willow Lawn be approved and also the alternate fence height be included, with the
905 annotations on the plans, the standard conditions for developments of this type, and the conditions Nos. 23
906 through 31.

907

908 Ms. Dwyer - Second.

909

910 Mr. Archer - The restated motion was made by Mr. Vanarsdall and seconded by Ms. Dwyer. All in
911 favor say aye...all oppose say nay. The motion passes.

912

913 Mr. Vanarsdall - Sorry about that.

914

915 **LANDSCAPE PLAN (Deferred from the March 24, 1998 Meeting)**

916

LP/POD-55-95
Villa Park III

Charles McFarlane and James River Nurseries: 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 9.03 acre site is located on the south line of Villa
Park Drive approximately 2,000 feet west of Brook Road (U.S. Route 1) on
parcel 62-11-B-1F. The zoning is O/SC Office/Service District (Conditional)
(Brookland)

917

918 Mr. Archer - Is there anyone here in opposition to LP/POD-55-95, Villa Park III?

919

920 Mr. O'Kelly - Mr. Chairman, if I may make a comment. We were, up until yesterday, again trying to
921 come to some resolution on this plan. We were contacted by the neighbors yesterday afternoon, who have
922 presented a petition. They have been working with the applicant in agreement on a landscaping plan, that would,
923 in the neighborhood's mind, solve the screening problem. The difficulty that the staff has is that that proposal to
924 screen the loading areas strictly with landscaping is not in accordance with the Zoning Ordinance. The staff has
925 met with the applicant numerous times. We have had additional information submitted as late as last week
926 regarding the possibility of extending the wall height to meet the zoning requirements, and material has been
927 submitted that the staff believes would meet the tests of the Zoning Ordinance for extending the height of the
928 wall in combination with additional landscaping that the staff has been working with the applicant on. We are
929 99 percent close to a plan that the staff can recommend to the Commission, but it is our understanding that as
930 late as this morning that the applicant is not in agreement with the staff's recommendation and they continue to
931 want to solve the zoning problem and the screening of the interior courtyard with a landscaping plan that is not
932 acceptable to the staff.

933 Mr. Archer - All right. Thank you, Mr. Secretary. So, ma'am, were you rising in opposition? OK.
934 We will hear from you at the appropriate time. Ms. News.
935
936 Ms. News - An annotated plan is distributed to you on this project that staff can recommend for
937 approval. The plan has been annotated to add a 6 foot metal screen on top of the existing wall to screen the
938 loading area from the view of the residential neighborhood. The landscaping which was provided along these
939 walls to act fully as a screen has been reduced in quantity but 8 foot trees, evergreen trees are proposed at 16
940 feet on center, in front of the walls to soften the walls. Landscaping on top of the berm, in the transitional buffer,
941 and along Marcuse Avenue will still be proposed.
942
943 Samples of the metal screen and pictures of the site which serve as site exhibits have been submitted by the
944 applicant. The change in the annotations can be seen more clearly on the enlargement. It is a little difficult to
945 read on the small one, but you can see where we have left all of the landscaping intact except for what was being
946 provided as a solid screen along those metal walls, and lightened it up some, but there still is evergreen planting
947 along there. Staff can recommend approval of the plan that is in your packet. The applicant would like to
948 address issues of not providing the wall.
949
950 Mr. Archer - All right. Thank you, Ms. News. Are there any questions for Ms. News by
951 Commission members?
952
953 Mr. Vanarsdall - Ms. News, you say you can recommend the one that was just handed to us? The one that we
954 talked about.
955
956 Ms. News - Yes. The applicant has just indicated to me that they can go along with that plan if the
957 Commission requires the wall. They will agree to that plan. They just wanted to discuss with you not providing
958 the wall at all.
959
960 Mr. Vanarsdall - Is the Commission requiring the wall?
961
962 Ms. News - In staff's opinion, it is required by the Code.
963
964 Mr. Vanarsdall - OK. Thank you.
965
966 Mr. Archer - Any further questions of Ms. News by Commission members?
967
968 Ms. Wade - Has our County Attorney been involved in this?
969
970 Mr. O'Kelly - Yes, ma'am. We met with the County Attorney at least twice, and as late as
971 yesterday, prior to lunch.
972
973 Ms. Dwyer - And do you have specific information about what our Attorney advised us?
974
975 Mr. O'Kelly - Pardon me.
976
977 Ms. Dwyer - Could we have some specific information about what the Attorney has advised us
978 regarding the interpretation of the Ordinance?
979

980 Mr. O'Kelly - Do you mean information in writing, Ms. Dwyer, to the Planning Commission? We
981 have...
982
983 Ms. Dwyer- I guess I am a little uneasy not having advice of counsel when there seems to be a legal
984 interpretation of the Ordinance that has been brought before the Commission. We are not in a position to be
985 lawyers, but I am curious as to what kind of advice we have got, and what kind of advice is available to the
986 Commission.
987
988 Mr. O'Kelly - The only way I may address your concern is that the staff has met with the County
989 Attorney, and the County Attorney is in full agreement with the staff's recommendations. I might add that the
990 applicant has also talked to the County Attorney and, I believe, the County Attorney has provided the same
991 information to the applicant.
992
993 Mr. Archer - Does that answer your question, Ms. Dwyer?
994
995 Ms. Dwyer - Yes.
996
997 Mr. Archer - OK. Are there any further questions for Ms. News by Commission members. All
998 right, Ms. News. We will hear from the applicant, Mr. Vanarsdall?
999
1000 Mr. Vanarsdall - Yes, sir.
1001
1002 Mr. Archer - All right. Will the applicant come forward, please.
1003
1004 Mr. McFarlane - Good morning, Mr. Chairman, and Commission members. My name is Charles McFarlane and
1005 I am a partner with Childress-Klein Properties and I represent the applicant, Villa Park Associates, LLC. I have
1006 with me Mike Hildebrandt, who is president and owner of James River Nurseries, and Bill Redd who is partner
1007 and also an owner in this project and a principal with Childress-Klein Properties, and Leon Shadwin, who is also
1008 a principal in Childress-Klein Properties. This has been a most unusual and difficult case, and the only reason I
1009 am before you now is that while we have, I guess, had a preference all along about supplementing the existing
1010 wall that is there, and the wall does enclose the rear of the building and it does create a courtyard. And while we
1011 know or understand the County Attorney's position, we disagree with it on a number of counts. I won't waste
1012 your time in going into the specifics of why we disagree, and I think that if you look at the buildings in every
1013 other office/service district, the same rule of thumb is being applied to us has not been applied in the past, and
1014 we were told as recently as this morning that each one of those instances are mistakes; that the County has made
1015 mistakes in the past, and we have pictures of those, and it includes buildings in Park Central and buildings in
1016 Villa Park. But a new standard is being applied to us in this instance, but having said that and we can
1017 demonstrate that and I can prove that, beyond a shadow of a doubt. I don't want to take your time doing that.
1018 We are prepared to do either alternative and actually the landscaping alternative is more expensive. It is going
1019 to cost about \$30,000 to do the landscaping alternative and about \$24,000 to do the wall alternative. We have
1020 met. We have probably spent since this started in December, we probably have spent over 300 hours on this
1021 landscape plan, Bill Redd and the people in our office. It has been the most frustrating experience of my
1022 development career, and I think that it is unfortunate that we are being put into this position, but we would like to
1023 satisfy the neighbors. The neighbors have given us a letter, and they have said what their preference is, and
1024 that's our preference, and we think that there is legal precedence to suggest that that is appropriate. We think the
1025 position the County Attorney is taking is not the right position. We understand the position that puts you in.
1026 But, I will simply say that we will do either alternative and I will let the neighbors speak to the alternative that

1027 they want, and if you want to get into the legal issues of the precedent that is being set, it is different than what
1028 has been done in the past. I will be happy to prove that to you and show you those photographs.

1029

1030 Mr. Archer - Mr. McFarlane, I have one question. You have said that you have been told as late as
1031 this morning that there were several previous mistakes made in cases of a similar nature? Could you tell us who
1032 told you?

1033

1034 Mr. McFarlane - We understand that the Zoning Administrator is Allen Webb. Gloria Frye with McGuire,
1035 Woods spoke with Allen this morning. Is that correct? And we were told that those mistakes were made and
1036 that that same mistake "would not be made here." We think that there is a change in interpretation and the
1037 issues goes to a definition of screening loading areas. Now, we think we meet the definition of a courtyard under
1038 any circumstance. All we are asking is that we supplement the existing walls with additional landscaping and
1039 we are being told that that is not appropriate, even though it was originally approved with that understanding of a
1040 combination of landscaping, wall and berms and we are now being told that is not acceptable. The issue is and it
1041 is a little bit technical, the issue is that for those projects adjacent to A or R need to screen the loading areas with
1042 a courtyard, which we have done. If you look at Ben Hogan, if you look at Nabisco, Airborne, and Heilig-
1043 Myers, the Park Central development, as is the Villa Park development, has perimeters that are adjacent to A or
1044 R, and yet in each of those instances those same standards were not applied to all of the buildings that were
1045 developed in those districts or in Villa Park as it is being applied to us in this instance. And yet we are being
1046 told that that previous action on the part of the staff was a "mistake" and not it is being changed and is being
1047 applied to us differently. And I also remind you that that this POD was approved and we were grandfathered
1048 under the old Ordinance. Having said that, the interesting thing is, if you really want to get to the heart of the
1049 matter is, we are trying to meet the concerns of the neighbors and we believe we have addressed their concerns.
1050 There is a letter here that has been signed and submitted to Mr. Glover, signed by eleven (11) of the residents
1051 who are most significantly affected, and I think five or six of the individuals are represented here. I think Bill
1052 Redd has met with them at length and we have taken photographs from every angle of the rear of that building
1053 and looked at the site lines; not lines on the drawing but the actual views of the rear of that building. We think
1054 and the neighbors think that the landscaping supplement to the existing courtyard is a better solution. The staff,
1055 for whatever reasons, and it has been a moving target, whether you believe me or not, it has absolutely been a
1056 moving target. We have attempted to address the concerns and it has been a very frustrating process.

1057

1058 Mr. Archer - OK. Are there questions from Mr. McFarlane by Commission members?

1059

1060 Ms. Wade - When you said "grandfathered under the old Ordinance," to what were you referring?
1061 It has always been O/S here, hasn't it?

1062

1063 Mr. McFarlane - The changes that were made at the amendment changed the definition of project, and if you
1064 look in the Ordinance, there are references to tracts of land to district, to project, and we have been told that
1065 those names mean different things at different times. And now, we are being given a definition of project.
1066 Project to us in the way it was specifically referred to in the Ordinance is this particular POD, but yet it is being
1067 explained to us that the project definition is the entire office/service district. And, if you read the Ordinance,
1068 there are discrepancies in there and the way the staff has interpreted it I think is incorrect.

1069

1070 Ms. Dwyer - I looked at that question, too, Mr. McFarlane, and I think that they are, there is a lot of
1071 confusion that is caused when you use lots of different words to mean the same thing and sometimes different
1072 things, and we see that throughout our Ordinance. But, in this particular case, it says, "Any of the project
1073 perimeters - plural - and I think that, if it said, "this project perimeter or the project perimeter," I think your

1074 argument would be a little stronger, but I do see “any project perimeter.” There are also instances in which the
1075 word “site” and “lot” is used to define an individual building or development within the district, so I understand
1076 what you are saying, but I think I come down on the other side of that particular interpretation.

1077

1078 Mr. McFarlane - I understand and I respect your opinion on that. I think the project perimeters refer to - you
1079 know every project generally has four sides - and the single project is a POD, even Villa Park III has actually
1080 two different zonings on two sides. We have C-1 and we have O/S. So, two of the project perimeters - plural - or
1081 possessive, excuse me, have two different zonings, so I hear what you are saying. I am not sure that I agree with
1082 you.

1083

1084 Ms. Wade - Is North Run O/S, Mr. McFarlane?

1085

1086 Mr. McFarlane - North Run is O/S.

1087

1088 Ms. Wade - And what is the treatment back there?

1089

1090 Mr. McFarlane - That, and David, didn't you tell me if there is a right of way adjacent to a zoning district that
1091 the zoning line goes to the center line of the road?

1092

1093 Mr. O'Kelly - That is correct.

1094

1095 Mr. McFarlane - There is residential immediately adjacent to the entire perimeter of North Run which is on the
1096 other side of Hungary Road. In this instance our project perimeter are O/S and C-1.

1097

1098 Ms. Wade - But you had walls and buildings at North Run.

1099

1100 Mr. McFarlane - And again, we have walls here. We have six (6) foot high walls. The reason that we are
1101 before you is because in two instances at the edge of the building you can see the doors, which have since been
1102 painted dark gray, but we are attempting to supplement what is already there. We are not suggesting that the
1103 courtyard doesn't exist, or the walls aren't part of the plan. They are. All we are suggesting is that we are
1104 trying to supplement those and landscape has been used as a supplemental buffer at Villa Park I and Villa Park
1105 II. There are walls in landscaping screen, and that has been deemed acceptable. It was acceptable when the
1106 POD was approved in 1995. There is a combination of walls, landscaping and berm, and if it wasn't acceptable,
1107 then what is the berm doing there. I mean, it is on the plan. So, I mean, you can't have it both ways. We are
1108 trying to reach agreement on two sets of standards and it has been a difficult, I swear to you, it has been a
1109 difficult process, and we, for what it is worth, we have released our options on the two adjoining sites and we are
1110 not going to develop them, those two adjoining sites. We have no interest because of this experience.

1111

1112 Mr. Archer - Are there any further questions of Mr. McFarlane? Mr. McFarlane, before you take
1113 your seat, you did indicate that, if I heard you correctly, that you would be agreeable to accepting whatever plan
1114 this Commission approves and also that you understand the interpretation as given by the County Attorney, even
1115 though you are in disagreement, but you do understand it?

1116

1117 Mr. McFarlane - I understand it. I think that if that is the interpretation then there are probably of the - of all of
1118 the existing office/service buildings - that probably all but the two we have developed are non-conforming, or I'd
1119 say the three that we have developed there. There are several nonconforming. We developed North Run, which
1120 was the Time-Life Building, North Run III and North Run IV when we were Trammel-Crowe and Villa Park I

1121 and II and the others, and we have got pictures of them all, that if this is now the interpretation that those
1122 buildings are mistakes, but the standard has changed and this is a different standard and we'd like to meet the
1123 requirements of the neighbors and we think that you all have the ability to do it. I, in answering your question, I
1124 do understand what the County Attorney said, but I disagree with it and it's sense, since all of my development
1125 has happened it has changed.

1126

1127 Mr. Archer - Any further questions of Mr. McFarlane? Mr. Zehler.

1128

1129 Mr. Zehler- Mr. Chairman, before the citizens come up, we have all, Commissioners, heard Mr.
1130 McFarlane and definitions determining how something is worded, but I think in this case we are overlooking
1131 something that is very important, and that important word is the person that it is going to affect the most. It is
1132 not going to be the County Attorney. It is not going to be the staff that is going to make the decision that it is
1133 courtyard or whether it is going to be a wall. I think we are overlooking the most important factor here and I
1134 think we really need to take into consideration the people that it is going to affect the most, and I think it is going
1135 to be the residents. They have decided what they want, and staff and from what I am hearing as far as the
1136 Commission is concerned, is overlooking that factor. We are worried about legal rulings, but in this case the
1137 most common sense thing that we can do is let us listen to our citizens. That is what we are here for. That is all
1138 I have to say, Mr. Chairman.

1139

1140 Mr. Archer - Thank you, Mr. Zehler. Is there someone here who represents the neighborhood? I
1141 don't know whether it is opposition or comments, but you are welcome to come forward.

1142

1143 Ms. Miller - Hello. My name is Jane Miller and I live at 7607 Gulfview Avenue, which is the
1144 property closest to this development. Yesterday I came over to give Ms. News the letter that I don't know, 10
1145 or whatever of the residents of our neighborhood signed, and I was called into sort of an impromptu meeting with
1146 Mr. O'Kelly and Ms. News in which they informed me that they were, well, I saw a new plan which seems to be
1147 sort of common in this particular development, and this plan was for an extension of the present wall with less
1148 landscaping than the plan that we approved in our letter. There is one exception though, and I had forgotten
1149 about this, and I don't think... It wasn't on the plan that I have from Mr. Redd, and that is that it was proposed
1150 that there be, I wish we had the plan. Is there anyway we can get the plan on the screen? Because some of the
1151 people here in our neighborhood, a couple of people have not seen it.

1152

1153 Mr. Archer - Are we able to do that, staff?

1154

1155 Mr. O'Kelly - We will make an attempt, Mr. Chairman. We haven't...

1156

1157 Mr. Archer - Give us just a moment, ma'am. We will try.

1158

1159 Ms. Miller - Yes, that is it. Down at the lower left-hand corner - where do I do this on here? OK.
1160 Right down here (pointing) is the corner of Marcuse and Gulfview. I live on that corner. It was proposed earlier
1161 that there be three trees planted down there. Now that was left off of your plan. That is on which plan? Yes, it
1162 is on the County's plan they showed me yesterday, but it wasn't on the one that I had. And, I would amend my
1163 letter actually to include those three trees down there which were not on the plan that I saw. But, the County's
1164 new plan calls for an extension of the wall which the present wall we deem as being ugly. We don't want to see
1165 it. We can see it from our neighborhood. It is a gray, dingy old brick wall. The plan that was submitted to us
1166 has a double line of trees along this wall here to shield the wall and when they grow will shield most of the
1167 building if not all, and I think the landscaping plan that we were provided would probably shield 98 percent of

1168 the project from us which we like and we support. This plans for fewer trees right along this wall. I think from
1169 what I gather it is like 16 feet a part. Isn't that what it is? And with that being the case, then this wall will again
1170 become visible and will be more objectionable because it will be higher. I was told yesterday at this little
1171 impromptu meeting that, I was shown a material which I had actually already seen of the, the material which you
1172 all propose to put on top of the wall. I was told that would be a great noise abatement material. The material is
1173 right here, by the way. And, of course, I don't think this is going to abate any noise and I do believe that the
1174 trees would be much better abating noise through that particular extension of the wall. So, that is the way we
1175 feel about this project. I do not agree that we should get hung up on Code. I think we should, I mean we realize
1176 that that is where Mr. O'Kelly was coming from yesterday and that is what we have heard all along that we
1177 can't do this because it would violate the Code; we would have to have this extension, when to me, the extension
1178 doesn't make any common sense. And after all, who else is going to be affected but us? There is nobody else
1179 there to be affected but us, and so, if the Code demands this and we want some variance from it, I do not see
1180 what the problem could be. Any questions?

1181

1182 Mr. Archer - Are there any questions for Ms. Miller?

1183

1184 Ms. Wade - The irony of it is that the Code is written that way in order to protect the residential
1185 neighborhood, and, of course, you all have different ideas. But, the next neighborhood might want a wall, but if
1186 we start getting away from the wall, it might be harder another time to provide what the neighborhood needs.

1187

1188 Ms. Miller - You know I keep hearing that as far as precedent setting is concerned, and, of course,
1189 we are concerned about this, but we are far, far more concerned about what will go directly across the street
1190 from us, which is the next parcel which Childress-Klein has said they are not going to develop, but I honestly do
1191 not see where allowing this to be shielded by landscaping rather than the wall would make it impossible to have,
1192 I mean they already have a wall. It is just that the next time if a higher wall is necessary, I think it would be far
1193 better to insist upon it from the very beginning. Don't let the developer build a shorter wall and then say that
1194 you have got to add to it, and, you know, just let common sense rule. I guess that is my recommendation and it is
1195 going to be far harder to do anything with the next lot and, of course, we are all hoping and praying that nobody
1196 sees fit to do anything with it, but we'll have to cross that bridge when we come to it, and, of course, we don't
1197 want to be setting any precedent that is going to harm us in the future, but I do believe that, again, that if
1198 common sense rules in any future projects that we won't have this problem.

1199

1200 Ms. Wade - You all have a lovely neighborhood. I don't think I have been in there until last week.
1201 Once you can find it, it is real nice.

1202

1203 Ms. Miller - We love it and we love it because of the privacy. Well, we hope not too many people
1204 find it. Thank you.

1205

1206 Mr. Archer - Thank you, ma'am. Are there any further questions before she takes her seat? Come
1207 on up, ma'am.

1208

1209 Ms. Bass - I am Frieda Bass and I live at 1508 Marcuse and my house is at a higher elevation
1210 than anyone else's and I have a much better view of this monstrosity than anyone else has. I would like to add
1211 that before this whole project started that there were trees in this area. They were bulldozed incorrectly. This
1212 would just be replacing what was already there. And if you want to hold to the rule of the wall, we already have
1213 a wall. Why does it have to be any higher? Because my house sets up so much higher than everyone else I am
1214 looking right down at the thing, and it is really awful from my driveway. The wall would just make it even

1215 worse. And we are the ones that live there, not the Commission, not the staff and not the County Attorney. We
1216 are. We are a part of the County. Thank you.

1217

1218 Mr. Archer - Thank you, Ms. Bass. OK. Any further comments by anyone? Mr. McFarlane, do
1219 you have a question?

1220

1221 Mr. McFarlane - In support of what the neighbors are asking and what we are asking, if it helps from a precedent
1222 standpoint, I will be glad to show some photographs of situations adjacent to us and also other office/service that
1223 would hopefully give the Planning Commission comfort to rule, if that is appropriate, if you would like to see
1224 them.

1225

1226 Mr. Archer - Mr. Vanarsdall, what is your pleasure? Do you care to see those or leave it up to the
1227 Commission?

1228

1229 Mr. Vanarsdall - I think we saw those before, didn't we? I know I have seen them. I don't need to see them
1230 personally.

1231

1232 Mr. McFarlane - If that is the issue, I am prepared to show you what I have got.

1233

1234 Mr. Vanarsdall - Mr. Chairman, I don't need to see them personally, no sir. That won't change anything for me.

1235

1236 Mr. Archer - OK. Any other Commission members?

1237

1238 Ms. Wade - No, I've been through there many times, there and Park Central.

1239

1240 Mr. Archer - OK. Mr. Vanarsdall.

1241

1242 Mr. Vanarsdall - I am going to ask a question first, Mr. O'Kelly. On the addendum, you have No. 6. I really
1243 don't understand what that is. "The courtyard is to be always maintained and all the construction by the owner
1244 in the event that they are damaged or destroyed." I really don't understand that. Is this the part for the panel?

1245

1246 Mr. O'Kelly - That is correct, Mr. Vanarsdall. Although the POD standard conditions already
1247 require the owner to maintain his property in accordance with the approved plan, the staff felt since this
1248 structural item is being recommended to be included in the landscaping plan, that perhaps a condition pertaining
1249 to the maintenance of the wall should be included in any plan that is approved today by the Commission.

1250 Mr. Vanarsdall - Well, since this is an extension panel and is not part of the wall, which we understand the wall,
1251 the base won't take it and that's all right, but shouldn't there be something about, we don't know if the panel will
1252 work or not. Shouldn't there be something?

1253

1254 Mr. O'Kelly - I think you should address that question, Mr. Vanarsdall, to the applicant. The staff,
1255 although we don't have anything in writing, has been led to believe that the wall will be able to support the
1256 additional extension.

1257

1258 Mr. Vanarsdall - You don't mind if I add to this sentence. OK. I move....

1259

1260 Ms. Dwyer - Mr. Vanarsdall, may I ask you one question before you make you motion to clarify
1261 something? It was represented that there are other buildings within the O/S district within the County that in the

1262 past that have used landscaping to achieve the interior courtyard and to block visibility from adjoining A and R
1263 Districts. Is it accurate to state from staff's point of view that those prior developments do exist and that they
1264 are "mistakes." Is that staff's position on that?

1265

1266 Mr. O'Kelly - Ms. Dwyer, I don't have any personal knowledge of the previous cases that have been
1267 referred to as far as the details or whether or not the projects are in complete accordance with the zoning
1268 regulations. I would remind you that we are dealing with Mr. McFarlane's application and his site.

1269

1270 Ms. Dwyer - I understand but I think that our past pattern and practices is very relevant to how we
1271 respond now, and I would just like to have an idea of how, what our track record has been on this.

1272

1273 Ms. Wade - They were all approved by the Planning Commission. The staff may or may not have
1274 recommended what was approved.

1275

1276 Ms. Dwyer - Right. So, we don't know.

1277

1278 Mr. O'Kelly - I don't have personal knowledge, Ms. Dwyer. I have heard that Ben Hogan has been
1279 brought up by the applicant on several occasions as not meeting the Ordinance requirements, and it is my opinion
1280 that the loading areas are not visible from the project perimeters and it is not adjacent to any property zoned A or
1281 R. The surrounding property is O/S and C-1.

1282

1283 Ms. Dwyer - But in that case the loading areas aren't visible from any A or R Districts?

1284

1285 Mr. O'Kelly - Exactly.

1286

1287 Mr. Vanarsdall - Are you ready for a motion, Mr. Chairman?

1288

1289 Mr. Archer - Yes, sir.

1290

1291 Mr. Vanarsdall - I move that LP/POD-55-95, Villa Park III, be approved with the staff's recommendation of the
1292 plan presented to us this morning dated the 28th of April, 1998, annotations on the plans, standard conditions,
1293 and also on the addendum is a condition No. 6 and it says, "The courtyard wall shall be maintained and/or
1294 reconstructed by the owner in the event that they are damaged or destroyed, and I would like to continue that "or
1295 if the extension panels are not in place and secured safely in accordance with the County of Henrico and its
1296 engineers and Planning in a timely basis." That is the end of my motion.

1297 Mr. Archer - All right. Do we have a second?

1298

1299 Ms. Wade - Second.

1300

1301 Mr. Archer - We have a motion by Mr. Vanarsdall and a second by Ms. Wade. All in favor let it be
1302 known by saying aye...all opposed say no.

1303

1304 The vote was as follows:

1305

1306 Mr. Vanarsdall - yes

1307 Ms. Wade - yes

1308 Mr. Archer - yes

1309 Mr. Zehler - no

1310 Ms. Dwyer - no

1311

1312 The motion carried.

1313

1314 The Planning Commission approved LP/POD-55-95, Villa Park III, subject to the annotations on the plans, the
1315 standard conditions for landscape plans and the following additional conditions:

1316

1317 5. Provide evidence of agreement from NationsBank for a planting strip easement along Marcuse Avenue
1318 to plant and maintain proposed landscape materials.

1319 6. The courtyard wall shall be maintained and/or reconstructed by the owner in the event that they are
1320 damaged or destroyed, or if the extension panels are not in place and secured safely in accordance with
1321 the County of Henrico and its engineers and Planning in a timely basis.

1322

1323 Mr. Archer - Mr. Secretary, if the applicant is here, we can move back to the Spin Cycle case that
1324 we passed by earlier.

1325

1326 Mr. O'Kelly - Yes, Mr. Chairman, we can do that. If you will, turn back to page 4 of your agenda.

1327 POD-23-98, Spin Cycle - Laburnum Avenue.

1328

1329 **PLAN OF DEVELOPMENT & TRANSITIONAL BUFFER DEVIATION**

1330 **(Deferred from the March 24, 1998, Meeting)**

1331

POD-23-98
Spin Cycle – Laburnum
Avenue

D. A. Bryant, P.C. for Louise M. Usry and Spincycle, Inc.: Request for approval of a plan of development and transitional buffer deviation, as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code to construct a one-story, 3,520 square foot laundromat. The 0.52 acre site is located on the south side of Laburnum Avenue, 200 feet west of Richmond-Henrico Turnpike on parcels 106-10-1-13 thru 23. The zoning is B-2, Business District. County water and sewer (**Fairfield**)

1332

1333 Mr. Archer - Is there anyone in the audience in opposition to POD-23-98, Spin Cycle – Laburnum
1334 Avenue? No opposition. Ms. News.

1335

1336 Ms. News- The plan before you today has been substantially revised by the applicant to respond to
1337 staff's comments, since it's submission. The building has been revised to provide 100% split face block. This
1338 plan includes a request for a transitional buffer deviation which has been outlined on the annotated plan. The
1339 buffer deviation includes a six-foot-high masonry wall for a distance of 75 feet behind the parking area. In
1340 response to the wishes of the adjacent residential property owner, the applicant wishes to change the masonry
1341 wall from what is described in this deviation request now, to a six-foot wood fence. The adjacent owner is not
1342 present but did phone his concern in to me. Staff can support this change as the properties on both side of this
1343 development have existing fences. Details of the fence can be reviewed at the time of landscape plan approval
1344 as we have no details at this time. Staff can recommend approval of this POD as annotated, provided the
1345 Commission approves the transitional buffer request. Condition No. 34 will not be required, should the
1346 Commission approve the six-foot fence in lieu of the wall. I'll be happy to answer any questions.

1347

1348 Mr. Archer - Are there any questions of Ms. News by Commission members? Ms. News, if you

1349 would, could you clarify, again, and you said in your presentation, the reason why the masonry wall would be
1350 deleted in favor of a wood fence?

1351

1352 Ms. News - The residential property owner did not want a masonry wall adjacent to his property.

1353 He preferred to have a wood fence because he felt it was more of a residential feeling than a masonry wall.

1354

1355 Mr. Archer - Do the Commission members understand that? And, also, this wall would be in
1356 between two wooden fences which would be a little incongruous I would think. Okay. Thank you, Ms. News.

1357 Is the applicant present? We would hate to make you drive all this distance and wait for you and not give you an
1358 opportunity to say anything.

1359

1360 Mr. Bryant - That's okay. I'm David Bryant, agent for Spin Cycle who is the developer for the
1361 property, currently owned by Usry. I do want to apologize for my tardiness this morning. The toll road traffic in
1362 the DC area was absolutely phenomenal. We are in agreement with all of the revisions that staff has suggested
1363 to us and we much would support the use of the wood fence. As Mr. Jones, who is the neighbor involved, said
1364 that the masonry wall would give him the feel that he was in a penitentiary surrounding. Having said that, I'll
1365 stand down.

1366

1367 Mr. Archer - Are there any questions of Mr. Bryant by Commission members?

1368

1369 Mrs. Wade - Is there plenty of room between the parking in the fence so that nothing would run into
1370 the fence?

1371

1372 Mr. Bryant - Yes, ma'am. There is at least a two-foot overhang provision.

1373

1374 Mr. Archer - Are there any further questions? Thank you, sir. Before I make a motion on this. I
1375 would like to say that the applicant, Ms. News, and I have met on prior occasions. I think we deferred this one at
1376 least once before too. We also met with the Henrico Police Safety Officer to discuss some ways we could
1377 enhance this property from the way it was first presented. Of course, one of the things we did, we went from a
1378 painted CMU to split face block which we are glad to have because that makes it look like the other new
1379 buildings that are in the surrounding areas. I would also like to mention that prior to now there was a
1380 laundromat that operated quite successfully in the business that had the Amoco Station over on that corner. And,
1381 of course, when that business was absorbed into Amoco and McDonald's and whatever it is, that laundromat
1382 was lost. So, the citizens didn't have it anymore. But, we also rearranged the way from the original POD that
1383 this building was to be situated on the site. Now it has better visibility and I think it is more attractive from the
1384 corner where the Fairgrounds and everything comes together there. So having said all that, I move for approval
1385 of POD-23-98, Spin Cycle -Laburnum Avenue, subject to the annotations on the plans the standard conditions
1386 for developments of this type and the additional conditions Nos. 23 through 33 and we will either have to
1387 reword, Mr. Secretary, or eliminate No. 34?

1388

1389 Ms. News - Number 34 can be deleted, and we will reannotate the plan to show that the split face
1390 wall is now a six-foot wood fence. Details will be provided at landscape time approval.

1391

1392 Mr. Archer - All right. Thank you, Ms. News.

1393

1394 Mr. Vanarsdall - Second.

1395

1396 Mr. Archer - The motion was made by Mr. Archer and seconded by Mr. Vanarsdall. All in favor
1397 say aye...all opposed say nay. The motion passes.

1398

1399 The Planning Commission approved POD-23-98, Spin Cycle – Laburnum Avenue, subject to the standard
1400 conditions attached to these minutes, the annotations on the plans and the following additional conditions:

1401

1402 23. The right-of-way for widening of Laburnum Avenue as shown on approved plans shall be dedicated to
1403 the County prior to any occupancy permits being issued. The right-of-way dedication plat and any other
1404 required information shall be submitted to the County Real Property Agent at least 60 days prior to
1405 requesting occupancy permits.

1406 24. The required building setback shall be measured from the proposed right-of-way line and the parking
1407 shall be located behind the proposed right-of-way line.

1408 25. The easements for drainage and utilities as shown on approved plans shall be granted to the County in a
1409 form acceptable to the County Attorney prior to any occupancy permits being issued.

1410 26. The developer shall provide fire hydrants as required by the Department of Public Utilities in its
1411 approval of the utility plans and contracts.

1412 27. A standard concrete sidewalk shall be provided along the south side of Laburnum Avenue

1413 28. The certification of building permits, occupancy permits and change of occupancy permits for individual
1414 units shall be based on the number of parking spaces required for the proposed uses and the amount of
1415 parking available according to approved plans.

1416 29. Any necessary off-site drainage easements must be obtained in a form acceptable to the County
1417 Attorney prior to final approval of the construction plans by the Department of Public Works.

1418 30. Deviations from County standards for pavement, curb or curb and gutter design shall be approved by the
1419 County Engineer prior to final approval of the construction plans by the Department of Public Works.

1420 31. Insurance Services Office (ISO) calculations must be included with the utilities plans and contracts and
1421 must be approved by the Department of Public Utilities prior to the issuance of a building permit.

1422 32. The approval of the construction plans by the Department of Public Works does not establish the curb
1423 and gutter elevations along the Henrico County maintained right-of-way. The elevations will be set by
1424 Henrico County.

1425 33. The owner of the property shall petition the Board of Supervisors to vacate the alley within the block
1426 connecting Richmond-Henrico Turnpike and Wadley Street. Proof of the petition shall be provided to
1427 the Planning Office prior to approval of construction plans.

1428 34. ~~Construction of the six foot masonry wall in the transitional buffer may be postponed until such time as~~
1429 ~~the adjacent owner's on the rear property line request its construction, provided documentation signed~~
1430 ~~by the adjacent property owner's agreeing to postponement of the wall construction is provided to the~~
1431 ~~Director of Planning prior to issuance of a certificate of occupancy.~~

1432

1433 Mr. O'Kelly - Mr. Chairman, Mr. Wilhite made us aware of a request for deferral on your 10:30 a.m.
1434 docket. Would you like to hear that now?

1435

1436 Mr. Archer - I think we can, yes.

1437

1438 LANDSCAPE PLAN

1439

LP/POD-69-97
Mircotel Inn & Suites

Huntjens Hospitality Corporation: Request for approval of a landscape plan, as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code. The 1.70 acre site is located on the north line of Audubon Drive, 600 feet

east of Airport Drive (State Route 156) on parcel 163-A-21C. The zoning is B-3, Business District, M-1C, Light Industrial District (Conditional) and ASO (Airport Safety Overlay District) (**Varina**)

1440

1441 Mr. Wilhite - Mr. Chairman, the applicant is requesting a two-week deferral to your night meeting
1442 on May 14, 1998.

1443

1444 Mr. Archer - Is there anyone here in opposition to the deferment of LP/POD-69-97, Microtel Inn &
1445 Suites? No opposition.

1446

1447 Mr. Zehler - Mr. Chairman, I move LP/POD-69-97, Microtel Inn & Suites be deferred until May
1448 14, at the applicant's request.

1449

1450 Mr. Vanarsdall - Second.

1451

1452 Mr. Archer - The motion was made by Mr. Zehler and seconded by Mr. Vanarsdall. All in favor
1453 say aye...all opposed say nay. The motion passes.

1454

1455 At the request of the applicant, the Planning Commission deferred LP/POD-69-97, Microtel Inn & Suites, to its
1456 meeting on May 14, 1998, at 7:00 p.m.

1457

1458 **PLAN OF DEVELOPMENT**

1459

POD-46-98
Korman Signs

E. D. Lewis & Associates, P.C., for Korman Signs, Inc.: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a one-story, 2,604 square foot warehouse expansion. The 1.51-acre site is located at 3029 Lincoln Avenue on parcel 82-13-A-13. The zoning is M-1, Light Industrial District. County water and sewer. (**Brookland**)

1460

1461 Mr. O'Kelly - Mr. Chairman, this is our last case on the 9:30 a.m. docket.

1462

1463 Mr. Archer - Is there anyone in the audience in opposition to POD-46-98, Korman Signs? No
1464 opposition. Mr. McGarry.

1465

1466 Mr. McGarry - Mr. Chairman, one of the annotations on your plan requires a BZA variance. I would
1467 like to point out that the Board of Zoning Appeals did grant a variance of the two-foot front yard setback
1468 requirement on April 23. As such, I have stricken that as an annotation on the plan. Staff can recommend
1469 approval of the plan as submitted to you, based on the standard conditions and the following conditions Nos. 23
1470 through 29.

1471

1472 Mr. Archer - Are there any questions of Mr. McGarry by Commission members?

1473

1474 Mr. Vanarsdall - Mr. Chairman I received a copy of the letter yesterday from the applicant saying that the BZA
1475 had approved that variance. I have a copy of the letter. I do not need to hear from the applicant unless someone
1476 else would like to.

1477

1478 Mr. Archer - Do any other Commission member have a question for the applicant?

1479

1480 Mr. Vanarsdall - I hate to deny Mr. Monty Lewis the privilege of coming to the mike but I don't need to hear
1481 from him. I recommend, I'll follow staff's recommendation of approval for POD-46-98, Korman Signs, with the
1482 annotations on the plans, the standard conditions for developments of this type, and conditions Nos. 23 through
1483 29.

1484

1485 Mr. Zehler - Second.

1486

1487 Mr. Archer - The motion was made by Mr. Vanarsdall and seconded by Mr. Zehler. All in favor
1488 say aye...all opposed say nay. The motion passes.

1489

1490 The Planning Commission approved POD-46-98, Korman Signs, subject to the standard conditions attached to
1491 these minutes, the annotations on the plan, and the following additional conditions:

1492

1493 23. The developer shall provide fire hydrants as required by the Department of Public Utilities in its
1494 approval of the utility plans and contracts.

1495 24. The certification of building permits, occupancy permits and change of occupancy permits for individual
1496 units shall be based on the number of parking spaces required for the proposed uses and the amount of
1497 parking available according to approved plans.

1498 25. Any necessary off-site drainage easements must be obtained in a form acceptable to the County
1499 Attorney prior to final approval of the construction plans by the Department of Public Works.

1500 26. Deviations from County standards for pavement, curb or curb and gutter design shall be approved by the
1501 County Engineer prior to final approval of the construction plans by the Department of Public Works.

1502 27. Insurance Services Office (ISO) calculations must be included with the utilities plans and contracts and
1503 must be approved by the Department of Public Utilities prior to the issuance of a building permit.

1504 28. The approval of the construction plans by the Department of Public Works does not establish the curb
1505 and gutter elevations along the Henrico County maintained right-of-way. The elevations will be set by
1506 Henrico County.

1507 29. Employees shall be required to use the parking spaces provided at the rear of the building(s) as shown
1508 on he approved plans.

1509

BEGINNING OF CASES FOR THE 10:30 A.M. AGENDA

1510

1511

1512

1513 PLAN OF DEVELOPMENT

1514

POD-44-98
Godsey & Son, Inc.
Contractors Equipment
Office/Shop and Storage
Yard.

Engineering Design Associates, Premier Properties V, LLC and Doug Godsey.: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a two-story, 3,425 square foot office and a one-story 7,322 square foot shop and contractors equipment storage yard. The 7.165 acre site is located on the south line of Charles City Road approximately 3,200 feet east of Monahan Road on part of parcel 194-A-53. The zoning is M-2C, General Industrial District and ASO (Airport Safety Overlay District). Individual well and Septic Tank/Drainfield.
(Varina)

1515

1516 Mr. Archer - Is there anyone in the audience in opposition to POD-44-98, Godsey & Son, Inc.? No
1517 opposition. Mr. McGarry.

1518

1519 Mr. McGarry - Staff would like to address several of the annotations on the plan to show some
1520 changes. First of all, under the Department of Public Works annotation, No. 2. It is a request for redesign of the
1521 BMP. Public Works has been provided additional information on that BMP and has accepted the design. So,
1522 staff recommends deleting Public Works' annotation No. 2. The Planning annotations, the staff recommends
1523 that No. 2 be deleted because the screen wall has been identified as an eight-foot wall. It will be split face block
1524 to match the front of the proposed building, and the gate will be chain link. Regarding annotation No. 3,
1525 regarding the dumpster screen, staff would like to point out that the dumpster is located behind the screen wall,
1526 240 some feet from Charles City Road and 90 feet from any A-1 property. And that A-1 property is sandwiched
1527 between other industrial A-1 zoned property that's likely to be developed for industrial. So, the applicant has
1528 asked that this location be accepted and staff is willing to agree to accept the dumpster at that location without
1529 any further screening. And with that information, staff can recommend approval of this plan, the standard
1530 conditions plus additional conditions of 1A and 1B, because it's on well and septic, and conditions Nos. 23
1531 through 28. I'd be happy to answer any questions.

1532

1533 Mr. Archer - Thank you, Mr. McGarry. Are there any questions of Mr. McGarry by Commission
1534 members?

1535

1536 Mr. Zehler - I have no questions, Mr. Chairman.

1537

1538 Mr. Archer - All right.

1539

1540 Mr. Zehler - Mr. Chairman, I move that POD-44-98, Godsey & Son, Inc. Contractors Equipment
1541 Office/Shop and Storage Yard, be approved subject to the annotations on the plan and conditions Nos. 1A and
1542 1B, Nos. 23 through 28.

1543

1544 Mr. Vanarsdall- Second.

1545

1546 Mr. Archer - The motion was made by Mr. Zehler and seconded by Mr. Vanarsdall. All in favor
1547 say aye...all oppose say nay. The motion passes.

1548

1549 The Planning Commission approved POD-44-98, Godsey & Son, Inc. Contractors Equipment Office/Shop and
1550 Storage Yard, subject to the standard conditions attached to these minutes, the annotations on the plan and the
1551 following additional conditions:

1552

1553 1A. The owner shall enter into the necessary contracts with the Department of Public Utilities for
1554 connections to public water. The septic tank location shall be approved by the County Health
1555 Department before a building permit is issued. Connection shall be made to the public sewer when
1556 available within 300 feet of the site.

1557 1B. The owner shall enter into the necessary contracts with the Department of Public Utilities for
1558 connections to public sewer. The well location shall be approved by the County Health Department
1559 before a building permit is issued. Connection shall be made to the public water system when available
1560 within 300 feet of the site.

1561 23. The certification of building permits, occupancy permits and change of occupancy permits for individual
1562 units shall be based on the number of parking spaces required for the proposed uses and the amount of

- 1563 parking available according to approved plans.
- 1564 **24.** Any necessary off-site drainage easements must be obtained in a form acceptable to the County
 1565 Attorney prior to final approval of the construction plans by the Department of Public Works
- 1566 **25.** Deviations from County standards for pavement, curb or curb and gutter design shall be approved by the
 1567 County Engineer prior to final approval of the construction plans by the Department of Public Works.
- 1568 **26.** The approval of the construction plans by the Department of Public Works does not establish the curb
 1569 and gutter elevations along the Henrico County maintained right-of-way. The elevations will be set by
 1570 Henrico County.
- 1571 **27.** When public water is available to the site, fire hydrants shall be installed by the property owner to meet
 1572 existing ISO – Needed Fire Flow requirements and Division of Fire commercial property minimum hose
 1573 lay requirement which is 350 feet.
- 1574 **28.** All buildings when constructed shall include a fire detection alarm system. The alarm system shall be
 1575 designed and installed to provide immediate notification to the Fire Division in the event of an alarm
 1576 situation at the facility. A twenty-four hour monitoring company must be utilized for this service.
 1577

1578 **PLAN OF DEVELOPMENT**

POD-37-98

Christ Church Episcopal
 (POD-117-97 Rev.)

Engineering Design Associates for G C Real Estate Corporation and Christ Church Episcopal: 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 11,767 square foot parish hall, 11,305 square foot education building, renovations to an existing building and approval of a master plan for future church buildings totaling 16,500 square feet. The 32.69 acre site is located west of the intersection of Pouncey Tract Road and Shady Grove Road on part of parcel 26-A-19. The zoning is A-1, Agricultural District. County water and Septic Tank/Drainfield. **(Three Chopt)**

1579

1580 Mr. Archer - Is there anyone in the audience in opposition to POD-37-98, Christ Church Episcopal?

1581 No opposition. Mr. Whitney.

1582

1583 Mr. Whitney - Thank you, Mr. Chairman and members of the Commission. I would like to point your
 1584 attention to the addendum you received today. There is a revised condition No. 23. This situation deals with the
 1585 traffic engineering comments regarding Pouncey Tract Road and Shady Grove Road. I will remind you that the
 1586 previous approval on this POD, the applicant had an entrance to the property off of Shady Grove Road. As a
 1587 cost saving measure, they have now decided to have their entrance off of Pouncey Tract Road. And with this
 1588 situation there will be construction delayed, as far as Pouncey Tract Road and Shady Grove Road, to Phase II of
 1589 their plan.

1590

1591 Mrs. Wade - Should we not then amend No. 29 instead of adding No. 37 that applies to the
 1592 sidewalk.

1593

1594 Mr. Whitney- Number 29 should be noted as a revision. This would delay construction of the
 1595 sidewalks on both the mentioned roads until Phase II of this project.

1596

1597 Mrs. Wade - Shouldn't we just add to No. 29 to Phase II and then eliminate No. 37? Don't they say
 1598 the same thing? See, on the addendum, you have an added No. 37.

1599

1600 Mr. Whitney- I do not have that.

1601

1602 Mrs. Wade - So, No. 29 should be amended to be completed with Phase II of the project.

1603

1604 Mr. Whitney - That's correct. There wouldn't be a condition No. 37, it would be No. 29 revised.

1605

1606 Mr. Zehler - So, we are going to delete No. 37?

1607

1608 Mr. Whitney - That's correct.

1609

1610 Mrs. Wade - And, have they not changed the roofing material on this?

1611

1612 Mr. Whitney - Yes. They have opted to go with an asphalt shingle on the education building

1613 (unintelligible). That is also a cost saving measure.

1614

1615 Mr. Archer - Okay. Are there any more questions of Mr. Whitney? Do we need to hear from the

1616 applicant, Mrs. Wade?

1617

1618 Mrs. Wade - No, I don't think so.

1619

1620 Mr. Archer - Okay.

1621

1622 Mrs. Wade - I move POD-37-98, POD-117-97 revised, be approved subject to the annotations on

1623 the plans, the standard conditions, the annotation would have to be changed regarding the roof materials on the

1624 renderings that were submitted originally, and the following additional conditions, No. 23 revised as it appears

1625 on the addendum, No. 24 through 36 with No. 29 also revised to add "to be completed with Phase II of the

1626 project."

1627

1628 Mr. Archer - Is that it?

1629

1630 Mrs. Wade - Yes.

1631

1632 Mr. Vanarsdall - Second.

1633

1634 Mr. Archer - The motion was made by Mrs. Wade and seconded by Mr. Vanarsdall. All in favor

1635 say aye...all oppose say nay. The motion passes.

1636

1637 The Planning Commission approved POD-37-98, Christ Church Episcopal (POD-117-97 Revised), subject to

1638 the standard conditions attached to these minutes, the annotations on the plans and the following additional

1639 conditions:

1640

1641 **23.** The subdivision plat for the dedication of the extension of Shady Grove Road and the widening of

1642 Pouncey Tract Road (State Route 271), as shown on the approved plans, shall be recorded prior to any

1643 occupancy permits being issued. The improvements to Pouncey Tract Road, as determined by the

1644 Virginia Department of Transportation, shall be completed with Phase I of this project. The

1645 construction of Shady Grove Road to the future entrance and any outstanding improvements along

1646 Pouncey Tract Road shall be completed with Phase II of this project. Any remaining portions of Shady

1647 Grove Road shall be completed when requested by the County.

- 1648 **24.** The easements for drainage and utilities as shown on approved plans shall be granted to the County in a form acceptable to the County Attorney prior to any occupancy permits being issued.
1649
- 1650 **25.** The entrances and drainage facilities on Pouncey Tract Road (State Route 271) shall be approved by the Virginia Department of Transportation and the County.
1651
- 1652 **26.** A notice of completion form, certifying that the requirements of the Virginia Department of Transportation entrances permit have been completed, shall be submitted to the Planning Office prior to any occupancy permits being issued.
1653
1654
- 1655 **27.** The required building setback shall be measured from the proposed right-of-way line and the parking shall be located behind the proposed right-of-way line.
1656
- 1657 **28.** The developer shall provide fire hydrants as required by the Department of Public Utilities in its approval of the utility plans and contracts.
1658
- 1659 **29.** Standard concrete sidewalk along the west side of Pouncey Tract Road (State Route 271) and the north side of Shady Grove Road shall be completed with Phase II of this project.
1660
- 1661 **30.** Any necessary off-site drainage easements must be obtained in a form acceptable to the County Attorney prior to final approval of the construction plans by the Department of Public Works.
1662
- 1663 **31.** Deviations from County standards for pavement, curb or curb and gutter design shall be approved by the County Engineer prior to final approval of the construction plans by the Department of Public Works
1664
- 1665 **32.** The applicant shall furnish proof to the Planning Office that conditions satisfactory to the Health Department have been met that insure the proposed septic tank drainfield system is suitable for this project prior to the issuance of a building permit
1666
1667
- 1668 **33.** Insurance Services Office (ISO) calculations must be included with the utilities plans and contracts and must be approved by the Department of Public Utilities prior to the issuance of a building permit
1669
- 1670 **34.** The approval of the construction plans by the Department of Public Works does not establish the curb and gutter elevations along the Henrico County maintained right-of-way. The elevations will be set by Henrico County.
1671
1672
- 1673 **35.** The approval of the construction plans by the Department of Public Works does not establish the curb and gutter elevations along the Virginia Department of Transportation maintained right-of-way. The elevations will be set by the contractor and approved by the Virginia Department of Transportation.
1674
1675
- 1676 **36.** The conceptual master plan, as submitted with this application, is for planning and information purposes only. All subsequent detailed plans of development and construction plans needed to implement this conceptual plan may be administratively reviewed and approved and shall be subject to all regulations in effect at the time such subsequent plans are submitted for review/approval.
1677
1678
1679
1680

1681 **SUBDIVISION**

1682

Westfield
(April 1998 Plan)

Wingate & Kestner, P.L.C. for Larry Dillard and Stonebrook LLC: The 43 acre site is located along the west line of Pouncey Tract Road approximately 600 feet south of Country Creek Way on part of parcel 9-A-33. The zoning is A-1, Agricultural District. County Water and Septic Tank/Drainfield. **(Three Chopt) 8 Lots**

1683

1684 Mr. Archer - Is there anyone in the audience in opposition to subdivision Westfield (April 1998
1685 Plan)? No opposition. Mr. Whitney.

1686

1687 Mr. Whitney - Thank you, Mr. Chairman. Commission members, I have a couple of comments on
1688 this subdivision. First of all, the applicant has clarified the situation with the common area adjacent to Lot 7.
1689 Their desire, at this time, is to make that part of Lot 7 so it will no longer be a common area. Thus, we can

1690 delete condition No. 13.

1691

1692 Mrs. Wade - Is that the only common area they had on here?

1693

1694 Mr. Whitney - That's correct. Also, the situation on Lots 1 and 8, with their peculiar configuration.

1695 Regarding Lot 1, staff would, with your approval, like to annotate the plan to show the right-of-way of that road
1696 between Lots 1 and 8 be adjacent to parcel 9A-35. Thus, removing the leftover portion or reserved area
1697 indicated on your staff plan. As far as Lot 8, the portion adjacent to Stone Horse Road, the applicant has
1698 informed me that the Dillard's have been contacted and that small portion there would be deeded back to them
1699 and we would not have the L-shape lot that is depicted on your staff plan. With your approval, I can make those
1700 annotations to the plan. I'll take any questions you may have.

1701

1702 Mr. Archer - Are there any questions of Mr. Whitney by Commission members?

1703

1704 Ms. Dwyer - Are you talking about that portion of land behind the Dillard's property, labeled Larry
1705 Dillard, is that what you were just referring to?

1706

1707 Mr. Whitney - That's correct, between the Dillard's property and Stone Horse Road.

1708

1709 Mrs. Wade - And the other one is to be attached to Lot 1.

1710 Mr. Whitney - The other one will be removed by aligning the right-of-way adjacent to parcel 9-A-35.
1711
1712 Ms. Dwyer - Is that right-of-way aligned with another road?
1713
1714 Mr. Whitney - No. It does not.
1715
1716 Mrs. Wade - So, the roadway, then, is going to move over toward Route 1 and any leftover property
1717 will go to, I mean, Lot 1, to Lot 8?
1718
1719 Mr. Whitney - I'm sorry. I'm not following you, Mrs. Wade.
1720
1721 Mrs. Wade - You indicated that was going to move over toward Lot 1 and then any leftover area
1722 would attach to Lot 8.
1723
1724 Mr. Whitney - That would be correct, yes. I have one last thing that I failed to mention. Stone Horse
1725 Road should be shown as a 50-foot right-of-way. It would be similar to the existing right-of-way in Shady
1726 Grove Estates, which is to the south.
1727
1728 Mr. O'Kelly - Mr. Whitney, just for a point of clarification. Is this subdivision going to be
1729 constructed with curb and gutter?
1730
1731 Mr. Whitney - I'll have to defer that to the applicant.
1732
1733 Mr. O'Kelly - I mean, the reason for the question is that if it is a non-curb and gutter subdivision, it is
1734 my understanding that the minimum requirements of the Department of Public Works are for 50-foot right-of-
1735 ways throughout the subdivision. That's the minimum road cross section for non-curb and gutter County streets.
1736
1737 Mr. Whitney - Well, we have cleared up Stone Horse Road, that would be a 50-foot right-of-way.
1738
1739 Mrs. Wade - So, that leaves the entrance road.
1740
1741 Ms. Dwyer - And the cul-de-sac.
1742
1743 Mr. Whitney - The entrance road and the cul-de-sac are still shown as 44-foot right-of-way.
1744
1745 Mr. O'Kelly - Perhaps a representative from Public Works can clarify the question.
1746
1747 Mrs. Wade - Okay. We are talking about, what, eight lots here, at the moment.
1748
1749 Mr. Eure - I'm Todd Eure, Traffic Engineering. I'm not familiar with this particular plan as far
1750 as any requests from deviations from the 50-foot right-of-way. The County, can, as my understanding, accept a
1751 44-foot right-of-way with the restriction on parking. That would require a road width of 36 feet instead of the
1752 standard 40 feet at the Commission's discretion, if I'm not mistaken.
1753
1754 Mrs. Wade - Actually, if they are going to move the road over into some of that reserve area, they
1755 could use a part of that.
1756

1757 Ms. Dwyer - Mr. Eure, may I ask you a question about that? What is considered minimum right-of-
1758 way to allow two-way traffic and parking within a residential street?
1759

1760 Mr. Eure - Fifty-foot right-of-way with 40 foot of pavement, face of curb, face of curb. Forty foot
1761 of pavement as measure from face of curb to face of curb. Anything less than that, as I said, we can accept a 36-
1762 foot measurement of pavement face of curb, face of curb, but at that point, you have a parking restriction on one
1763 side.
1764

1765 Mrs. Wade - It still (unintelligible) to several difference possibilities apparently. Thank you, Mr.
1766 Eure.
1767

1768 Mr. Kestner - I'm Andy Kestner, representing the applicant. We (unintelligible) have road-side
1769 ditch subdivision, and to the best of my knowledge there is no requirement over a 50-foot right-of-way for that.
1770 So, we will have a road-side ditch subdivision. If it is required to be a 50-foot right-of-way with a road-side
1771 ditch, we will go ahead and make a 50-foot right-of-way.
1772

1773 Mr. O'Kelly - I believe that is the County's standard but perhaps we can annotate the plan that that
1774 concern be addressed prior to final approval.
1775

1776 Mrs. Wade- I don't think on the cul-de-sac it would make much difference. The entranceway with
1777 the idea perhaps, there might be further subdivisions in here, perhaps should be the wider. But, I would think
1778 what you propose here would be adequate, but you can work that out administratively, as he said, before final.
1779

1780 Mr. Kestner - Yes, ma'am.
1781

1782 Ms. Dwyer - Mrs. Wade, even though these are large lots, a lot of times you run into parking issues
1783 even on cul-de-sacs. So, you need that extra right-of-way for, maybe not in this particular subdivision, since the
1784 lots are large enough to accommodate parking.
1785

1786 Mr. Kestner - The parking restrictions actually apply to 40 for right-of-ways, not 44 for right-of-
1787 ways, and that would be parking to one side.
1788

1789 Mrs. Wade - And you all are then working out the reserved areas, resolving that and eliminating the
1790 common area?
1791

1792 Mr. Kestner - Yes, ma'am.
1793

1794 Mrs. Wade - Okay. Thank you. I move Westfield subdivision April 1998 plan be approved, subject
1795 to the annotations, although removing the common area, the 3.6 acres, with the understanding that the one would
1796 be included back into 9-A-33 and the other one next to the entrance road. Well, the entrance road will be moved
1797 over and the excess to go back to Lot 8. And that the final right-of-way and parking situation can be determined
1798 prior to final approval. I recommend conditional approval.
1799

1800 Ms. Dwyer - Second.
1801 Mr. Archer - The motion was made by Mrs. Wade and seconded by Ms. Dwyer. Those in favor say
1802 aye...those oppose say nay. The motion passes.
1803

1804 The Planning Commission granted conditional approval to subdivision Westfield (April 1998 Plan), subject to
1805 the standard conditions attached to these minutes, the annotations on the plan, and the following additional
1806 condition:

1807

1808 12. The limits and elevation of the 100 year frequency flood shall be conspicuously noted on the plat and
1809 construction plans and labeled "Limits of 100 Year Floodplain." Dedicate floodplain as a "Variable
1810 Width Drainage & Utility Easement."

1811

1812 Mrs. Wade - Excuse me for a minute. I failed to mention the conditions on that last one from the
1813 agenda, which is Westfield subdivision, with additional condition No. 12 and No. 13 deleted. Do I need to start
1814 over?

1815

1816 Mr. Archer - Yes. I guess we had better restate the motion, Mrs. Wade.

1817

1818 Mrs. Wade - Okay. I'm sorry. If I may go back and do that. I move approval, then, of subdivision
1819 Westfield, with the comments about the common areas and reserve areas and the annotations and the standard
1820 conditions and condition No. 12 on the agenda and omit No. 13.

1821

1822 Ms. Dwyer - Second.

1823

1824 Mr. Archer - Okay. The restated motion was made by Mrs. Wade and seconded by Ms. Dwyer.
1825 Those in favor say aye...those opposed say nay. The motion passes. Okay, Mr. Secretary, we can go on to our
1826 next case.

1827

1828 **PLAN OF DEVELOPMENT & SPECIAL EXCEPTION**

1829

POD-45-98
Sleep Inn – Parham and
Brook Roads

Mozingo & Associates for Regency V, Limited: Request for approval of a special exception for height and plan of development, as required by Chapter 24, Sections 24-2, 24-59(c) and 24-106 of the Henrico County Code to construct a four-story, 72 unit motel. The 1.823 acre site is located along the north line of E. Parham Road approximately 300 feet west of Brook Road (U.S. Route 1) on parcel 63-A-4A and part of 2C. The zoning is B-2, Business District and B-3, Business District. County water and sewer. **(Fairfield)**

1830

1831 Mr. Archer - Is there anyone in the audience in opposition to POD-45-98, Sleep Inn at Parham and
1832 Brook Roads? We have opposition. We will be with you in just a minute, Sir. Ms. News.

1833

1834 Ms. News - This POD includes a request for special exception to allow construction of a four-story
1835 building on this parcel. The maximum height allowed is three stories. The proposed plan meets all of the
1836 requirements of the zoning code as annotated and staff can recommend approval of the POD should the
1837 Commission grant the special exception. The applicant is prepared to present his case, if there are no questions
1838 of staff.

1839

1840 Mr. Archer - Okay. Are there any questions of Ms. News by Commission members? Ms. News, I
1841 may have a question for you later, but I'll reserve it for now. Will the applicant come forward please?

1842

1843 Mr. Dankos - Mr. Chairman, members of the Commission, my name is Jackie Dankos and I'm Vice

1844 President of Regency V, Limited, the developer of the property. We applied for exception of the permit to allow
1845 a four-story motel. The motel proposed will be a national brand called Sleep Inn. It is an indoor corridor design
1846 that does help decrease incidents of crime in motels. Regency V is attempting to build on this site. Before, it
1847 was awarded a special use permit and POD approval for a six-story motel approximately nine years ago. The
1848 development does not adjoin residential and should have little impact on traffic. We have built a driveway that
1849 serves three businesses and are not asking for any more access to Parham Road or other County roads.

1850

1851 The area will benefit from the tourism and businessmen staying at the motel. The local businesses will have a
1852 quality motel to send their associates. The difference between three and four stories is negligible in this area
1853 concerning adjoining businesses. A four-story motel will be consistent with the development across Parham
1854 Road which is the Nations Bank. The exterior will also be consistent with other development nearby on Parham
1855 Road like the Mexican restaurant, the Nations Bank branch and the Parham One Shopping Center. It does not
1856 include any vinyl. Thank you for your consideration. I do have a rendering that shows what the building will
1857 look like.

1858

1859 Mr. Archer - Can we have this?

1860

1861 Mr. Dankos - You can borrow it. (Mr. Dankos approached the podium with his exhibit)

1862

1863 Mr. Vanarsdall - Is this beige right here?

1864

1865 Mr. Dankos - This is actually the shadow lines. The colors are basically all the same except the
1866 entrance. The entrance I think has a lighter shade.

1867

1868 Ms. Dwyer - Is this tower an architectural feature?

1869

1870 Mr. Dankos - Yes, ma'am. It is consistent with this brand. It's one of the only brands that is kind of
1871 out of the box type as far as motels are concern.

1872

1873 Mr. Vanarsdall - Sleep Inn is a part of Comfort Inn, isn't it?

1874

1875 Mr. Dankos - It's a part of the Choice Hotels System which Comfort is part of also.

1876

1877 Mr. Archer - Now do we have the same restriction about the sign being above the roofline?

1878

1879 Ms. Dwyer - Since it is an architectural feature it would not. This doesn't cover sign approval.

1880

1881 Mr. Archer - Okay.

1882

1883 Ms. Dwyer - Is that an annotation that signs are not part of this approval?

1884

1885 Mr. Dankos - Yes, ma'am.

1886

1887 Mr. Archer - Thank you. Mr. Dankos, you mentioned in your comments that... Excuse me. Folks
1888 in the control room, we are getting a lot of feedback on the microphone. Can you all take care of that? How
1889 many years ago was it that the six-story unit was proposed and approved?

1890

1891 Mr. Dankos - I believe it was around 1989 or somewhere there about.
1892

1893 Mr. Archer - At the time of that proposal the two other motels there didn't exist, is that correct?
1894

1895 Mr. Dankos - Do you mean the Econo Lodge and...
1896

1897 Mr. Archer - The Econo Lodge and the Broadway.
1898

1899 Mr. Dankos - No, sir. They did not exist.
1900

1901 Mr. Archer - All right. Thank you. I don't have any further questions at the moment, but we do
1902 have some opposition so we may have you come up again.
1903

1904 Mr. Dankos - Okay. Thank you.
1905

1906 Mr. Archer - Would you come forward now, sir.
1907

1908 Mr. Trice - Mr. Chairman, I'm Ashton Trice with Hungary Brook Limited Company. We oppose
1909 the four-story building because it will block the view of the tenants in my shopping center, Hungary Brook. That
1910 shopping center was built in 1987 and I have space in that shopping center that has never, ever, been rented in 11
1911 years. And the reason given from perspective tenants is the visibility. We have very limited visibility now.
1912 They built the Econo Lodge, I think, on Brook Road, about two years ago. That was a two-story building, that
1913 blocked the view. Then there was another motel, Broadway, just across the driveway there. And the signage is
1914 minimal. I only have one sign on Brook Road, and the visibility is just not there and we have a very difficult
1915 time in getting tenants to move into that shopping center. All my tenants oppose anything that would block the
1916 visibility. I have truckers who come in, and even if they just want to stay for a few minutes or an hour or two,
1917 they will park on my parking lot and it takes a continual vigil to make sure that those truckers don't stay there
1918 and haul them away. In fact, we did have to haul one away and apparently the word got around and that
1919 stemmed the tide for a short period of time.
1920

1921 As I mentioned, there are two motels that we have there already. And as I understand it, the occupancy is very
1922 low. I don't know how on earth it could afford to have another motel in that area, a four story that could make it
1923 to be a valuable business. I know I pay about \$40,000 in taxes and now the County wants to increase my taxes.
1924 So, we have been working hard to try to get the tenants there and here we come along and have a proposed motel
1925 which will block the view and the tenants will be impaired because they won't have the visibility. The area will
1926 deteriorate with another motel and that is the biggest reason that I oppose it. I'd like to see something more in
1927 keeping with the surroundings, the existing buildings that are there, and accommodate the area in which that
1928 facility is planned to be built. So, I plead with you to oppose this four-story motel and allow the area to continue
1929 to grow at the rate we worked hard to build up, it's eleven years, and will have to continue to work hard to keep
1930 the tenants in there. If that motel goes there and the lease is up, they will probably leave. So our survival is our
1931 survival that I am fighting for here to keep the visibility of this shopping center. Thank you.
1932

1933 Mr. Archer - Mr. Trice, what units do you have in your shopping center that are unoccupied?
1934

1935 Mr. Trice - I'm sorry, I didn't hear you.
1936

1937 Mr. Archer - What units in your center are not occupied? I notice that the tenant at 1276, I believe,

1938 moved to 1224.
1939
1940 Mr. Trice - We have two bays there, I think it's 12....
1941
1942 Mr. Archer - Twelve Seventy-six is not occupied but the tenant moved to another unit.
1943
1944 Mr. Trice - Yes, there are two bays at 3200 square feet.
1945
1946 Mr. Archer - So, 1276 is two units instead of one. It's a double unit?
1947
1948 Mr. Trice - That's correct.
1949
1950 Mr. Archer - But it has been occupied.
1951
1952 Mr. Trice - No, it has never been occupied.
1953
1954 Mr. Archer - Well, there is a sign there that says they moved to 1274.
1955
1956 Mr. Trice - Oh, we had a temporary tenant. We had Weight Watchers to come in there
1957 temporarily for a few weeks. They were renovating their space.
1958
1959 Mr. Vanarsdall - Mr. Trice, are you aware that an eight-story motel was approved there years ago.
1960
1961 Mr. Trice - An eight-story?
1962
1963 Mr. Archer - It was six stories.
1964
1965 Mr. Vanarsdall - Six stories, excuse me.
1966
1967 Mr. Trice - Thank goodness for the wisdom of not getting that built.
1968
1969 Mr. Vanarsdall - Are you in objection to the four stories or just the entire motel?
1970
1971 Mr. Trice - No. Just the four stories. I think that something has to go there, yes.
1972
1973 Mr. Vanarsdall - My last question. Did you ever try to buy the property from Mr. Dankos?
1974
1975 Mr. Trice - I'm sorry, sir.
1976
1977 Mr. Vanarsdall - Did you ever try or attempt to buy that piece of property from Mr. Dankos to keep this from
1978 happening?
1979
1980 Mr. Trice - No, sir.
1981
1982 Mr. Vanarsdall - All right. Thank you.
1983
1984 Mrs. Wade - When was the six-story hotel approved?

1985
1986 Mr. Archer - It was approved nine years ago from what I understand.
1987
1988 Mr. Vanarsdall - That was before you came on the Commission, Mrs. Wade.
1989
1990 Mrs. Wade - Nine years ago, time does fly.
1991
1992 Mr. Archer - Are there any further questions of Mr. Trice? Mr. Trice, you indicated that there were
1993 some other tenants who were also opposed. Are they here or are you representing all of them?
1994
1995 Mr. Trice - No. I didn't contact them. I could get them here or get a document signed by them if
1996 you like.
1997
1998 Mr. Archer - Well, that's too late for this meeting. Anyway, thank you for your remarks we
1999 appreciate it.
2000
2001 Mr. Trice - Thank you.
2002
2003 Mrs. Wade - I remember this same discussion when the ones out on Brook Road were approved.
2004 You were objecting then, were you not, for the same reason about the visibility?
2005
2006 Mr. Trice - I'm sorry. I can't hear you.
2007
2008 Mrs. Wade - The same reason about the visibility regarding the hotels out on Brook. The question
2009 was raised at the time in terms of visibility into your shopping center.
2010
2011 Mr. Trice - The visibility of the building? That's my objection.
2012
2013 Mrs. Wade - Yes, I understand. Thank you.
2014
2015 Mr. Zehler - Actually, Mr. Chairman, this request is less than what has already been approved for
2016 that site.
2017
2018 Mr. Archer - True. Mr. Dankos, I would like to ask a couple of more questions of you. What is the
2019 specific reason why you think you need the four stories in lieu of the three stories?
2020
2021 Mr. Dankos - Four stories allows me to make maximum use of the property to make it a viable
2022 business. Otherwise, it could not be a profitable business, as far as this motel.
2023
2024 Mr. Archer - Now, you heard Mr. Trice's comments that the two existing motels right now are
2025 under populated. Does that have any bearing on your decision to ask for four stories?
2026
2027 Mr. Dankos - It might be their operations, I really couldn't comment on that. I understand that the
2028 motel business in that area is doing very well. In fact, I own a motel about a mile away that's doing very well.
2029 We are running sometimes, in the last couple of weeks, we have been running 90%. I don't think that's a good
2030 argument. It could be their rates, it could be a lot of other things. I understood that the Econo Lodge is doing
2031 very well.

2032

2033 Mr. Archer - In looking at this area there are, and I guess the other Commission members know this,
2034 but there are two other motels/hotels type operations right near this property, and several others, I guess, in the
2035 existing area. There are no three-story buildings on that side of Parham Road that I could detect. And the
2036 shopping center in the, I guess, across the corner from there is all two stories. I don't think there are any three-
2037 story buildings there. The Howard Johnson motel a little further up the street is two stories and the two
2038 hotels/motels in this area are both two story, none of three story. To be honest with you, I have a problem with
2039 trying to decide what hardship would be placed on you by exceeding the three stories. I think you and I have had
2040 several conversations concerning the construction of this building. I don't think I'm quite ready to make a
2041 decision on this today and if I do it might be one that you might not want to hear. If it's okay with you, I will
2042 defer this case until you and staff and I can get a chance to go over this again, if you will agree to do that.

2043

2044 Mr. Dankos - Is there any concerns with the, or are there any questions, or can I make some
2045 comments concerning the Hungary Brook Shopping Center?

2046

2047 Mr. Archer - Sure. In fact, I have one more comment that I want to make too and this is concerning
2048 the building materials, so that the other Commissioners will know. In riding around in Hungary Brook all of the
2049 buildings out there are masonry buildings. All of the visible portions on the perimeter are all split-face block and
2050 there are a couple of buildings in there that have a little bit of E.I.F.S. in the front portion, more of a decorative
2051 feature than actual construction. The backside I think is just painted CMU. But, that is one of the issues that
2052 you and I both know is a little bit burning in this case. The four stories, of course, is less than the six that was
2053 approved some time ago but at the same time there may have been more of a need for hotels at that point in time
2054 but now we do have additional hotel/motels in the area which I would think, demographically speaking, would
2055 somewhat abate the need for having all these stories. Perhaps we can work out something.

2056

2057 Mr. Dankos - Okay. You might recall that when we did meet we talked about using masonry on one
2058 or even splitting the windows on the bottom floor. I've gone beyond that and gone the total first floor. And, we
2059 talked about doing some vertical areas between the windows but have been told by the architect that that's not
2060 possible. So, we did raise the brick up to cover the first floor total. I think that will be consistent with some of
2061 the discussions that we have had. I would like to comment on the Hungary Brook Shopping Center issue. Back
2062 in 1987, I think it was. We had an agreement with Hungary Brook Shopping Center and we had four conditions
2063 and we had an agreement and they were going to give us a parcel of land that is now being used for the BMP. If
2064 you look at the plans it shows that parcel of land. They were going to deed that to us if we agreed to some other
2065 conditions, and one of the conditions was access from Parham Road, that we put a driveway through that their
2066 customers could use. Condition No. 2 was to allow them to clear the trees on our property. Condition No. 3 was
2067 that we would line the motels so as to lessen the impact of their visibility. But we had to build the motel within
2068 two years and that was at the decline of the motel business about that time. We did have POD approval but with
2069 the recession in the motel business we didn't go through with that.

2070

2071 I would like to say that the building of this motel and the alignment that we have is consistent with that original
2072 plan. Even though the plan was void, it is still consistent and we have lived up to that agreement even after the
2073 fact. The driveway is in tact. It's not going to move. We let them clear with the trees as promised. And, I
2074 would like to add that our customers of probably 20,000 plus for the year will be using the services at that
2075 Hungary Brook Shopping Center. We already use three of them there for other motels. So, I would like to say
2076 that the tourists and businessmen using the motel would benefit the Hungary Brook Shopping Center.

2077

2078 Mr. Archer - Mr. Dankos, I agree with you to that degree, at least partially. I don't really see where

2079 visibility of the shopping center would have much of a lessening affect on the people that visit it. Shopping
2080 Centers tend to be local or at least regional in nature and I think most people, Mr. Trice, know that they are there
2081 and if they are going to shop there they are going to come regardless of being able to see it from the street. And
2082 the fact that your center portions are not leased now because people can't see it, we couldn't blame Mr. Dankos
2083 for that because he doesn't have anything right there at this point in time. But, there are some other things that I
2084 would like to consider before making a decision on this.

2085

2086 The code states: and I'll just read this briefly. Reasons for allowing special consideration, and consideration, it
2087 should say special exception, in considering an application for a special exception the Board should give due
2088 regard to the nature and condition of all adjacent uses and structures and the probable affect upon them of the
2089 proposed use. It should also take into account the special characteristics, design, location, construction, method
2090 of operation, effect on traffic conditions or any other aspects of the particular use or structure that may be
2091 proposed by the applicant. If it should find after the hearing that the proposed establishment or use will not
2092 adversely affect the health, safety, or welfare of persons in the surrounding community it may be granted.

2093

2094 I don't feel very easy about making a recommendation on it at this time. So, I would prefer to defer this case
2095 until our next month's meeting and in between time I would like to meet with you and staff again and we can try
2096 and hash over some of these issues and come to a conclusion as to how we might conclude this. Is that agreeable
2097 with you?

2098

2099 Mr. Dankos - That will be fine.

2100

2101 Mr. Archer - Okay. My motion is to defer this case in its entirety until the next POD meeting which
2102 I guess is May 26.

2103

2104 Mr. Vanarsdall - Second.

2105

2106 Mr. Archer - The motion was made by Mr. Archer and seconded by Mr. Vanarsdall to defer this
2107 case until the May 26, 1998 meeting. All in favor say aye...all opposed say nay. The motion passes.

2108

2109 The Planning Commission deferred POD-45-98, Sleep Inn – Parham and Brook Roads, until its May 26, 1998,
2110 meeting.

2111

2112 **PLAN OF DEVELOPMENT**

2113

POD-38-98
Mt. Vernon Baptist
Church -
Modular Classroom
Buildings
(POD-24-95 Rev.)

Youngblood, Tyler & Associates, P.C. for Trustees of Mount Vernon Baptist Church: Request for approval of a revised plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code to construct five, one-story, temporary modular classroom units, totaling 4,200 square feet. The 26.00 acre site is located on the north line of Nuckols Road approximately 130 feet west of Opaca Lane on parcel 018-A-027. The zoning is A-1, Agricultural District. County water and sewer. **(Three Chopt)**

2114

2115

2116 Mr. Archer - Is there anyone in the audience in opposition to POD-38-98, Mt. Vernon Baptist
2117 Church – Modular Classroom Buildings? Mr. Wilhite.

2118

2119 Mr. Wilhite - As stated in the caption these buildings are supposed to be here on a temporary basis.
2120 I received a letter from the church yesterday and they indicated to me that they foresee having these here for a
2121 maximum of four to five years. With that in mind, staff has suggested another condition that appears on your
2122 addendum. Condition No. 27 would limit the buildings being out here for a period of no longer than five years
2123 from the date they were first occupied. I do apologize for the elevations not making it into the packet. These
2124 buildings are 36' x 23 feet and four inches. They are constructed of ribbed aluminum siding. We do have a
2125 copy of the elevations here if you do care to see them, we can put them up on the screen. With that, staff can
2126 recommend approval of this project with the standard conditions and conditions Nos. 23 through 26 and No. 27
2127 as listed on your addendum.
2128

2129 Ms. Dwyer - Will this be bonded, the obligation to remove them in five years, will there be a bond
2130 required for that?
2131

2132 Mr. Wilhite - That wasn't a part of the staff's recommendation. Something can be considered
2133 though.
2134

2135 Mrs. Wade - They will have to come off in five years unless they get an extension. I don't know if
2136 it's something that needs a bond. I mean, it's already there.
2137

2138 Ms. Dwyer - Well, I guess if there is a problem removing them, that's what the bond would cover.
2139

2140 Mr. Archer - Are there any further questions of Mr. Wilhite?
2141

2142 Ms. Dwyer - I would like to see the elevations if you have them handy.
2143

2144 Mrs. Wade - Are these comparable to what the schools use?
2145

2146 Mr. Wilhite - Yes, ma'am.
2147

2148 Mrs. Wade - Did you say the siding was metal?
2149

2150 Mr. Wilhite- Ribbed metal siding is what's specified in the plan. I would also like to point out that
2151 this is required to meet all building code requirements, the definition of a structure, and not be classified as a
2152 trailer.
2153

2154 Mrs. Wade - It's quite a distance from the property line.
2155

2156 Mr. Wilhite - Yes, ma'am. I believe there is only one house back there visible to the property.
2157

2158 Mrs. Wade - Talking about the house right behind it, I understand now that's been sold.
2159

2160 Mr. Archer- Are there any further questions of Mr. Wilhite? Do you need to hear from the
2161 applicant, Mrs. Wade?
2162

2163 Mrs. Wade - No. I don't think so. I move POD-38-98, Mt. Vernon Baptist Church – Modular
2164 Classroom Buildings be approved subject to the annotations, the standard conditions, and conditions Nos. 23
2165 through 27, which No. 27 appears on the addendum that "They shall remain on site for a period of no longer than

2166 five years.” Actually, they hope to get them off sooner than that. So, I move that this plan of development be
2167 approved.

2168

2169 Ms. Dwyer - Second.

2170

2171 Mr. Archer - The motion was made by Mrs. Wade and seconded by Ms. Dwyer. All in favor say
2172 aye...all oppose say nay. The motion passes.

2173

2174 The Planning Commission approved POD-38-98, Mt. Vernon Baptist Church – Modular Classroom Buildings
2175 (POD-24-95 Revised), subject to the standard conditions attached to these minutes, the annotations on the plans
2176 and the following additional conditions:

2177

2178 23. The easements for drainage and utilities as shown on approved plans shall be granted to the County in a
2179 form acceptable to the County Attorney prior to any occupancy permits being issued.

2180 24. developer shall provide fire hydrants as required by the Department of Public Utilities in The its
2181 approval of the utility plans and contracts

2182 25. Deviations from County standards for pavement, curb or curb and gutter design shall be approved by the
2183 County Engineer prior to final approval of the construction plans by the Department of Public Works.

2184 26. Deviations from County standards for pavement, curb or curb and gutter design shall be approved by the
2185 County Engineer prior to final approval of the construction plans by the Department of Public Works

2186 27. The modular classroom buildings shall remain on-site for a period of no longer than five years from the
2187 date they are first occupied.

2188

2189 **PLAN OF DEVELOPMENT**

POD-41-98

Springfield-Broad West
Office Building

Foster & Miller, P.C. for Carole M. Weinstein: 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, 25,000 square foot office building. The
3.075 acre site is located along the west line of Stillman Parkway approximately
680 feet north of W. Broad Street (U.S. Route 250) on part of parcel 48-A-72D.
The zoning is O-2, Office District and B-2C, Business District (Conditional).
County water and sewer. **(Three Chopt)**

2190 Mr. Archer - Is there anyone in the audience in opposition to POD-41-98, Springfield-Broad West
2191 Office Building? No opposition. Mr. Wilhite.

2192

2193 Mr. Wilhite - There is a separate revised site plan in your packet. This revised site plan shows the
2194 stormwater management basin located outside of the 25-foot proffered buffer. That is accomplished by shifting
2195 the parking spaces on the west side of the parking lot back toward the southeast side of the parking lot near the
2196 entrance onto this parcel. Also the plan shows that the existing entrance will be utilized to serve this
2197 development as well and no modification is made to that entrance. The applicant is requesting that sewer lines
2198 be placed within the 25-foot proffered buffer. This requires special approval from the Commission. Staff can
2199 recommend this approval with the understanding that there are no easements associated with the sewer lines and
2200 that there is adequate cover over this lines to allow for landscaping and that assurance we received from the
2201 engineer. Also, I would like to point out the dumpster screen here would be brick construction to match the
2202 building and that the HVAC equipment on the roof will be screened with a minimum of 40-inch parapet wall.
2203 There is a colored rendering provided to us, available for viewing, if you care to see it. Staff can recommend
2204 approval of the revised site plan with the standard conditions and conditions Nos. 23 through 28 on your agenda.

2205

2206 Ms. Dwyer - By revised, you mean with the stormsewer outside of the 25-foot-buffer?
2207

2208 Mr. Wilhite - The stormwater basin, the BMP, was shifted outside of the 25-foot proffer buffer.
2209 They originally showed it in there and they did that by shifting the parking spaces around a little bit on the site.
2210

2211 Ms. Dwyer - So, you are talking about the basin and not the pipes?
2212

2213 Mr. Wilhite- No. The pipes will remain with the understanding that there are no easements there to
2214 preclude landscaping and that there is enough cover over the pipes to allow adequate landscaping in that buffer.
2215

2216 Ms. Dwyer- Tall trees are required in this transitional buffer, isn't that right?
2217

2218 Mr. Wilhite - It is a landscape buffer that's proffered, yes.
2219

2220 Ms. Dwyer - But, specified 50-foot height, trees, are to be placed in that buffer. I'm just skeptical
2221 that we can get that kind of tree over a pipe.
2222

2223 Mr. Wilhite - Actually, the transitional buffer requirements here are 10 feet only. We have a 25-foot
2224 proffered buffer, superceding that ten-foot transitional buffer requirement.
2225

2226 Mrs. Wade - Are there trees there now? I wasn't sure exactly where the trees exist between here in
2227 the townhouses.
2228

2229 Mr. Wilhite - There might be some existing trees there now. The intent I believe was to have most
2230 of those removed, if not all.
2231

2232 Mrs. Wade - Well, they would if they are putting a pipe there.
2233

2234 Mr. Wilhite - The proffer refers to natural and/or landscape buffer.
2235

2236 Ms. Dwyer - How much cover will there be?
2237

2238 Mr. Wilhite - I will have to refer that question to the engineer. That was discussed specifically with
2239 the engineer from Public Works, and they seem to agree that there was plenty of cover proposed to allow for
2240 planting over top of these.
2241

2242 Ms. Dwyer- This is fresh in my memory for another case, so, in that case we were able to get some
2243 shrub type trees but really no substantial trees. That's why I'm bringing this up.
2244

2245 Mr. Wilhite - Also realizing we do have areas on both sides of these pipes to allow for larger
2246 material.
2247

2248 Mrs. Wade - They are not going to come back then and say we can't plant those trees because of the
2249 pipes and, of course, the townhouses are taller than this office is going to be.
2250

2251 Mr. Wilhite - Well, I think they will coming back to see you again, it that's the case. With that
2252 understand, we can make those annotations on the plan to make it clear that that's what expected of them to have

2253 enough cover. It won't affect any landscaping requirements placed on this property later.

2254

2255 Mrs. Wade - Maybe the applicant would like to comment on that.

2256

2257 Mr. Weinberg - Mr. Chairman and members of the Commission, I'm Jay Weinberg and I represent
2258 Carole Weinstein LLC. Mr. Ivan Jecklin, vice president of the company is here as well as Gary Webster. We
2259 agree with the standard conditions the special conditions and the annotations on the plan, except that we do
2260 specifically request the ability to put a small portion of the storm drainage in the 25-foot buffer for the following
2261 reasons. One, it is the only way that we can engineeringly make sure that none of our stormwater rolls off into
2262 the rear of the townhouse lots. Number two, because it is a private system, we can plant trees and plant over it.
2263 It's an underground pipe system that will never be seen, and the pipe is 15 inches wide out of an area of 25 feet.
2264 So, it's easy just to avoid that 15 inches of foot and a half pipe so that from the ground you would never know
2265 that the storm drainage pipe is under there. And while there are some existing trees there, they have to be
2266 removed for grading purposes anyway. But by putting it here we can assure the townhouse residents that this
2267 will prevent the water from flowing into their backyards. As I understand it from an engineering standpoint, it's
2268 not only desired it is extremely recommended by the Department of Public Works.

2269

2270 Mrs. Wade - But, of course, big trees have roots. That's not a problem here?

2271

2272 Mr. Weinberg- No, we don't think that will be a problem. We can avoid it.

2273

2274 Ms. Dwyer - How much cover will there be over the pipe?

2275

2276 Mr. Weinberg - A minimum of three feet. Like you avoid putting the trees, you can certainly stay
2277 away from them. To put it another way, if the trees eat into that pipe it is our responsibility to replace it, so we
2278 are going to be very careful.

2279

2280 Mrs. Wade - In one section the pipe appears to go right down the middle of the easement but this is
2281 not technically accurate.

2282

2283 Mr. Weinberg - It's preferable to have it there.

2284

2285 Mrs. Wade - But I thought you indicate it was going on one side of the other instead of right down
2286 the middle.

2287

2288 Mr. Weinberg - No. I said we would plant trees on either side of the 50-inch pipe.

2289

2290 Mrs. Wade - Oh. Okay.

2291

2292 Mr. Weinberg - Its better to have a pipe going down the middle so we can plant trees on both sides, off
2293 center.

2294

2295 Mrs. Wade - So that will only give you about 12 feet on each side.

2296

2297 Mr. Weinberg- That's right. Bear in mind, there is also 40 more feet of buffer on the townhouse side.
2298 They have 40-feet of buffer, we have 25-feet of buffer and that's 65 feet of buffer.

2299

2300 Mrs. Wade - They have 40 feet of buffer?
2301

2302 Mr. Weinberg - Yes, ma'am.
2303

2304 Mrs. Wade - This is not to scale then.
2305

2306 Ms. Dwyer - It looks more like a 40-foot setback more than a 40-foot buffer.
2307

2308 **At this time Mr. Weinberg approached the podium to discuss the rendering**
2309

2310 Mrs. Wade - Did you have the BMP out of the buffer?
2311

2312 Mr. Weinberg - This is how we pull the BMP out of the buffer (referring to rendering). This is our 25
2313 feet plus this 10 feet that is just access around it. Plus there is 40 more feet of buffer.
2314

2315 Mrs. Wade - That's on the apartments on that side but what about the townhouses on the other side,
2316 Springfield Woods? I was wondering where that parking lot came from.
2317

2318 Ms. Dwyer - That's what we were looking at. They don't have that buffer. The line shows it
2319 coming along the townhouses too.
2320

2321 Mrs. Wade - Yes. It goes all the way, half way down Stillman Parkway.
2322

2323 Mr. Weinberg - Is that the latest drawing, Gary, because mine showed it not going down there. Does it
2324 come all the way around here or does it sit right here?
2325

2326 Mr. Webster - This is a permanent system, here. It picks up the roof drainage and to eliminate the
2327 possibility of the water coming from the building that it soaks down getting onto the townhouses. That enters
2328 into a ditch here. This, what you are looking at here, has a temporary bypass system. This pipe will go in just
2329 until the BMP is built and this pipe comes out. This is permanent right here and this comes out.
2330

2331 Mrs. Wade - So, the permanent part is the part around the 25 feet next to the townhouses.
2332

2333 Mr. Weinberg - That's right. See, we can get trees in there.
2334

2335 Mrs. Wade - But, it only goes down this far though.
2336

2337 Mr. Webster - There is a large drainage basin, which is their basin, right here, which empties into a
2338 natural channel that goes down here. And, the reason for the bypass system, that's one way to address the
2339 erosion control during construction which did accommodate all of that (unintelligible). (Unintelligible) you put
2340 in a bypass system. Once this is built and grassed and established, this comes out and the basin is put in.
2341 Mrs. Wade - Now, one other thing about the dirt pile that's there now, which is obviously coming
2342 out. There is some concern about, of course it's going to be messy and dusty, where the trucks are going to go as
2343 it exist the property, hauling the dirt away. Do you have any thoughts on that subject?
2344

2345 Mr. Weinberg - I assume they would want to make a right and go to Broad Street and then to I-64. Do
2346 we have a route for where the pile of dirt on there is going to be hauled.

2347
2348 Mrs. Wade - The neighbors in the residential areas would prefer that they not go through the
2349 residential neighborhoods.
2350
2351 Mr. Weinberg - I think we can insist that they only utilize Broad Street and not take a left and go down
2352 Stillman Parkway. We will certainly use our best efforts to accomplish that. Any temporary in convenience
2353 though may be worth getting rid of a pile of dirt. I mean, we can't take it out by helicopter.
2354
2355 Mrs. Wade - I realize that. But, they obviously, for obvious reasons don't want the dump trucks
2356 going back through the neighborhood if that can be helped.
2357
2358 Mr. Weinberg - And we would agree, and we will certainly try.
2359
2360 Mrs. Wade - Sometime the word doesn't always get to the drivers, but, anyway, I don't know what
2361 else you can say. I suppose we can put some kind of note on here about that. Do you have a rendering here? I
2362 understood it is to be similar to the office across the street.
2363
2364 Mr. Weinberg- That's right. It's basically red brick, glass and metal seam. It's more of a greenish
2365 gray. There is some trim on it. White brick EIFS but it's predominantly red brick to match at least one story. It
2366 basically matches the existing offices on the other side of the street.
2367
2368 Mrs. Wade - And that pipe have to come down that far I assume in the buffer. I would guess that
2369 there is a case somewhere that say perpendicular unless approved by the Planning Commission.
2370
2371 Mr. Weinberg - That's right. It's this proffer in a former case which is proffer No. 15 in case C-36C-
2372 91, which specifically says that "we can use the buffer for drainage and other purposes requested and
2373 specifically permitted or required by the Planning Commission at the time of subdivision and/or plat approval or
2374 review or for any other governmental body." It goes one to say "shall run generally perpendicular unless
2375 otherwise requested and specifically permitted or required by the County." The reason it can't run
2376 perpendicular, that would not keep the water from going into the rear of those.... This is the proffer
2377
2378 Mrs. Wade - I think I know the proffer by heart.
2379
2380 Mr. Weinberg- And, incidentally, that easement that's referred to and required to be recorded in the
2381 Clerks Office of Circuit Court, that has already been done with the Basset building, before we got our permit.
2382 So, that's been accomplished.
2383
2384 Mrs. Wade - Have you had any contact with the neighborhood back there about this project?
2385
2386 Mr. Weinberg - No one has contacted me. To the best of my knowledge there's no opposition to it.
2387
2388 Mr. Archer - Okay. Are there any further questions of Mr. Weinberg?
2389
2390 Mrs. Wade - No.
2391
2392 Mr. Archer - All right, Mrs. Wade, we are ready for a motion.
2393

2394 Mrs. Wade - This sounds to be satisfactory. May we add some kind of condition on here about the
2395 construction traffic, basically? Is that practical?
2396
2397 Mr. O'Kelly - We do our best to enforce it, Mrs. Wade.
2398
2399 Mr. Weinberg - I'd be happy to agree to a condition that says "The developer shall use his best effort
2400 to have all construction traffic serving the site to access by way of Broad Street and not by way of Stillman
2401 Parkway to the north." We come out of the site, we would have to take a right and go to Broad Street and use
2402 the interstate.
2403
2404 Mr. O'Kelly - Thank you, Mr. Weinberg.
2405
2406 Mrs. Wade - And that if construction traffic is intended to include the dirt pile hauling also.
2407
2408 Mr. Weinberg- Oh, yes. I would certainly call that a part of the sentence.
2409
2410 Mrs. Wade- Okay. Thank you. All right. I move POD-41-98 be approved, the revised plan,
2411 subject to the annotations, conditions Nos. 9 and 11 amended, Nos. 23 through 29 and No. 29 to read "That best
2412 effort will be made so that all construction traffic will be directed to Broad Street from this site."
2413
2414 Mr. Vanarsdall - Second.
2415
2416 Mr. Archer- The motion was made by Mrs. Wade and seconded by Mr. Vanarsdall. All in favor
2417 way aye...all oppose say nay. The motion passes.
2418
2419 The Planning Commission approved POD-41-98, Springfield-Broad West Office Building, subject to the
2420 standard conditions attached to these minutes, the annotations on the plan and the following additional
2421 conditions:
2422
2423 23. The easements for drainage and utilities as shown on approved plans shall be granted to the County in a
2424 form acceptable to the County Attorney prior to any occupancy permits being issued.
2425 24. The certification of building permits, occupancy permits and change of occupancy permits for individual
2426 units shall be based on the number of parking spaces required for the proposed uses and the amount of
2427 parking available according to approved plans.
2428 25. Any necessary off-site drainage easements must be obtained in a form acceptable to the County
2429 Attorney prior to final approval of the construction plans by the Department of Public Works.
2430 26. Deviations from County standards for pavement, curb or curb and gutter design shall be approved by the
2431 County Engineer prior to final approval of the construction plans by the Department of Public Works.
2432 27. The developer shall provide fire hydrants as required by the Department of Public Utilities in its
2433 approval of the utility plans and contracts.
2434 28. Insurance Services Office (ISO) calculations must be included with the utilities plans and contracts and
2435 must be approved by the Department of Public Utilities prior to the issuance of a building permit.
2436 29. The developer shall use his best efforts to ensure that construction traffic accesses the site from Stillman
2437 Parkway via W. Broad Street and not from Springfield Road through the adjacent residential
2438 neighborhood.
2439
2440 **SUBDIVISION**

2441

Wynfield
(April 1998 Plan)

Sunbelt Engineering P.C. and Joe Parker for Madison Development Company: The 5.56 acre site is located at the eastern terminus of Yates Lane approximately 400 feet east of Pleasant Street on parcels 147-A-103, 147-16-A-101 and 100 The zoning is R-4AC, One-Family Residence District and R-5, General Residence District. County Water and Sewer. **(Fairfield) 10 Lots**

2442

2443 Mr. Vanarsdall - Mr. Secretary, when was this rezoned?

2444

2445 Mr. O'Kelly - I believe, Mr. Vanarsdall, the R-4A conditional zoning was approved within the last
2446 12 months by the Board of Supervisors, it was fairly recent.

2447

2448 Mr. McGarry- It was November 19, 1996.

2449

2450 Mr. Vanarsdall - Thank you.

2451

2452 Mr. Archer - Is there anyone in the audience in opposition to subdivision Wynfield (April 1998
2453 Plan)? Mr. McGarry.

2454

2455 Mr. McGarry - This plan replaces a tentative plan that was granted in January of this year. It does
2456 contain the same number of lots as that plan. Additional land has been added to meet the water quality
2457 requirements without requiring the developer to construct a BMP basin. Therefore, the added land is zoned R-5
2458 which does not permit single family. So, to overcome that problem, staff has proposed a condition No. 12 to
2459 address that issue to get the developer to seek a rezoning so that he can go forward with his development. Staff
2460 would also recommend deletion of condition No. 11 because there is not going to be any common area now.
2461 With that staff can recommend approval subject to the standard conditions and condition No. 12.

2462

2463 Mr. Archer - Thank you, Mr. McGarry. Are there any questions of Mr. McGarry by Commission
2464 members?

2465

2466 Ms. Dwyer - Should we make the approval contingent on the rezoning?

2467

2468 Mr. McGarry - That's what condition No. 12 does. I should have read it to you, I'm sorry.

2469

2470 Ms. Dwyer - I'm reading it. It says "shall be requested to be rezoned." It just sounds more
2471 precatory than making.... It sounds like maybe it would be a nice idea to rezone it.

2472

2473 Mr. McGarry- But the last sentence says "it has to be granted."

2474

2475 Mr. Archer - I think I understand it, Ms. Dwyer. I just wanted to make sure everybody else did.
2476 Are there any further questions of Mr. McGarry? Mr. McGarry, the applicant does own that R-5 portion,
2477 doesn't he?

2478

2479 Mr. McGarry - That's my understanding.

2480

2481 Mr. Archer - We wouldn't want to try and rezone land that belongs to somebody else is what I'm
2482 saying.

2483

2484 Mr. McGarry - No. He wouldn't do that.

2485

2486 Ms. Dwyer - So, Mr. McGarry, suppose it is not rezoned what would happen?

2487

2488 Mr. McGarry - The Zoning Conformance Officer has ruled that because the water quality

2489 requirements are a part of the overall package necessary, that the entire project must be zoned properly and this

2490 is a split zone which is further complicated the fact that the R-5 no longer allows single family. It did at one

2491 point because most of the area was developed as single family. So, from a zoning standpoint, the ruling was

2492 make that everything has to be zoned the same for the subdivision to go forward.

2493

2494 Ms. Dwyer - Right. But as a practical matter what would happen if they didn't'?

2495

2496 Mr. McGarry - Then he builds his BMP at considerable expense and creates a common area to hold

2497 the land for the BMP. And a homeowners association has to be set up which was what No. 11 was attempting to

2498 accomplish if it's needed.

2499

2500 Mr. Archer - I'm all for eliminating R-5 and the BMP.

2501

2502 Ms. Dwyer- Well, I agree. In another case what we did, when we approved something that was

2503 contingent on BZA approval, we said that if the approval was not granted then the approval that we had granted

2504 would be void. I just thought that was pretty strong language but made it real clear that if that conditions

2505 weren't met then our approval was invalid.

2506

2507 Mr. McGarry - If the Commission wants to, it could modify condition No. 12 to include that statement

2508 that if the zoning is not granted then..... But he stills has the option of providing.....

2509

2510 Ms. Dwyer - It wouldn't fit in this case?

2511

2512 Mr. McGarry- No. The land needed to be added to the subdivision plat. That's why we are here

2513 because he has a valid plan from January that does not include this land.

2514

2515 Ms. Dwyer - At the recordation, will that all be picked up and verified, when the plat is recorded?

2516

2517 Mr. McGarry- I'm sorry, I didn't hear your question.

2518

2519 Ms. Dwyer- My question really is, at what point in this process will someone be there to verify that

2520 this has in fact been rezoned. Will it be at the time the plat is recorded or will it be at some other time in the

2521 process?

2522

2523 Mr. McGarry - That will be staff review prior to recordation of the plat. In fact, when the final review

2524 for this is done, condition No. 12 would be carried forward.

2525

2526 Ms. Dwyer - I just wanted to make sure that as a practical matter it would be picked up somewhere

2527 down the line.

2528

2529 Mr. Zehler - Mr. McGarry, was that R-5 ever developed and rezoned back to the R-4? See the

2530 Emerson Street .
2531
2532 Mr. McGarry - Emerson Street is an unimproved right-of-way, and staff was not expecting any kind of
2533 connection to be made.
2534
2535 Mr. Zehler - At what point in time will that be required to be done? It appears we are stubbing that
2536 street into this R-5 piece. As well as Yates is coming in and stubbing into the R-5. Of course, the particular
2537 property owner in this R-5 piece is not obligated to do the extension of Emerson, but Emerson has been sitting
2538 there. At what point in time will that be required to be developed? The map we are looking at is shown that it is
2539 being stubbed into the R-5 piece.
2540
2541 Mr. McGarry - That's correct. Staff was not envisioning any kind of extension from Emerson Street,
2542 now or in the future. Just as Yates Lanes is not going to necessarily extend any further to the east, even though it
2543 does exist further to the east.
2544
2545 Mr. Zehler - It appears we have another street that is sitting here and will never be developed but
2546 yet it's shown on the maps.
2547
2548 Mr. McGarry - As an unimproved right-of-way that exists.
2549
2550 Mr. Zehler - Well, if we are not going to use it, why have it? That's probably my question.
2551
2552 Mr. McGarry - There are several property owners apparently that have access to unimproved Emerson
2553 Street and they would need to continue to have that access, even in its unimproved state.
2554
2555 Ms. Dwyer - This is not a concept road obviously it's an improved right-of-way that's been used
2556 by....
2557
2558 Mr. McGarry - It's currently being used. It looks like a driveway when you go out there.
2559
2560 Mrs. Wade - Well, you said Yates Lane may not be extended either. How are they going to get into
2561 the R-5?
2562
2563 Mr. Zehler - Yates Lane is the only way that they possibly could.
2564
2565 Mrs. Wade - Up to there, okay.
2566
2567 Mr. McGarry- The developer has indicated his desire to take the northern portion of that R-5 area and
2568 just allocate it to lots 11, 12, and 13. And he may or may not be able to come back in with a tentative for a
2569 couple of more lots to the south of Yates Lane. But he does not have approval for more lots at this time. He
2570 would have to get a new conditional to do that.
2571
2572 Mr. Archer - Are there any further questions of Mr. McGarry? All right. I would like to hear from
2573 the applicant, for just a moment please.
2574
2575 Mr. Turner - My name is Ken Turner. I'm the president of Sunbelt Engineering. I have to say that
2576 the developer does take exception to condition No. 12, "and the zoning granted prior to recordation of the plat."

2577 The 10 lots that are shown in the subdivision, as it stands, approved today are autonomous and meet all the legal
2578 zoning requirements. When we added the R-5 properties to the subdivision we knew that we were going to have
2579 difficulty in getting any lots cut out of that because of the R-5 zoning, prior to that rezoning. So, at this time
2580 what we are proposing to do is to give the land to the east of lots 11, 12 and 13 to those lots and just include in
2581 the rest of the balance of the land being subdivided into two lots after we get the zoning. We are looking for a
2582 mechanism at this point to avoid having to build the BMP. That's why No. 11 doesn't apply any longer. That's
2583 the financial consideration for the developer. It was less expensive for him to add this property then it was for
2584 him to produce all the piping, to buy all the piping and to grade the BMP as it was designed. And we have gone
2585 through several tries at coming to an agreement with the County on the BMP. Originally, we had it very close to
2586 Yates Lane. The second plan was to move it onto the R-5 property in the rear. Both situations were
2587 objectionable. BMPs are maintenance intensive. They are expensive. To my way of thinking they are a
2588 headache, but we still have to satisfy the Chesapeake Bay Ordinance to be able to reduce pollutants in the bay.
2589 So, by adding this property, we are meeting those agreements. Now we are looking for a mechanism to be able
2590 to build the subdivision without having to go through that 90-day delay or 120-day delay to get the zoning on the
2591 property.

2592

2593 There is one other thing that we can offer at this point. That would be to forego the development, Lots 11, 12,
2594 and 13 until at such time as the land is completely rezoned. We will be building Yates Terrace at that point. We
2595 would like to put the water meters and tees in for the sanitary sewer to serve those lots. But an additional
2596 tentative, or conditional plan will have to be submitted when we subdivide the balance of that R-5 into the two
2597 lots that we are proposing. With that I'll stop talking and entertain any questions.

2598

2599 Mr. Archer - So, you are saying you would reserve developing Lots 11, 12 and 13.

2600

2601 Mr. Turner - I'm sorry. I didn't hear you.

2602

2603 Mr. Archer - You will reserve developing Lots 11, 12 and 13, and then after rezoning the space
2604 adjacent to those three lots would become a part of those three lots, to be owned by the owners of those lots.

2605

2606 Mr. Turner - Yes, sir.

2607

2608 Mr. Archer - And the balance of that R-5 section that we rezoned to R-4, would then be suitable for
2609 two more lots, buildable lots?

2610

2611 Mr. Turner - Yes, sir. The proposal or the plan as we envision it is to, as you come down Yates
2612 Lane, on the right, to have a 75-foot-wide lot in an R-4A zone, the minimum is 60. We would then have to have
2613 the minimum of 50 feet fronting on Yates Lane as a minimum to be able to get a second building lot and I think
2614 there is at least 65 feet available at that point. So, we would easily be able to get the two lots in.

2615

2616 Mr. Archer - Odd shaped as they may be. Okay.

2617

2618 Mr. Turner - They won't be odd shape. They would be pretty much.....

2619

2620 Mr. Archer - Well, the rear would be a little bit.

2621

2622

2623 Mrs. Wade - Why is it you have to have a BMP here?

2624

2625 Mr. Turner - On the 10-lot subdivision, the percentage of impervious cover in R-4A zone is greater
2626 than 16% that is allowable by the County. So, that kicks us into the BMP requirement.

2627

2628 Mrs. Wade- So, if everybody did this we would never have any BMPs.

2629

2630 Mr. Turner- Pardon me.

2631

2632 Mrs. Wade - If everybody did this and was under the minimum we would never have any BMPs and
2633 the runoff would go to the bay.

2634

2635 Mr. Turner - And as the lots get larger, the percent of coverage gets smaller. So, the larger the lot
2636 the smaller the percentage of coverage usually and the less necessary a BMP is.

2637

2638 Mr. Zehler - How large is the R-5 piece?

2639

2640 Mr. Turner- I believe it's 2.81 acres. We did buy a piece of that, or the developer did buy a piece
2641 of that R-5 piece and rezoned it originally to put the road extension in. And that was acceptable to the
2642 landowner at that time and it did take place. But, the larger piece was not acquired until recently.

2643

2644 Mr. Archer - Okay. Are there any further questions.

2645

2646 At this time machine did not switch and tape was manually switched and some portions of Mr. Turner's
2647 comments were lost.

2648

2649 Mr. Turner - As going on, on the other side so that that land can be added to those lots. I guess
2650 the problem is that the staff has concern that these three lots will be sold off and then somebody won't take that
2651 additional land in the back. That would cause a landlocking situation. To avoid that, the only thing we can do is
2652 to hold off on it.

2653

2654 Mr. Archer - Okay. Mr. McGarry and Mr. Secretary, can we come up with a wording that will
2655 satisfy all of the parties here?

2656

2657 Mr. O'Kelly - Yes, sir. I think the applicant is certainly entitled to develop the subdivision in
2658 sections or phases. The first phase would be the seven lots that Mr. Turner has proposed to the Commission on
2659 the west of Yates Terrace. So, we can certainly word a condition that would allow them to develop those lots
2660 and reserved the development of lots 11, 12, and 13 until the adjacent property is rezoned.

2661

2662 Mr. Archer - And we can delete No. 11 entirely?

2663

2664 Mr. O'Kelly - Yes, sir.

2665

2666 Mr. Vanarsdall - What will the rezoning request be for the adjoining property?

2667

2668 Mr. Archer - R-4A, which I prefer over the R-5. Okay, Mr. Secretary, can you and/or Mr.
2669 McGarry add a sentence that would satisfy the condition so that we can make a motion on it? I think we can
2670 start at the last comma, can't we? Sir, you can help us if you like.

2671
2672 Ms. Dwyer- Can you just eliminate Lots 11, 12 and 13 from this request and then come back when
2673 you have the rest of it rezoned and do all of that at one time?
2674
2675 Mr. Turner - I'm sorry. I'm terrible hard of hearing.
2676
2677 Ms. Dwyer - I'm just saying, can't you just eliminate lots 11, 12 and 13 from this request today and
2678 then come back in when all of it's rezoned and do all of that together.
2679
2680 Mr. Turner - Well, we will still need to have this whole parcel of land included to be able to get by
2681 the BMP requirement. So, if we show it all as reserved property, I think that would probably work. We can
2682 remove lots 11, 12 and 13 and just call it reserved at this point. You can do it as an annotation on the plat rather
2683 than..... Actually, trying to put it into words, it's kind of hard to put it in words.
2684
2685 Mr. O'Kelly - I think that's the best approach. We can annotate the plan and eliminate the condition.
2686
2687 Mr. Archer - What if we say, after the last paragraph, beginning with "one-family detached
2688 dwellings," we add "with the exception of lots 11, 12 and 13, which will be constructed only after approval of
2689 R-4A zoning for the adjacent property"?"
2690 Mr. O'Kelly - Either way, Mr. Chairman. Either the lots can be shown as reserved at this time or
2691 you can add an amended condition No. 12 as you suggest.
2692
2693 Mr. Archer - Which would you prefer, sir?
2694
2695 Mr. Turner- Could you give me the choices again?
2696
2697 Mr. Archer- I don't think so. Go, ahead, Dave.
2698
2699 Mr. O'Kelly - I think the question was, and I would certainly prefer to annotate the plan and work
2700 with the applicant on the zoning case at a later date to reserve lots 11, 12 and 13. Or, the Commission can
2701 approve the plans with a modified condition No. 12 as worded by the Chairman.
2702
2703 Mr. Turner - The intent behind the annotations in red would be fine with me rather than something
2704 very formal. The property is going to be submitted for rezoning as soon as the applicant can do it. I think it's
2705 just a matter of form. I would prefer working with staff with the annotations.
2706
2707 Mr. Archer - All right. Is that all right with you?
2708
2709 Mr. O'Kelly - Yes, sir.
2710
2711 Mr. Archer - Thank you, sir. All right. My motion is for the approval of Wynfield subject to the
2712 standard conditions, annotations on the plan, subdivisions served by public utilities and deleting the additional
2713 conditions Nos. 11 and 12 on the agenda. Is that satisfactory, Mr. Secretary?
2714
2715 Mr. O'Kelly - Yes, sir.
2716
2717 Ms. Dwyer - And annotating the plan to show lots 11, 12 and 13 as reserved.

2718
2719 Mr. Archer- I meant to say that. Does everybody understands the motion. Good
2720
2721 Mr. Zehler- Second.
2722
2723 Mr. Archer - The motion was made by Mr. Archer and seconded by Mr. Zehler. All in favors say
2724 aye...all opposed say nay. The motion passes.
2725
2726 The Planning Commission granted conditional approval to subdivision Wynfield (April 1998 Plan), subject to
2727 the minutes attached to these minutes and the annotations on the plan.
2728
2729 **PLAN OF DEVELOPMENT**
POD-42-98
Mountain Road Wesleyan Church
Blackwell Engineering, PLC for Mountain Road Wesleyan Church:
Request for approval of a plan of development and site master plan, as required
by Chapter 24, Section 24-106 of the Henrico County Code to construct a one-
story, 2,804 square foot church sanctuary. The 4.86 acre site is located at 3770
Mountain Road, approximately 800 feet southeast of Mill Road on parcel 21-A-
9A and 9. The zoning is A-1, Agricultural District. County Water and Septic
Tank/Drainfield. **(Brookland)**

2730 Mr. Archer - Is there anyone in the audience in opposition to POD-42-98, Mountain Road Wesleyan
2731 Church? No opposition. Mr. McGarry.
2732
2733 Mr. McGarry - Staff has nothing to add and can recommend approval.
2734
2735 Mr. Vanarsdall - Mr. McGarry, did you get my memo on the rendering?
2736
2737 Mr. McGarry- Yes, sir.
2738
2739 Mr. Vanarsdall - I know that was short notice.
2740
2741 Mr. McGarry - I understand your question as to what kind of siding this church is going to be, what
2742 color is it going to be. As of yesterday afternoon, the applicant was not able to answer that question. I believe
2743 he is here today to address that for you.
2744
2745 Mr. Vanarsdall - I would just like to know what it is going to look like. It looks like to me it was siding, is that
2746 correct?
2747
2748 Mr. Blackwell - Yes, sir.
2749
2750 Mr. Archer - Sir, we will need you to come to the mike.
2751
2752 Mr. Blackwell - Hi. I'm Ed Blackwell with Blackwell Engineering. I represent the owner and I have Darren
2753 Potter, the pastor of the church. Due to the short notice, I got with the pastor and some of the building committee
2754 members. They decided on vinyl siding for the building. The actual color of the siding, they haven't picked out
2755 yet. The pastor can address colors if you are interested in those.
2756
2757 Mr. Potter - I'm Darren Potter the Pastor. If you'd like to see the range of colors we are looking at,

2758 I'd be glad to show them to you. They would be in keeping with many of the developments that are going up
2759 around there. Almost all of them use the vinyl siding. The range of colors goes from a linen white to a kind of a
2760 putty gray, that I can show you now if you like.

2761

2762 Mr. Vanarsdall - Will you eventually have a rendering of it? Before it's all finished will you eventually have
2763 that and give that to Mr. McGarry? I'm not that concerned about it I just wanted to see what it looks like. I was
2764 on my way to a dedication of a ball field Saturday where the Governor's wife through out the ball and I had to sit
2765 in a traffic line for about 40 minutes and I sat in front of that sign for a long time, and I just wondered what is it
2766 going to look like.

2767

2768 Mr. Zehler - Is it going to have a brick foundation?

2769

2770 Mr. Vanarsdall - That's why I had such a short notice to Mr. McGarry. I apologize for that.

2771

2772 Mr. Potter- Mr. Vanarsdall, have you received the.... This is an architectural drawing. An actual
2773 rendering, colored nice and pretty....

2774

2775 Mr. Vanarsdall - That's without the water fountain.

2776

2777 Mr. Potter - The architect has not made that. In fact, the group that we are working with really
2778 does not do this. I asked about that because it certainly would be to our advantage to have that before the people
2779 in full color.

2780

2781 Mr. Vanarsdall - That's right. Usually that's what happens. They have it on display in color and a lot of times
2782 they will hang it on the church wall. That's okay. I appreciate your interest and we will see it later, when you
2783 get it. And you said it will be vinyl siding and it will be gray trim. Thank you. Thank you, Mr. McGarry.

2784

2785 Mr. Archer - Are there any further questions by anyone? Mr. Vanarsdall.

2786

2787 Mr. Vanarsdall - I move POD-43-98, Mountain Road Wesleyan Church be approved with the annotations on the
2788 plan, the standard conditions for developments of this type and the following condition No. 1A and Nos. 23
2789 through 30 and the colored rendering, if you can get one, give it to Mr. McGarry and we will look at that and we
2790 will look forward to the shovel for the dedication.

2791

2792 Ms. Dwyer - Second.

2793

2794 Mr. Archer - The motion was made by Mr. Vanarsdall and seconded by Ms. Dwyer. All in favor
2795 say aye...all opposed say nay. The motion passes.

2796

2797 The Planning Commission approved POD-42-98, Mountain Road Wesleyan Church, subject to the standard
2798 conditions attached to these minutes, the annotations on the plans and the following additional conditions:

2799

2800 1A. The owner shall enter into the necessary contracts with the Department of Public Utilities for
2801 connections to public water. The septic tank location shall be approved by the County Health
2802 Department before a building permit is issued. Connection shall be made to the public sewer when
2803 available within 300 feet of the site

2804 23. The developer shall provide fire hydrants as required by the Department of Public Utilities in its

- 2805 approval of the utility plans and contracts.
- 2806 **24.** The certification of building permits, occupancy permits and change of occupancy permits for individual
 2807 units shall be based on the number of parking spaces required for the proposed uses and the amount of
 2808 parking available according to approved plans.
- 2809 **25.** Any necessary off-site drainage easements must be obtained in a form acceptable to the County
 2810 Attorney prior to final approval of the construction plans by the Department of Public Works
- 2811 **26.** Deviations from County standards for pavement, curb or curb and gutter design shall be approved by the
 2812 County Engineer prior to final approval of the construction plans by the Department of Public Works.
- 2813 **27.** Insurance Services Office (ISO) calculations must be included with the utilities plans and contracts and
 2814 must be approved by the Department of Public Utilities prior to the issuance of a building permit.
- 2815 **28.** The approval of the construction plans by the Department of Public Works does not establish the curb
 2816 and gutter elevations along the Henrico County maintained right-of-way. The elevations will be set by
 2817 Henrico County.
- 2818 **29.** The applicant shall furnish proof to the Planning Office that conditions satisfactory to the Health
 2819 Department have been met that insure the proposed septic tank drainfield system is suitable for this
 2820 project prior to the issuance of a building permit.
- 2821 **30.** The Health Department must be provided proof of recordation of a deed combining the two parcels to
 2822 meet the Health Department's requirement for continued use of the existing drainfield on parcel 21-A-
 2823 9A and provide a future drainfield on parcel 21-A-9.

2824

2825 **PLAN OF DEVELOPMENT & LIGHTING PLAN**

2826

POD-47-98
 CVS/Pharmacy –
 Laburnum and
 Williamsburg
 (POD-8-83 Revised)

Vanasse Hangen Brustlin, Inc. for The Dankos Family Trust and Wilton Partners Real Estate Developers: Request for approval of a plan of development, and lighting plan as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a one-story, 10,125 square foot pharmacy with drive through facilities. The 1.32 acre site is located on the southwest corner of the intersection of Williamsburg Road (U.S. Route 60) and Laburnum Avenue on parcel 172-A-22 and 23 (part). The zoning is B-3, Business District, M-1, Light Industrial District and ASO (Airport Safety Overlay District). County water and sewer. (**Varina**)

2827

2828 Mr. Archer - Is there anyone in the audience in opposition to POD-47-98, CVS/Pharmacy –
 2829 Laburnum and Williamsburg? Mr. McGarry.

2830

2831 Mr. McGarry- A revised site plan has been received. It is included in your packet. The review is
 2832 complete. Staff has only one concern. The applicant was asked for an additional width for the perimeter
 2833 landscaping abutting the Bill Talley Ford site. This is a tight site, and staff acknowledges that. It's shown by
 2834 the fact that Bill Talley had to be a party to this. The applicant is offering a greater landscaping depth along
 2835 Williamsburg and Laburnum Avenue frontage, specifically 15 feet, generally, instead of the 10 feet minimum,
 2836 and offers that in place of a wider landscape strip abutting Bill Talley Ford.

2837

2838 The lighting plan, which is also included in your packet, does include wall packs along the building in the rear,
 2839 which is where the drive-up window stacking will be located. It's also abutting properties zoned B-3 and M-1.
 2840 They have agreed to put shields on the wall packs. I present that to you because staff does not normally
 2841 recommend wall packs but in this instance we think we can accept them. With that information, staff can
 2842 recommend approval of the plan, plus conditions Nos. 23 through 26.

2843
2844 Mr. Archer - Okay. Are there any questions of Mr. McGarry by the Commission?
2845
2846 Mr. Zehler - Mr. McGarry, is that retention basin going to be wet or dry?
2847
2848 Mr. McGarry - I believe it's going to be basically dry because it's going to allow landscaping. This is
2849 not a BMP basin but instead it's going to be a 50/10 retention basin where you hold the water for a short period
2850 of time and then release it into the system. It's not intended for water quality.
2851
2852 Mrs. Wade - I wonder if they ever put wall packs on the ones out at Barony? I mean the shields on
2853 the wall packs at Barony.
2854
2855 Mr. Zehler - I have no other questions, Mr. Chairman, but I would like to hear from the applicant.
2856
2857 Mr. Archer - All right. Will the applicant please come forward?
2858 Mr. Wagner - My name is Ken Wagner and I'm with VHB, as the agent. I'm open for any questions
2859 you may have.
2860
2861 Mr. Zehler - We had a discussion in reference to the two feet on the side yard. Just for the record, I
2862 would like for you to give us a brief summary of our conservation as far as the additional planting you are
2863 willing to do on Laburnum Avenue in exchange for that additional four feet?
2864
2865 Mr. Wagner - Right. The additional four feet would equal about 400 square feet of landscaping
2866 between Bill Talley and CVS. What we are proposing is in the detention area there is a triangle here which can
2867 give additional landscaping which equals to about 1500 square feet. So, you know, it would be an increased
2868 landscape area of approximately 900 square feet along Laburnum to offset the 400 (unintelligible, speaking
2869 away from the mike).
2870
2871 Mr. Zehler - Your curb cut in the rear there, is that going over to the Talley's property?
2872
2873 Mr. Wagner - Yes. That was put there so that transports from Bill Talley, you know, their car
2874 carriers can use their shared ingress/egress easement. That was a part of the land purchase agreement.
2875
2876 Mr. Zehler - So, their tractor trailers will be making deliveries and using that?
2877
2878 Mr. Wagner - Occasionally, but at night it also will be chained off and there will be no through
2879 traffic. That's part of Ford's stipulation.
2880
2881 Mr. Zehler - Mr. McGarry, since there is 60 feet missing off of Mr. Talley, which is going to be
2882 substantial property to him, does he still meet the requirements as far as parking is concerned?
2883
2884 Mr. McGarry - This is usually for storage and therefore there is really no Code requirement that he
2885 has to meet for parking his new vehicles. It's whatever he needs to do business.
2886
2887 Mr. Zehler - So, where will these vehicles go to be stored now? His lot is rather packed also.
2888
2889 Mr. McGarry - Yes. Then I can assume he has agreed to have less storage spaces as part of the

2890 agreement to sell the property.
2891
2892 Mr. Wagner - We have been out to the site and that end is half empty down at that end because they
2893 use it for Helig Myers. I've met and talked to Mr. Talley to work up this agreement with CVS.
2894
2895 Mr. Zehler - So, where will his additional cars go to now to be stored?
2896
2897 Mr. Wagner - Presently, he doesn't have cars in the back end of the parking lot. I would say there
2898 are about seven or eight spaces on each one of those rows, do not have cars at this time.
2899
2900 Mr. Zehler - The only concern I have is that one day I came down Laburnum Avenue and there was
2901 a tractor trailer unloading vehicles on Laburnum Avenue and I called him. Unfortunately, it was a situation that
2902 he had gone to an auction and brought some vehicles and this was the first time the driver had made a delivery
2903 there. But, I don't want to see us start unloading vehicles in the middle of Laburnum Avenue.
2904 Mr. Wagner - Yes. I understand. I've been out there when they were unloading vehicles and that
2905 was a part of the layout to see that the car carrier can be off the road and using the access.
2906
2907 Mrs. Wade- Which way is the car carrier coming in?
2908
2909 Mr. Wagner - The car carrier comes into Bill Talley's entrance, which is not shown on this plan.
2910 And, they plan to exit the site by using the cut through on CVS and going out that entrance.
2911
2912 Mr. Zehler - Is that not your exit for your drive-thru?
2913
2914 Mr. Wagner - No. The car carrier will come in down here on Talley (referring to the rendering).
2915 They presently unload, here, and they just come out here.
2916
2917 Mr. Zehler - But, isn't that your exit for your drive-thru in the rear there?
2918
2919 Mr. Wagner - Here is the drive-thru and they pull out this way and that's why the wider curve cut is
2920 there for that tractor trailer to (unintelligible).
2921
2922 Mr. Zehler - I have no further questions, Mr. Chairman.
2923
2924 Mr. Archer - Are there any more questions of Mr. Wagner by Commission members? All right, Mr.
2925 Zehler.
2926
2927 Mr. Zehler - Mr. Chairman, I move that POD-47-98, CVS/Pharmacy – Laburnum and Williamsburg
2928 Road be approved subject to the annotations on the plans, additional conditions Nos. 23 and 26 and I would like
2929 to have No. 9 amended.
2930
2931 Mr. Vanarsdall - Second.
2932
2933 Mr. Archer - The motion was made by Mr. Zehler and seconded by Mr. Vanarsdall. All in favor
2934 say aye...all oppose say nay. The motion passes.
2935
2936 The Planning Commission approved POD-47-98, CVS/Pharmacy – Laburnum and Williamsburg (POD-8-83

2937 Revised), subject to the standard conditions attached to these minutes, the annotations on the plans and the
2938 following additional conditions:

2939

2940 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for review and
2941 Planning Commission approval prior to the issuance of any occupancy permits.

2942 23. The developer shall provide fire hydrants as required by the Department of Public Utilities in its
2943 approval of the utility plans and contracts.

2944 24. The certification of building permits, occupancy permits and change of occupancy permits for individual
2945 units shall be based on the number of parking spaces required for the proposed uses and the amount of
2946 parking available according to approved plans.

2947 22. Any necessary off-site drainage easements must be obtained in a form acceptable to the County
2948 Attorney prior to final approval of the construction plans by the Department of Public Works.

2949 23. Deviations from County standards for pavement, curb or curb and gutter design shall be approved by the
2950 County Engineer prior to final approval of the construction plans by the Department of Public Works.

2951 24. Insurance Services Office (ISO) calculations must be included with the utilities plans and contracts and
2952 must be approved by the Department of Public Utilities prior to the issuance of a building permit.

2953 25. The approval of the construction plans by the Department of Public Works does not establish the curb
2954 and gutter elevations along the Virginia Department of Transportation maintained right-of-way. The
2955 elevations will be set by the contractor and approved by the Virginia Department of Transportation.

2956 26. In the event of any traffic backup which blocks the public right-of-way as a result of congestion caused
2957 by the drive-up delivery facilities, the owner/occupant shall close the drive-up delivery facilities until a
2958 solution can be designed to prevent traffic backup.

2959

2960 **PLAN OF DEVELOPMENT**

2961

POD-43-98

Skipwith Assisted Living
Center

Draper Aden Associates for Paul O. & Frances M. Flynn and Manorhouse Retirement Centers, 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 two-story, 53,300 square foot retirement home. The 5.04 acre site is located on the west side of Skipwith Road at a point 722 feet south of its intersection with Parham Road, on parcel 69-A-92 and part of parcel 59-A-97. The zoning is R-6C, General Residence District (Conditional). County water and sewer.
(Three Chopt)

2962

2963 Mr. Archer - Is there anyone in the audience in opposition to POD-43-98, Skipwith Assisted Living
2964 Center? No opposition. Mr. Whitney.

2965

2966 Mr. Whitney - Thank you, Mr. Chairman. I would like to point out on this that the applicant is in
2967 agreement with all the annotations and the recommended conditions on this project. Regarding the annotation on
2968 the dumpster screen, yesterday a fax to me was a detail of that screen which will be brick to match the building.
2969 The conflicts with the buffers that are proffered on this site, the applicant has indicated that he is dealing with
2970 those and should be able to make some alterations to the site plan to account for those buffers. Lastly, condition
2971 No. 32 relates to the Virginia Power easement, which is at the rear of this property, 75 feet in width. Within that
2972 easement, is a proffered buffer, and I have asked the applicant to speak with and gain permission from Virginia
2973 Power to have the buffer in that easement as well as to have the outfall for their BMP across their easement.
2974 They have had a couple of meetings with Virginia Power and after this approval they will supply them with a
2975 revised plan and then a letter will be forthcoming from Virginia Power, if they are in agreement with the plan.

2976 With that, I can take any questions you might have.

2977

2978 Mr. Archer - Thank you, Mr. Whitney. Are there any questions of Mr. Whitney by Commission
2979 members? No questions from Mrs. Wade. Anyone else have any questions? Do you need to hear from the
2980 applicant, Mrs. Wade?

2981

2982 Mrs. Wade - No. I don't. It pretty much conforms to the requirements of the zoning case and
2983 ordinance. No. I'm okay.

2984

2985 Mr. Archer - Are you ready for a motion?

2986

2987 Mrs. Wade - I move POD-43-98, Skipwith Assisted Living Center, be approved subject to the
2988 annotation, the standard conditions, and the following additional conditions. Number 9 and 11 amended are on
2989 here probably because of the proximity to the residential areas, and Nos. 23 through 32 with a note on the plan
2990 that the dumpster screen will be brick.

2991

2992 Ms. Dwyer - Second.

2993

2994 Mr. Archer - The motion was made by Mrs. Wade and seconded by Ms. Dwyer. All in favor say
2995 aye...all oppose say nay. The motion passes.

2996

2997 The Planning Commission approved POD-43-98, Skipwith Assisted Living Center, subject to the standard
2998 conditions attached to these minutes, the annotations on the plans and the following additional conditions:

2999

3000 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for review and
3001 Planning Commission approval prior to the issuance of any occupancy permits.

3002 11. **AMENDED** - Prior to the installation of the site lighting equipment, a plan including depictions of light
3003 spread and intensity diagrams and fixture mounting height details shall be submitted for Planning Office
3004 review and Planning Commission approval

3005 23. The easements for drainage and utilities as shown on approved plans shall be granted to the County in a
3006 form acceptable to the County Attorney prior to any occupancy permits being issued.

3007 24. The developer shall provide fire hydrants as required by the Department of Public Utilities in its
3008 approval of the utility plans and contracts.

3009 25. A standard concrete sidewalk shall be provided along the west side of Skipwith Road

3010 26. Any necessary off-site drainage easements must be obtained in a form acceptable to the County
3011 Attorney prior to final approval of the construction plans by the Department of Public Works.

3012 27. Deviations from County standards for pavement, curb or curb and gutter design shall be approved by the
3013 County Engineer prior to final approval of the construction plans by the Department of Public Works.

3014 28. The loading areas shall be subject to the requirements of Chapter 22, Section 22-97(b) of the Henrico
3015 County Code.

3016 29. Storm water retention, based on the 50-10 concept, shall be incorporated into the drainage plans.

3017 30. Insurance Services Office (ISO) calculations must be included with the utilities plans and contracts and
3018 must be approved by the Department of Public Utilities prior to the issuance of a building permit.

3019 31. The approval of the construction plans by the Department of Public Works does not establish the curb
3020 and gutter elevations along the Henrico County maintained right-of-way. The elevations will be set by
3021 Henrico County.

3022 32. Prior to final signature, the developer must furnish a letter from Virginia Power stating that the proposed

3023 landscape buffer and drainage outfall for this proposed development does not conflict with their
3024 facilities.

3025 **PLAN OF DEVELOPMENT**

3026

POD-40-98
Studio Plus @ Paragon
Place

McKinney & Company for Rose Bay Associates, Inc. and Extended Stay America: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a three-story, 77 unit hotel. The 2.11 acre site is located at the Paragon Place Office Complex, 800 feet west of Bethlehem Road and 250 feet south of Glenside Drive on part of parcel 93-A-1C. The zoning is B-2C, Business District (Conditional). County water and sewer. **(Brookland)**

3027

3028 Mr. Archer - Is there anyone in the audience in opposition to POD-40-988, Studio Plus at Paragon
3029 Place? No opposition. Mr. Strauss.

3030

3031 Mr. Strauss - Thank you, Mr. Chairman. Staff is recommending approval of the plans as annotated.
3032 As you can see, we are also distributing an additional reduced colored rendering of the building with one
3033 additional annotation to which the applicant has agreed. The subject of annotation is simply that the applicant
3034 will provide brick on all four sides of the building. And, with that, I will note that Mr. Stacey Burcin is here
3035 from McKinney & Company representing the applicant. Also here is Mr. Johnathan Hopkins with Extended
3036 Stay America.

3037

3038 Mr. Archer - Are there any questions of Mr. Strauss by Commission members?

3039

3040 Mrs. Wade - What color is it?

3041

3042 Mr. Strauss - I'll have to refer that question to Mr. Burcin.

3043

3044 Mrs. Wade - Is there some requirement in this Paragon situation for compatibility or anything?

3045

3046 Mr. Strauss - There is a zoning proffer, which I can read, it doesn't...perhaps I should read it
3047 verbatim rather than from memory.

3048

3049 Mrs. Wade - Sometimes when an out-of-town visitor come in on the fact that we seem to be in the
3050 pyramid epic in Henrico now.

3051

3052 Mr. Strauss - The proffer No. 3 says: "All buildings and other structures constructed on the
3053 property shall be designed and constructed of materials aesthetically compatible with the landscaping and
3054 development of the property and other uses in the vicinity of the property."

3055

3056 Ms. Dwyer - Compatible with the landscaping?

3057

3058 Mr. Strauss - That's how it reads. I'm mystified with that one myself. But, I think Mr. Burcin can
3059 attest to the color of brick they intend to use.

3060

3061 Mr. Burcin - For the record, my name is Stacey Burcin with McKinney & Company. We are the
3062 engineers of record for the applicant in this case. To answer your initial question, the color of the brick is
3063 intended to be similar to that of the of the Extended Stay America next door, also to be compatible with the
3064 Virginia Credit Union directly across the street. So, it is going to be similar to those buildings immediately

3065 adjacent to it. We do not have a specific brick sample picked out at this time.
3066
3067 Ms. Dwyer - Is it the regular brick or the thin brick?
3068
3069 Mr. Burcin - This will be regular brick.
3070
3071 Mrs. Wade- It will be pinker then this is what you are saying.
3072
3073 Mr. Burcin- Probably a little bit tanner than this. This is a little bit on the orange side from the
3074 rendering you have.
3075
3076 Mrs. Wade - On the orange side?
3077
3078 Mr. Burcin - That would be my opinion. It looks a little bit on the orange side. It's a little bit more
3079 brown as the building that's immediately adjacent to it, a kind of a tan. If the Commission wishes, we could
3080 provide you a brick sample prior to building permit as was done also with the Extended Stay America, if that
3081 would provide a more comfort.
3082
3083 Mr. Archer - Are there any further questions of Mr. Burcin?
3084
3085 Mr. Vanarsdall - Stacey, on the lighting, we won't have to add anything about the lighting because these are
3086 under the same jurisdiction as the one next door, correct, 20 feet?
3087
3088 Mr. Burcin - That is correct. The applicant is aware of the proffers and that will be taken care of.
3089
3090 Mr. Archer - All right. Are you ready for a motion, Mr. Vanarsdall?
3091
3092 Mr. Vanarsdall- Yes, sir. I follow staff's recommendation and recommend POD-40-98, Studio Plus @ Paragon
3093 Place, be recommended for approval with the annotations on the plans the standard conditions for developments
3094 of this type, and I would like to add No. 9 amended and added conditions Nos. 23 through 28.
3095
3096 Mr. Zehler - Second.
3097
3098 Mr. Archer - The motion was made by Mr. Vanarsdall and seconded by Mr. Zehler. All in favor
3099 say aye...all oppose say nay. The motion passes.
3100
3101 Mr. Vanarsdall - I will add that Mr. Burcin, having been trained in the Henrico County Planning Department by
3102 Mr. O'Kelly and everybody, immediately when he showed me that picture the day we met, the rendering, he said
3103 it's not enough brick there is it, and I said no it's not.
3104
3105 The Planning Commission approved POD-40-98, Studio Plus @ Paragon Place, subject to the standard
3106 conditions attached to these minutes, the annotations on the plans and the following additional conditions:
3107
3108 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for review and
3109 Planning Commission approval prior to the issuance of any occupancy permits.
3110 23. The easements for drainage and utilities as shown on approved plans shall be granted to the County in a
3111 form acceptable to the County Attorney prior to any occupancy permits being issued.

- 3112 24. The developer shall provide fire hydrants as required by the Department of Public Utilities in its
 3113 approval of the utility plans and contracts.
 3114 25. Any necessary off-site drainage easements must be obtained in a form acceptable to the County
 3115 Attorney prior to final approval of the construction plans by the Department of Public Works.
 3116 26. Deviations from County standards for pavement, curb or curb and gutter design shall be approved by the
 3117 County Engineer prior to final approval of the construction plans by the Department of Public Works.
 3118 **27.** Insurance Services Office (ISO) calculations must be included with the utilities plans and contracts and
 3119 must be approved by the Department of Public Utilities prior to the issuance of a building permit.
 3120 28. Evidence of a joint ingress/egress maintenance agreement must be submitted to the Planning Office and
 3121 approved prior to issuance of a certificate of occupancy for this development.
 3122

3123 **LANDSCAPE & LIGHTING PLAN**

3124

LP/POD-118-95
 Grace Community Baptist Church

Paul Hartzell: 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 7.2 acre site is located on the west line of Pump Road, at the intersection of Burnside Lane on parcel 66-A-7A. The zoning is A-1, Agricultural District (**Tuckahoe**)

3125

3126 Mr. Archer - Is there anyone in the audience in opposition to the landscape and lighting plan of
 3127 LP/POD-118-95, Grace Community Baptist Church? Mr. Strauss.

3128

3129 Mr. Strauss - Thank you, Mr. Chairman. The applicant is represented by Mr. Paul Hartzell, who
 3130 prepared the plan, and Mr. Guy Holloway, the pastor of the church, he's also here. Staff recommends approval
 3131 of the landscape and lighting plan as annotated with one additional annotation which the applicant has agreed to
 3132 this morning. "The applicant will submit a Phase II landscape plan within 60 days of this approval to include
 3133 additional landscaping for the BMP and such landscaping is to be installed upon prior to the issuance of a final
 3134 occupancy permit. I'd be happy to answer any questions you may have.

3135

3136 Mr. Archer - Are there any questions by Commission members?

3137

3138 Ms. Dwyer - I guess you had plenty of time to work on that?

3139

3140 Mr. Strauss - Right.

3141

3142 Ms. Dwyer - I just have a question as a practical matter. Dave Zehler and I were talking about this
 3143 earlier about how to phase in a second landscaping plan, and the question came up about whether there would be
 3144 a limit to the bond time. In other words, it has to be bonded or installed within 60 days. But, how long will the
 3145 bond last? I mean, would we want to require them to renew the bond annually or reviewed annually in case
 3146 there is some delay in installing the landscaping?

3147

3148 Mr. Strauss - Technically, I'm not sure how that would work. I envisioned this - that the landscape
 3149 plan would be provided within 60 days and then would be installed. That's what the applicant was leaning
 3150 toward.

3151

3152 Ms. Dwyer - It would be installed within 60 days, that's the goal.

3153

3154 Mr. Strauss - No, No. Actually, what is installed is prior to final occupancy. See, we are going to
3155 have a temporary occupancy permit and if they want to have their final occupancy permit, I would image they
3156 would want to resolve any and all site issues with the final occupancy.
3157
3158 Ms. Dwyer - Right. But, in case they don't? This may set a precedence for future cases and that is
3159 one of the reasons why I want to nail that down. So, by final occupancy we are requiring a bond if it's not, in
3160 fact, installed, right?
3161
3162 Mr. Strauss - Right.
3163 Ms. Dwyer - So, what would be the length of time before we could call in the bond?
3164
3165 Mr. Strauss - Dave, do you have any suggestions.
3166
3167 Ms. Dwyer - I'm sure that they would do it, you know, in a timely manner, but it just seems that
3168 that's so detailed, that we should nail it down.
3169
3170 Mr. Strauss - Perhaps six months to a year.
3171
3172 Mr. O'Kelly - It depends on the nature of the bond. If it is a cash bond, of course, it's no expiration
3173 date, but generally we deal with letters of credit. Typically, I believe the letters of credit are good for 12 months
3174 with notice to the County 90 days before expiration that the bond is about to expire but it is renewable for an
3175 additional 12 months.
3176
3177 Ms. Dwyer - So, Dave, how would you recommend we handle that in a condition?
3178
3179 Mr. O'Kelly - I would suggest that the condition include a time period for completing the work.
3180
3181 Ms. Dwyer - Ultimately, within a year or six months or whatever.
3182
3183 Mr. O'Kelly - I think that's good.
3184
3185 Ms. Dwyer - What would the applicant be agreeable to?
3186
3187 Mr. Hartzell - I think one year would be.....
3188
3189 Mr. Archer - Sir, would you state your name for the record, please?
3190
3191 Mr. Hartzell - For the record my name is Paul Hartzell. I'm the landscape designer for the project.
3192 One year would certainly be acceptable to complete the landscaping.
3193
3194 Mr. O'Kelly - And if something happens, Mr. Hartzell, where it couldn't be, we certainly could
3195 schedule some time on the Planning Commission's agenda for you to reconsider that.
3196
3197 Ms. Dwyer - Okay. That sounds good.
3198
3199 Mr. Archer - Okay. Are there any further questions of Mr. Strauss or Mr. Hartzell? Thank you.
3200 Ms. Dwyer.

3201

3202 Ms. Dwyer - This is a landscape and lighting plan that does meet the code. However, since this
3203 POD was approved some years ago, prior to the time we were keeping BMPs out of the area in which we found
3204 this one adjacent to Pump Road right-of-way, we do have a BMP that has a potential to be an eyesore, although
3205 I'm sure this one will not be. So, at any rate, we have asked the applicant to increase the landscaping around the
3206 BMP, which they are willing to do, but they have asked to phase that in so that's why we have this condition No.
3207 1 that Mr. Strauss has read into the record. We have added to that that ultimately the final landscaping shall be
3208 completed within one year of this approval date. So, with that, with those comments, I move approval of
3209 LP/POD-118-95 including the additional condition, the annotations on the plan, and the standard conditions.

3210

3211 Mr. Vanarsdall - Second.

3212

3213 Mr. Archer- The motion was made by Ms. Dwyer and seconded by Mr. Vanarsdall. All in favor
3214 say aye...all oppose say nay. The motion passes.

3215

3216 The Planning Commission approved the landscape and lighting plan for LP/POD-118-95, Grace Community
3217 Baptist Church, subject to the annotations on the plan, the standard conditions applicable to such plans, and the
3218 following additional condition:

3219

3220 6. The applicant will submit a phase 2 landscape plan within 60 days of this approval – to include
3221 additional landscaping for BMP, and such landscaping is to be installed within one year of this
3222 approval.

3223

3224 **LANDSCAPE & LIGHTING PLAN**

3225

LP/POD-53-97
McDonald's at
Brookhollow Center

McDonald's Corporation: 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 1.15 acre site is located along the north line of W. Broad
Street (U.S. Route 250) approximately 1,250 feet west of Brookriver Drive on
part of parcel 47-A-1NC. The zoning is M-1C, Light Industrial District
(Conditional) (**Three Chopt**)

3226

3227 Mr. Archer - Is there anyone in the audience in opposition to LP/POD-53-97, McDonald's at
3228 Brookhollow Center? No opposition. Mr. Strauss.

3229

3230 Mr. Strauss - Thank you, Mr. Chairman. At the time of the agenda preparation staff had not had
3231 time to verify that the landscaping along W. Broad Street was in place. Staff has since completed a field
3232 verification of the existing landscaping along W. Broad Street. Staff can now recommend approval of the
3233 landscape plan as annotated. You might note that there was one issue about a stockpile, which I noted on the
3234 plan. I talked to the contractor on site and I talked to Mr. Phan who is here representing the applicant. They are
3235 in the process of removing that stockpile this week. They were doing some parking lot finished grading. And the
3236 sensitivity there was that the stockpile might hurt roots -compact roots, of the trees located near by. I might also
3237 mention that the lighting plan was approved previously with the POD.

3238

3239 Mr. Archer - Are there any questions of Mr. Strauss by Commission members?

3240

3241 Mrs. Wade So, we don't have a lighting plan here, is that what you are saying?

3242
3243 Mr. Strauss - No ma'am. It was previously approved.
3244
3245 Mrs. Wade- So, scratch it off of the agenda?
3246
3247 Mr. Strauss- Right.
3248
3249 Mrs. Wade - And it meets all of the requirements now and you are satisfied that it will be an
3250 attractive plan.
3251
3252 Mr. Archer - Okay. Are there any further questions of Mr. Strauss? Would you like to hear from
3253 the applicant, Mrs. Wade?
3254
3255 Mrs. Wade - No.
3256
3257 Mr. Archer - Okay. We are ready for a motion.
3258
3259 Mrs. Wade - I move the landscape plan for LP/POD-53-97 be approved subject to the annotation
3260 and the standard conditions and that's the revised plan dated today.
3261
3262 Ms. Dwyer - Second.
3263
3264 Mr. Archer - The motion was made by Mrs. Wade and seconded by Ms. Dwyer. All in favor say
3265 aye...all oppose say nay. The motion passes.
3266
3267 The Planning Commission approved the landscape plan for LP/POD-53-97, McDonald's Brookhollow Center,
3268 subject to the standard conditions and the annotations on the plan.
3269
3270 **LANDSCAPE & LIGHTING PLAN**
3271

LP/POD-116-97
Ambassador Travel

James Fox & Sons, 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 .98 acre site is located approximately 150 feet south of the intersection of W. Broad Street (U.S. Route 250) and Sunnybrook Road on parcel 81-A-31. The zoning is B-3, Business District (**Three Chopt**)

3272
3273 Mr. Archer - Is there anyone in the audience in opposition to the landscape and lighting plan for
3274 LP/POD-116-97, Ambassador Travel? Okay. We have opposition. We will be right with you, sir. Mr.
3275 Strauss.
3276
3277 Mr. Strauss- Thank you, Mr. Chairman. Staff can recommend approval of the landscape plan as
3278 annotated. I want to acknowledge that Mr. Cason is here and he has been very patiently waiting most of the
3279 morning. Two other adjacent property owners had to leave earlier, Mrs. Pauline and Steve Schrass were here
3280 this morning. Although they had to leave, they made mention to me that they would like to see, in addition to
3281 staff's comments, that the leyland cypress proposed on the annotated plan be extended farther toward
3282 Sunnybrook Road to enhance or supplement the existing trees that are saved in that buffer. They would also like
3283 those leyland cypress to be supplemented with Photinia. The applicant is not here today. I did talk to the

3284 applicant at 11:15 a.m. on the phone and they said that they were agreeable to this additional annotation. There
3285 was one more issue that I'm afraid I can't shed any light on. The six-foot wood fence which shows on the
3286 southern portion, the southwest portion of this property, it's showed as a six-foot fence on the final POD,
3287 previously approved and the POD previous to that. Mrs. Schrass indicated to me that the developer promised her
3288 an eight-foot fence. I can't find any file record that it was to be an eight-foot fence. If it was a private
3289 agreement, I don't know if we can enforce that an eight-foot fence be provided. The ordinance for this case only
3290 requires 35-foot buffering. A fence is only required if you reduce the buffer width, which the applicant had
3291 approved with a previous POD. So, they only need a six-foot fence to accomplish the reduction in the buffer
3292 width. Not having the applicant or owner here, I can't address what promises may have been made in regards to
3293 an eight-foot fence. So, I'm afraid I will be no help in that matter. Other than that, I think we can recommend
3294 approval.

3295

3296 Mrs. Wade - Most of this site is higher, is it not, then the adjoining property in the rear?

3297

3298 Mr. Strauss - Yes, ma'am.

3299

3300 Mrs. Wade- So, perhaps that was the thinking on the six-foot fence.

3301

3302 Mr. Strauss- The fence is to be placed at the highest point of the slope near the parking area so that
3303 it has a more effective height being at the top of the slope near the parking area than being at the bottom near the
3304 property line. So, we believe that the fence is in the proper location, and I think a six-foot fence is an adequate
3305 fence to hide cars, which I think is the object of their attention.

3306

3307 Mrs. Wade - Six appears on here. I didn't realize that this was going to be an issue so I hadn't gone
3308 back through any of my notes or anything.

3309

3310 Mr. Strauss - I didn't know about it until this morning myself.

3311

3312 Mrs. Wade - And there is no light diagram or picture here?

3313

3314 Mr. Strauss- The owner has not indicated he intends to provide any lighting other then the building
3315 lighting in front of the property. They do not operate at night. They don't intend to provide any lighting.

3316

3317 Mrs. Wade - No lighting in the rear at all?

3318

3319 Mr. Strauss - No, ma'am.

3320

3321 Mrs. Wade - Well, what are they having in the front, did they say?

3322

3323 Mr. Strauss - They have a wall sconce at the entrance and I believe they have a small light that's
3324 associated with a building sign. Of course, that would be a separate permit.

3325

3326 Mrs. Wade - Do you know how late they stay open? I mean, it's dark at 6 o'clock in the winter.

3327

3328 Mr. Strauss - I don't have any information on that.

3329

3330 Ms. Dwyer- I'm sorry, could you tell me about the fence again because the note says six-foot fence

3331 along the rear?

3332

3333 Mr. Strauss - A six-foot-wood fence was shown on the approved POD. It was also shown on the
3334 previous POD, which was revised. The ordinance does not require that a fence be there but a fence is needed if
3335 you reduce the buffer width. The adjacent owner, Mrs. Schrass, indicated to me this morning that the owner, and
3336 she mentioned the gentlemen's name, I wrote that down this morning, Mr. Tigh and Mr. C. K. Wright with Avis,
3337 had discussed with them privately the provision of an eight-foot-fence.

3338

3339 Ms. Dwyer- I see. I don't remember the eight-foot fence. I think I did this one for you last
3340 summer, Mrs. Wade, the rezoning.

3341

3342 Mrs. Wade - It must have been in June, well no, if it was the rezoning it would have been in
3343 September, whenever.

3344

3345 Mr. Strauss - It was a December 16, 1997 case.

3346

3347 Mrs. Wade - We can't really discuss this really well because the applicant is not here. Let's hear
3348 what the opposition has to say, Mr. Chairman.

3349

3350 Mr. Cason - I'm Lonnie Cason. You were talking about the fence. My property comes up to where
3351 they are building and so forth and so on. A six-foot fence I can't see. An eight-foot fence would give me more
3352 privacy. I'm still concern about water problems that would come off of that high and come down to my fence.
3353 My property comes this way, it doesn't slant away from the house, it slants to the house. By them building up
3354 there, I know they put some piping and all that stuff in there now but I still see that there is going to be some
3355 water problems.

3356

3357 Mrs. Wade- Okay. So, you are concerned about the drainage. I think we are going to have to put
3358 this off and look at some of these things. There no one here to speak.

3359

3360 Mr. Cason - And, also, clean up back there behind my fence. There is a lot of debris back there
3361 where they put shrubbery or something that they took off from the top.

3362

3363 Mrs. Wade - Well, perhaps we need to get together on the site again and look at these issues, the
3364 lights, because I wonder about the lights.

3365

3366 Mr. Cason - The lighting too. While the other two buildings were up there, they had some people
3367 hiding under those buildings and I don't want them coming into my yard or breaking into my house or something
3368 of that nature. I have a light in my yard that cost me a couple hundred dollars a year.

3369

3370 Mrs. Wade - Yes. I understand. We need to look at several issues. So, we will probably be back
3371 in touch and perhaps have a meeting on the site with the applicant and Mr. Strauss.

3372

3373 Mr. Cason - Can I ask you ladies and gentlemen one question? You say you have a meeting at
3374 10:30 a.m. in the morning here, why subject a lot of people to listen to somebody else's problems that doesn't
3375 concern them, and are 40 miles away or 10 miles or something of that nature? I was a little late getting in this
3376 morning, I almost forgot it, but I did get here, and you are just calling me now or this particular case or whatever
3377 you want to call it. I sat here all this time to listen to somebody else's problems.

3378
3379 Mrs. Wade - Well, for one thing, we don't know when your problem is coming up, Mr. Cason. But,
3380 no, I apologize. You are right, absolutely. In fact, as soon as we finish this meeting we are going into a session
3381 where we are going to discuss this very issue. So, perhaps we can come up with some kind of a way to remedy
3382 that.
3383
3384 Mr. Cason - Because coming in here at 10:30 a.m. and listening to this, here it is now 1:15 p.m.
3385
3386 Mrs. Wade- It's a problem.
3387
3388 Mr. Cason - It is a problem. I mean, if I was working, unfortunately I'm retired, but for this time a
3389 day I could have lost about \$200.00 or more.
3390
3391 Mr. Archer- Mr. Cason, I wish we were able to address that better but it's just that we can't attach
3392 a time limit to each particular case. We would like to.
3393
3394 Mr. Cason - That's the way I see it. I've been in the military and you say 10:30 a.m., I'm there at
3395 10:30 a.m. and my case is called.
3396
3397 Mr. Archer- I understand, sir, but we have two separate sides to our agenda, the 9 o'clock portion
3398 and the 10:30 a.m. portion. We attempt to try and get our 9:00 o'clock cases in prior to the 10:30 a.m. agenda,
3399 but as you can see today it just doesn't work out that way. We can't just abruptly turn off the discussion on a
3400 particular item until we see it through to the end and it takes longer than we want it to take. I apologize for it
3401 having to be that way. As Mrs. Wade said, we are having a meeting this afternoon to try and get around it, but it
3402 is difficult to do. Just like we are having this discussion now.
3403
3404 Mr. Cason - I understand. But, still, you know, like a doctor's office. He said come at 10:30 a.m.
3405 and he should see you at 10:30 a.m.
3406
3407 Mrs. Wade- We tend to be more like the doctors' offices, we tell everybody to come at ten and then
3408 you wait.
3409
3410 Mr. Cason- All right. Thank you, ladies and gentlemen.
3411
3412 Mr. Archer- Thank you.
3413
3414 Mrs. Wade- Now, you understand that we are going to get together and put this off until next month
3415 and then get together and talk about these issues and look at this on site again. Thank you.
3416
3417 Mr. Cason- Yes. The fence and the other thing.
3418
3419 Mrs. Wade - Yes. Thank you.
3420
3421 Mr. O'Kelly - Mr. Cason, we can schedule this case first on the agenda next month so that you don't
3422 have to wait.
3423
3424 Mr. Cason - That's fine.

3425

3426 Mr. Zehler- Will that be first on the 9:00 o'clock agenda or the 10:30 agenda?

3427

3428 Mr. Archer - That will be the nine o'clock agenda.

3429

3430 Mr. O'Kelly- All deferred cases are going to have to be at 9:00 o'clock.

3431

3432 Mr. Archer- As difficult as it may seem, Mr. Cason, the only case that we can pretty much verify

3433 that will be heard on time is the first case on the 9:00 o'clock agenda. That is as close we can come right now

3434 but we appreciate your concern, sir. Okay. Mrs. Wade, we need a motion for deferral, I suppose.

3435

3436 Mrs. Wade- Okay. I move that LP/POD-116-97, landscape and lighting plan, be deferred until the

3437 26 of May to look into some of these issues that are still unsettled, per my request.

3438

3439 Ms. Dwyer- Second.

3440

3441 Mr. Archer- The motion was made by Mrs. Wade and seconded by Ms. Dwyer. All in favor say

3442 aye...all opposed say nay. The motion passes.

3443

3444 The Planning Commission deferred the landscape and lighting plan for LP/POD-116-97, Ambassador Travel,

3445 until its May 26, 1998, meeting.

3446

3447 **LIGHTING PLAN**

3448

LP/POD-102-86
Laburnum Park
Shopping Center

Site Lite Services Inc.: Request for approval of a revised lighting plan, as required by Chapter 24, Section 24-106 of the Henrico County Code. The 17.1 acre site is located at the northwest corner of Laburnum Avenue and Gay Avenue on part of parcels 154-2-A-1, 2, 3 and 7A. The zoning is B-2C, Business District (Conditional) (**Varina**)

3449

3450 Mr. Archer - Is there anyone in the audience in opposition to LP/POD-102-86, Laburnum Park

3451 Shopping Center? No opposition. Ms. News.

3452

3453 Ms. News - Staff has completed its review of the revised plan that was just distributed to you. This

3454 plan involves a lighting upgrade to an existing shopping center including additional poles and fixtures. The

3455 lights have been changed to 400-watt fixtures to conform to County guidelines. Existing fixtures, which are

3456 currently tilted at 45 degrees, will be turned level with the ground. Staff can recommend approval of the plan as

3457 annotated. We need to make one change on the plan. The lights were intended to match the existing light

3458 fixtures in the shopping center, which are 30-foot poles with approximately a two-foot base. So, the mounting

3459 height would be 32 feet and not 30 feet. We can recommend approval with the standard conditions, the

3460 annotations and additional condition No. 5 listed on your agenda, which is in response to a proffered condition

3461 on the site.

3462

3463 Mr. Zehler - I'm sorry. I didn't quite understand what you just said about the poles. Are we going

3464 to allow them to increase the height?

3465

3466 Ms. News - I've noted on the annotated plan in front of you that the mounting height would be 30

3467 feet, and the intention was that the mounting height of the fixture would match what's in the existing shopping
3468 center. And the applicant just brought to my attention that they are actually about 32 feet, not 30 feet. They are
3469 30-foot poles on a two-foot concrete base.

3470

3471 Mr. Zehler - But they will all match?

3472

3473 Ms. News - Yes. The height will match.

3474

3475 Mr. Archer - All right. Are there any further questions of Ms. News?

3476

3477 Mr. Zehler - I have no other questions, Mr. Chairman, and I don't need to hear from the applicant.

3478 I move that LP/POD-102-86, Laburnum Park Shopping Center, be approved subject to the standard conditions

3479 for lighting plans and the additional condition No. 5.

3480

3481 Mrs. Wade - Second.

3482

3483 Mr. Archer - The motion was made by Mr. Zehler and second by Mrs. Wade. All those in favor say

3484 aye...all oppose say nay. The motion passes.

3485

3486 The Planning Commission approved the lighting plan for LP/POD-102-86, Laburnum Park Shopping Center,

3487 subject to the standard conditions, the annotations on the revised plan, and the following additional condition:

3488

3489 5. Lighting shall be reduced to the minimum level required for security within one hour of the close of

3490 business each day.

3491

3492 Mr. Archer - Okay, Mr. Secretary, what's next?

3493

3494 Mr. O'Kelly - The next item of business is the approval of minutes. The first set of minutes to be

3495 discussed are the March 12, 1998, Rezoning Minutes.

3496

3497 Mr. Vanarsdall - I move the minutes be approved with the corrections.

3498

3499 Mr. Archer - Wait a minute, I might have a correction.

3500

3501 Mr. Zehler - Second

3502

3503 Mr. Archer - I have some corrections, they are probably just typos, if I can read them right quick.

3504 Page 7, line.... Wait a minute. These are the wrong notes. Forget what I said.

3505

3506 Mr. O'Kelly - You can provide those to Diana.

3507

3508 Mr. Archer - I'll phone them in, after the fact. Okay. Is there a motion for the approval of the

3509 March 12 minutes?

3510

3511 Ms. Dwyer - Mr. Vanarsdall already moved.

3512

3513 Mr. Vanarsdall - It's been moved and seconded.

3514
3515 Mr. Archer - All right. All those in favor say aye...all oppose say nay. The motion passes.
3516
3517 The Planning Commission approved the March 12, 1998, Rezoning minutes.
3518
3519 Mr. O’Kelly- The next set of minutes are the December 16, 1997, POD minutes.
3520
3521 Ms. Dwyer- I have two quick ones that affect the meaning of things. Page 10, line 385, the word
3522 “shall” should be changed to “should.” On page 47, a condition No. 33 was omitted from the condition list.
3523 Discussion on lines 845 to 849 to add that condition. That all I have.
3524
3525 Mr. Archer- I have one, Page 17, line 684, I think my comment was “Mr. Secretary, pardon me for
3526 one second” and it say’s “pardon me for one section.” I thought I should make that clear. Are there any further
3527 corrections?
3528
3529 Mrs. Wade - One of those I had in here dealt with who made the motion and then who seconded it
3530 but I don’t see that on the corrections.
3531
3532 Mr. Archer - Is there a motion for approval?

3533 Ms. Dwyer - I move the minutes for December 16, Planning Commission minutes be approved as
3534 amended.
3535
3536 Mrs. Wade- Second.
3537
3538 Mr. Archer - The motion was made by Ms. Dwyer and seconded by Mrs. Wade. All in favor say
3539 aye...all opposed say nay. The motion passes.
3540
3541 The Planning Commission approved the POD minutes for December 16, 1997.
3542
3543 Mr. O’Kelly - Next we have a discussion item, Mr. Chairman, to add a discussion item to whatever
3544 next agenda, either Rezoning or POD that you feel comfortable with to hear a presentation from the Keep
3545 Henrico Beautiful Committee. They are requesting the Planning Commission to consider the feasibility of
3546 amending your conditions to require that the areas subject to site plan approval be cleaned on a daily basis of
3547 trash, debris, and litter.
3548
3549 Mr. Zehler- Would you repeat that again?
3550
3551 Mr. Vanarsdall- And tell us in simple language what it mean.
3552
3553 Mr. O’Kelly- The chairman of the Keep Henrico Beautiful Committee would like to make a
3554 presentation to the Planning Commission to request you to consider amending your standard conditions to
3555 perhaps add a condition requiring the property subject to POD approval, to be cleaned on a daily basis of trash
3556 and debris. I think they see it as an opportunity perhaps to expand their educational role to one of so called
3557 enforcement.
3558
3559 Mr. Zehler - I think our workload is so busy at this time, it’s almost prohibited, don’t you, Mr.
3560 Chairman?

3561
3562 Ms. Dwyer- How long of a presentation would it be?
3563
3564 Mr. O'Kelly - I would think 15 minutes to a half hour would be more than adequate.
3565
3566 Mr. Zehler - Well, it's 1:30 p.m. and we've got another meeting. I move that we hold this until
3567 another time.
3568
3569 Ms. Dwyer- Well, all we are going to do is set a date, right?
3570
3571 Mr. O'Kelly- Yes.
3572
3573 Mr. Zehler- We don't have time to do that right now. We've got to go into a work session.
3574
3575 Ms. Dwyer- All we've got to do is pick a date.
3576
3577 Mr. Archer - Why don't we put it on the front of the Zoning meeting?
3578
3579 Mr. O'Kelly- On the May 14 Rezoning meeting, we have 17 zoning cases on that particular night.
3580
3581 Ms. Dwyer - Well, what about the next POD meeting?
3582
3583 Mr. Archer - I'll be leaving early, but you all can handle it.
3584
3585 Mr. O'Kelly- We can add it to the end of the May 26 POD meeting and notify the Chairman of Keep
3586 Henrico Beautiful Committee to be present.
3587
3588 Ms. Dwyer- Do we have any extra business to take care of next month?
3589
3590 Mr. O'Kelly - Not that I am aware of at this point.
3591
3592 Ms. Dwyer - That's good. Let's do it then.
3593
3594 Mr. Zehler- At the end of the May meeting, right?
3595
3596 Mr. O'Kelly- That's correct.
3597
3598 Mr. Vanarsdall - And if the Chairman is gone, we will notify him as to what we did.
3599
3600 Mr. Archer- That's fine. We don't need a motion on this do we?
3601
3602 Mr. O'Kelly- As long as you make one at the conclusion of the meeting.
3603
3604 Mr. Archer - Okay. Commission members, we will now recess to the Public Utilities Conference
3605 room for lunch and our work session.
3606
3607 **AT THIS TIME THE PLANNING COMMISSION COMPLETED THE POD AND SUBDIVISION**

3608 **PORTION OF THE MEETING AND RECESSED FROM THE BOARD ROOM TO PUBLIC**
3609 **UTILITES CONFERENCE ROOM FOR LUNCH AND WORK SESSION.**
3610

**WORK SESSION ON PUBLIC HEARING PROCEDURES
(PUBLIC UTILITIES CONFERENCE ROOM)**

3611

3612

3613

3614 Members Present:

Mr. C. W. Archer, C.P.C., Chairman (Fairfield)

3615

Ms. Elizabeth G. Dwyer, C.P.C., Vice Chairman (Tuckahoe)

3616

Mr. David A. Zehler, C.P.C. (Varina)

3617

Mr. Ernest B. Vanarsdall, C.P.C. (Brookland)

3618

Mrs. Mary L. Wade (Three Chopt)

3619

3620 Member Absent:

James B. Donati, Jr.

3621

3622 Others Present:

Randall R. Silber, Acting Director of Planning

3623

Angela N. Harper, Deputy County Manager for Special Services.

3624

David D. O'Kelly, Principal Planner

3625

John Merrithew, Principal Planner

3626

Diana B. Carver, Recording Secretary

3627

3628 Ms. Harper -

I hope all of you have gotten the letter we sent you about some results of a retreat where we are looking at specifically the role the Planning Commission plans in the plan review. The project that I'm working on, the development timetable project is much larger than (Angela snapped her fingers) that. In fact, that's just a very small portion of it. Taking the 15 major issues areas that were identified by the development community and internally in the County, I'm going through each issue area, which would be everything from agreements, problems with agreements in Public Utilities and what the problems were there to problems between the field people and the plan review people inside, in the departments, to the permit tracking system. There are problems with the tracking system in the County for subdivision plans and site plans.

3636

In each of these spin-offs, these issues have turned into a spin-off project for me. So, now I have about seven projects that I'm trying to oversee and get processes set up, in which Planning has a couple of them. One is the Zoning Concept Plan that you read about. I think John may be working on it.

3640

3641 Mr. Merrithew - Diligently as we speak.

3642

3643 Ms. Harper -

Diligently as we speak, of combining the concept of a zoning.... You can ask for rezoning and at the same time you can proffer a site plan and that site plan, if approved by the Board, it will go to the Planning Commission and the Board but will not come back to the Planning Commission as a POD. It would be an administrative approval. It would be a certain level of detail that would be required in the ordinance, which I have heard many of you talk about desiring. So, a project is a fast-track project, such as I understand Mr. Pruitts project he had before, it could have gone through one time at zoning as opposed to having to come back and get an extra six to eight weeks review through the POD process.

3650

3651 Mr. O'Kelly -

Another example of that, Angela. We had a case on the agenda today for Skipwith Living Center. The Commission didn't have any questions for the applicant, there were no neighbors there. The concept plan was approved with the rezoning.

3654

3655 Mr. Silber -

And it was detailed enough.

3656

3657 Ms. Harper -

That's what we are hoping to allow as an option. And, so, the Planning Office is

3658 working on that. That's one spin-off project that's going on. Requests for exceptions and waivers formalizing
3659 what part of the process. There are a whole lot of pieces to this and I'm in the process of putting together a
3660 status list of everything and I will try to keep you all up-to-date.

3661

3662 On Tuesday, the Manager and the Deputies, we are meeting with the engineering community. I think probably
3663 more than any appointed official or elected officials from the County, you all deal more with engineers than
3664 anyone else. And what we have found in the process of working on this is that the engineering crew definitely
3665 needs to help us. They need to improve the quality of their work for us to improve the process. So, I would say
3666 that is at least one third of the problem, perhaps half of the problem. So, we are going to enlist their help, the
3667 principals of the firms. About 40 people have been invited to meet with the Manager and three Deputies, myself,
3668 Bob Pinkerton, and Harvey Hinson about what are the issues, what are the key issues that we need their help
3669 with. We are hoping to progress from that point to where the engineering firms that have an interest will come in
3670 individually and talk to us about ways they can improve and what they can do. We are trying to improve the
3671 quality of what we get and the completeness of what we get, so that hopefully it can move faster through the
3672 process. Right now a lot of the problems with the process is the amount of resubmittals and the uncompleted
3673 plans and the fact that the Commission and the County are used as an excuse by many engineering firms for why
3674 they haven't been able to get the plan out. Now, that's not true of all engineering firms. There are engineering
3675 firms that do excellent work. But there are those that are more problematic than others.

3676

3677 So, as far as the project itself goes, my project is spun off into a lot of small projects. The major step I'm
3678 working on right now is working with each department on parts of the problem and working with the engineers.
3679 We do plan, the Board wants us to meet with the Commission and go through some alternatives of some things
3680 as we progress with the process. We are just not ready to do that quite yet, but maybe in the next couple of
3681 months we will be. But, I'll for warn you as soon as I'm.... They said that they devoted a full-time person to
3682 this project. Well, yes, they did but I have no secretary or support and so literally I do all my on work and most
3683 of it is confidential. It's interesting, it's an interesting process to go from a staff of 55 to none. But, the
3684 manager's staff tries to help me with a lot things and I appreciate that.

3685

3686 Now, today, you all are going to be talking about how to expedite meetings.

3687

3688 Mr. Silber - Planning Commission meetings. We are trying to make them shorter.

3689

3690 Mr. O'Kelly - Angela, there was a session in Boston that I went to and as I was leaving I saw the
3691 closure lady in the back of the room. But, a consulting firm has been involved for several years in redesigning
3692 the plan review process for Portland, Oregon. One of the things that the consultant told us in Boston was "I
3693 don't think you can do this in several months. This type of project to do it adequately in the way it should be
3694 done could take several years."

3695

3696 Ms. Harper - And he had previously been in San Diego and tried to speak on their process.

3697

3698 Mr. O'Kelly - He also did Austin, Texas. So, Angela is doing work that consultants do in a lot of
3699 major cities in the United States. She does have her work cut out for her.

3700

3701 Ms. Harper - I did buy the two tapes in case anybody has an interest in hearing those.

3702

3703 Mr. Silber - But that basically talks about totally doing things different from what we are accustom
3704 to. I mean, basically, it focuses in on creating a design department or review department that's made up of all of

3705 these different agencies and they just simply deal with the review of plans.

3706

3707 Ms. Harper - It's a permit department.

3708

3709 Mr. Silber - It's a permitting department?

3710

3711 Ms. Harper - Yes. And that was the model that's been set up in this community. It's not that we are
3712 going for that model, but that's the one they presented in Boston.

3713

3714 Mr. Vanarsdall - Angela, a lot of these jurisdictions throughout the country, and I believe right here in our
3715 metropolitan area, don't review site plans at all with a public hearing.

3716

3717 Ms. Harper - In Virginia. We are pretty much it.

3718

3719 Ms. Dwyer- We are the only ones?

3720

3721 Ms. Harper - I won't say.... You have to realize, we are the only one that probably reviews
3722 absolutely every one of them. Every Planning Commission can review on appeal. That's a part of the
3723 administrative review process. That if it is appealed, or if the applicant request it, it can be reviewed by the
3724 Planning Commission. There may be a small Planning Commission somewhere that reviews all that see one or
3725 two a year, but when it comes to the principal ones, Virginia Beach, the area is comparable, we are the only one
3726 that does.

3727

3728 Mr. O'Kelly - Just in the way of background, Ms. Dwyer. I think that is an excellent point. It's just
3729 the way Henrico has done things. Prior to the ordinance that we currently have in 1969, virtually, everything
3730 that you do, as a Planning Commission in reviewing site plans, was under the purview of the Board of Zoning
3731 Appeals. The BZA approved every service station, every apartment complex, every shopping center and their
3732 agendas were unbelievable. Also, I think, around that point in time, the Board of Supervisors had a little falling
3733 out with the BZA and decided we need to do something else. So, we ended up with the current ordinance that we
3734 have, the POD ordinance, with the functions that were previously under the BZA were assigned to the Planning
3735 Commission. So, there is some history there. We probably had one of the first site plan review ordinances in
3736 Virginia. It's just the way we have done things.

3737

3738 Mr. Vanarsdall - It says here Chesterfield handles there administratively unless the applicant asks for
3739 the Planning Commission to review it, that's site plans and subdivisions.

3740

3741 Ms. Harper - That's exactly the way it's done practically everywhere.

3742

3743 Mrs. Wade - Of course, our people (unintelligible) as input now (unintelligible) try to cut this out.

3744

3745 Ms. Harper - With regular citizens?

3746

3747 Mrs. Wade- Yes.

3748

3749 Ms. Harper- Well, that is one of the issues that the Board is concerned about in the work session
3750 that we had. They were concerned of the change and that, obviously, the Planning Commission is the receiver of
3751 a lot of the citizens needs. That's one of the concerns they have. I think what we will be doing and focusing on

3752 in our work is looking at if, instead of seeing all of them, maybe certain critical ones. Perhaps ones that borders
3753 residential zoned areas or something that could be the focus and then have the more, like in mist of a commercial
3754 or industrial area completely surrounded perhaps those do not always have to go to the Commission. There is
3755 perhaps criteria that can be established that can help the process. I think the main reason why it's interest is not
3756 to take work away from the Planning Commission, it is simply because from economic development standpoint,
3757 it affects us very much competitively. We have much more of a process.

3758

3759 Mr. Vanarsdall - And a lot of them, don't have but one meeting, don't they?

3760

3761 Ms. Harper- Some meet every week.

3762

3763 Mr. Vanarsdall- Virginia Beach, when I went down there on (unintelligible), they met at 9:00 o'clock in the
3764 morning. They had a staff review until 12:00 o'clock. Then they met in the chambers until 5:30 p.m. and they
3765 took everything. Anything that came up, PODs, zoning and everything.

3766

3767 Mr. Merrithew - Hanover does the same thing. They do everything in one meeting.

3768

3769 Mr. Vanarsdall - And when you went in they handed you an agenda that looked like a Richmond
3770 telephone book. If somebody applied at this particular site in 1918, and they have a record of it, they put in it
3771 that it was denied by the Commission four to two or one to five, in 1918. I've never seen anything so ridiculous
3772 in my life.

3773

3774 Ms. Dwyer- Angela, is one of your projects then to look to determine whether it would be
3775 acceptable for (unintelligible) to accept this criteria so that not all sections (unintelligible)?

3776 Ms. Harper - One of the follow-up items that we are going to be working on is looking at the criteria
3777 in the code for PODs. One of the issues is the 2500 square feet. Is 2500 square feet still applicable? Is fronting
3778 on a four-lane road, a proposed or an existing four-lane road still applicable, some of that type of criteria. And
3779 look at specific uses and perhaps looking at adjoining zoning. Now, we haven't begun that part yet because the
3780 Manager put more priority on some other parts to begin with. So, we are trying. The Board really wants us to
3781 look internally first, at each department, and see what we could do to improve the process without changing
3782 (unintelligible). So, that's my first marching order, to do that. We would love to have your input of which ones
3783 you feel are the most important in the process. Which one of the cases do you feel to you and your citizens that
3784 are most important? Some of you in your districts have 10, 12, 13 cases at some times. And it very difficult to
3785 spread yourself so thin. You obviously have to set priorities of the ones that are the most important to spend
3786 your time on, and what criteria do you use to do that. As I said, at this point the Board has not authorized us in
3787 any way to change the role of the Planning Commission. They have told us to intercede with looking into what
3788 can be improved in the department, in the administrative portion of the process, and that is what I am working
3789 very hard on.

3790 Mr. O'Kelly- And in the process to amend the ordinance would include the Planning Commission
3791 because you have to make a recommendation on any zoning ordinance change.

3792 Mr. Vanarsdall- And we are going to start with these that we have on that front page?

3793 Mr. O'Kelly - Yes, Mr. Chairman, if I may.

3794 Ms. Harper- Excuse me, Dave. But I'm going to have to leave.

3795 Mr. Silber - Thanks Angela.

3796 Mr. O'Kelly - This is really your work session, Mr. Chairman. You and Ms. Dwyer, the Chairman
3797 and Vice-Chairman came to the staff early in March and requested to meet with the staff to see if there are ways
3798 we that we can improve and expedite our monthly meeting, including both Rezoning and the POD/Subdivisions.
3799 And, I apologize, Mr. Chairman, for not having an agenda for you but usually for work sessions, at least the ones
3800 I'm involved in, I try to have an agenda. I just didn't have time to prepare one but I did send out some
3801 information in your packets on April 21 to kind of outline some of the things that the staff, in our previous
3802 meeting early in March, and hopefully we can use that as an outline for this discussion. If you just want to take a
3803 moment and brief the Commission on things that you would like to say. I think that might be a good way to start
3804 this work session.

3805 Mr. Archer - I heard somewhere that perhaps one of the reasons why we haven't considered a
3806 consent agenda is just the name itself. Some people don't like the word consent agenda. Even though I think we
3807 all may be in agreement that things that don't really merit discussion can be done quickly. There's another thing,
3808 Ms. Dwyer, don't forget to bring this up, having to do with things that we don't have enough technical expertise
3809 in. I don't even know if we have anybody on staff that has. This is Elizabeth's idea. Elizabeth, I apologize but
3810 you can expand on it. For example, when we do tower cases, and we are seeing a whole lot of them now, we ask
3811 questions and, generally, the questions are always answered by the applicant because we don't really have
3812 anybody that knows. If we had somebody trained a little bit better in all the technical aspects of these towers,
3813 we could perhaps get some of those questions answered prior to coming to the meeting.

3814 Mr. Vanarsdall - Can I ask a question? What would a technical question be that we would need to know to make
3815 a decision on where you locate something that big and tall?

3816 Mr. Archer - Well, that would be one. You know we asked them to provide us with some kind of
3817 proof that at tower is needed in a particular location. Usually, they will come in with a letter that says because
3818 this one over here is not tall enough we need one over there. We will just have to rely on what they tell us, not
3819 that they are not telling us the truth, but if they weren't we wouldn't really know and the only way that we can
3820 hash that out is to do it at the meeting. And if we had somebody who was a little more well versed in grid
3821 patterns and that kind of technical stuff, we could know better.

3822 Mr. Silber - Well, let me share with you where we are with that. The County a couple of months
3823 ago played around with the idea of hiring a consultant and we have been given the okay now to enter into a
3824 contract for a consultant to basically serve two functions. One is to be our sort of expert on application for
3825 communication towers. When an application is filed, he can consult us where there are situations of
3826 questionable land use implications. So, the first part of it would be reviewing or assisting staff, Commission and
3827 Board on tower locations. The second part of it would be to help us in a long range planning component of
3828 location of towers. Maybe come up with County properties that would be good sites for towers. Anyway,
3829 looking at the more long range aspects of towers.

3830 Now, how exactly this guy will be able to help us, because he is not local, I'm not sure. We will have to work
3831 through this to see exactly how he will... I don't think he can be at the Planning Commission meetings....

3832 Mrs. Wade - We have somebody, is that what you are saying?

3833 Mr. Silber - We have somebody that we have been given the okay to enter into a contract with, yes.

3834 Mr. Vanarsdall- Where will he be housed?

3835 Mr. Silber - I think he's out of New Jersey. I think he has a local contact.

3836 Mr. Merrithew - A lot of this is done... He can make judgement base simply on the latitude/longitude location
3837 and knowing elevations and stuff like that.

3838 Mr. Silber - He will send us information.

3839 Mr. Zehler - See, the biggest problem we have right now is that we don't have anybody that we can
3840 rely on. When an applicant comes in and wants a 160-foot tower. Somebody ought to be able to review that and
3841 say why don't you do 190 and put four co-users on it. We don't know this until we come around and they are
3842 applying for a tower beside a tower saying they are going to put 30 more feet on this tower, then they could have
3843 done four more (unintelligible).

3844 Mr. Silber- Or why don't you take your facility and put it on another tower, it will still meet your
3845 need.

3846 Mr. Zehler - That's why we need somebody with the expertise in that field that can say to us now
3847 you can do the same thing with a 30-foot tower and eliminate so many sites and pinpoint areas that we just don't
3848 have.

3849 Mr. Silber- That's how we are hoping to use this person.

3850 Mr. Zehler - And we are learning our mistakes right now because we are getting towers beside
3851 towers.

3852 Ms. Dwyer - Is this person on board now where we can call on him?

3853 Mr. Silber - I don't think we have entered into a contract with him yet, but in the coming weeks,
3854 Elizabeth, we hope to have him.

3855 Ms. Dwyer- We will probably need somebody for the Tuckahoe Little League tower.

3856 Mr. Zehler - The problem we've got, Randy, is that we are getting a flood of them right now.
3857 There's going to come a point in time that they are going to have what they need and (unintelligible). But once
3858 we have done what we've done, you can't take it back.

3859 Mr. Silber - I agree. There's no doubt that. But, our understanding is that there is no indication of
3860 any letting up of these towers. We think that they are going to continue to come in.

3861 Mr. O'Kelly - Now, what they are getting into is mobile towers. They will put it on a site for a
3862 couple of years over here and then move it over there. We are going to be seeing those too. Also, Randy, I just
3863 wonder. We have experts in General Services on communication, I wonder if staff could work more closely with
3864 those folks or maybe invite those folks to one of our Planning Commission hearings where we have a tower case.
3865 I think we have engineers already on board that should be familiar enough with the technology to answer any
3866 reasonable question.

3867 Mr. Silber - We have looked into that, Dave, and the indication from General Services is “no” they
3868 don’t have the technical expertise necessary to evaluate the location of these. That’s why we had to go outside.
3869 We did look into that.

3870 Mr. Zehler - Let me give you a good example. We have one on Old Crow Lane which is off of
3871 Charles City Road, which is close to I-295. Okay. Now, that is sitting on hold right now. I understand that they
3872 hire, it’s not the FAA, but they hire a company with expertise in the FAA. I understand it takes the FAA six
3873 months in order to get a firm answer written in hand letter from those people. So, what they are doing is hiring
3874 this company that’s a FAA company or something. And, they are basically telling them... and 99.9 percent of
3875 the time what they are telling them is true. Sprint applied on Old Crow Lane and they are saying that the FAA is
3876 saying that the maximum they can go there is 65 feet. Well, I’ve got Gloria Freye coming to me now who wants
3877 to go on the other side of the street and do a 110-foot tower. And, I’m saying now wait a minute. If it didn’t
3878 work over there how is it going to work over here? There report is not right and now it’s.... I don’t know.

3879 Mr. Silber - Right. And that’s where this expert will come in.

3880 Mr. Archer - What about if we toy with the idea of, or maybe there is something that exists, a
3881 school or a seminar that a staff person could extend and gain some expertise without having an outside
3882 consultant or maybe just use the outside consultant when there is something really heavy?

3883 Mr. Silber - I think, Mr. Archer, if it were that simple, we could send someone to school to learn
3884 this, I think we would do that. I think it’s much more complicated than.....

3885 Mr. Archer - So, you have looked at it and it’s not....

3886 Mr. Merrithew - We have sent people to seminars and conferences on the subject. We know we have a couple
3887 of people who are in the office who are at least very familiar with it but they are just not reaching the right stage
3888 instead of being engineers.

3889 Mr. Archer - I’ve known of a couple of cases where there was a tower that was needed, or they said
3890 it was needed, and the staff presented a question as to why can’t you co-locate on another tower, and they always
3891 came back with an answer. So, it seems to me like we open up to them, tell us what we need to hear, and then
3892 they tell us what we need to hear and then we go forward. And, we don’t have any expertise to refute what they
3893 said.

3894 Mr. Zehler - Or to say wait a minute. You guys aren’t telling it like it is. You can do this and this
3895 by accomplishing this and this and there is nobody ready to dispute them because we don’t have the knowledge.

3896 Mr. Silber - We just have to trust them.

3897 Mrs. Wade - Right. I wondered about (unintelligible) the other day when they had the colored
3898 diagram of....

3899 Mr. Zehler - It’s called a grid map. They have a grid map, they sit down and give their cover area.

3900 Mr. Silber - This is much more detailed than what we had. The frequency, the capacity or
3901 something, all in a color scheme that will show areas where they would have capacity problems and where
3902 signals would be strong. And you can see where things would fade and where you needed these obvious tower

3903 locations. But, there, again, we are relying on their information that they have prepared, their colors, their
3904 model, their information they plugged into this. Whereas, if we had a consultant on board who can look at this
3905 and run his own model and determine whether this is accurate then that's what we really thought we need. So, if
3906 you can bear with us, within the coming weeks this should be helpful. I wish I could tell you exactly how he is
3907 going to be used. I don't know how it's going to happen. I think we will get more help, Mr. Archer, Mr. Zehler,
3908 with this.

3909 Mr. Zehler - Well, I've got one coming up next month that I'll need some help with.

3910 Mr. Silber - Maybe you can tell us which ones you really need some help on. You have one and
3911 Elizabeth has one. We can give those locations to this guy right-a-way and have him start to do his work on
3912 them.

3913 Mr. Zehler - What I'm hearing is one is playing against the other in this situation. Sprint requested
3914 a 60-day deferral. Why? I don't know because they have already got the letter. Why haven't they withdrawn?
3915 And then another company comes right across the street and makes an application... Why can't they co-locate
3916 on one tower and work... You know it's a competition among each business.

3917 Mr. Vanarsdall - I don't think they want to, Dave, do you?

3918 Mr. Zehler - The company AAT is in the business for erecting towers and leasing spaces. They are
3919 the people I trust the most in the whole business. I have a lot of confidence in those people.

3920 Mr. Silber - Sprint has told us that ATT simply erects the tower, not keeping in mind where the
3921 towers or signals are needed. They just go out and find a piece of property and erect the tower and once the
3922 tower is there then the users will come. In some cases they can locate on the tower and in some cases they can't.
3923 And AAT is not going to these different providers and saying, you know, where do you guys need a location.
3924 So, I don't think that coordination is quite there yet. I don't know the answer to your question about those two
3925 at Old Crow.

3926 Mr. Zehler - I understand sprint is using theirs for negotiating power.

3927 Mr. Silber - They may be.

3928 Mr. Zehler - I mean, they will get a tower and say I've got this, what have you got? And, it's not,
3929 hey guys come on and we will share it with you. It's more like what have you got to give me before I let you on
3930 my tower.

3931 Mr. Merrithew - You shouldn't trade one tower spot for another tower spot.

3932 Mr. Zehler - Right. If you haven't got a tower spot, you don't have a locator.

3933 Mr. Archer - That's not quite the way they represented it to us. At the last meeting I had with them
3934 it was as soon as we determine that we are going to erect a tower, we immediately send a letter to all of our
3935 competitors and offer them space. Now, that sounds noble, if that's what they are doing.

3936 Mr. Silber - But they have to meet their criteria. Where on the pole and....

3937 Mr. Archer - That's right. We get first dibs and everything else we can sell.

3938 Mr. Silber - Well, if you can give us some time to work on this....

3939 Mr. O'Kelly - It sounds like another work session.

3940 Mrs. Wade - Now, back to the consent agenda. I was reading though some old minutes here about
3941 what happened to it before.

3942 Mr. O'Kelly - It was tabled as best I can determine and the Commission never did re-evaluate it.

3943 Mrs. Wade - Because we were going with it and then it got, as it sometimes happen, it got sort of
3944 cut off.

3945 Mr. O'Kelly - We will be happy to explore this if the Commission thinks it will be beneficial, the
3946 consent agenda, or we can call it something else.

3947 Mr. Vanarsdall - People at the conference called it - everybody has a different word.

3948 Ms. Dwyer - Uncontested is a good word.

3949 Mr. Zehler - Undisputed, undisputed cases.

3950 Mr. Vanarsdall - And they get cases that are unbelievable.

3951 Mr. Zehler - I can understand and appreciate where that guy was coming from this morning. Just
3952 think about it. It was 1:00 o'clock, and he said I was to be heard at 10:30 a.m. because I'm on the 10:30 a.m.
3953 agenda and it's 1:00 o'clock. That's two and a half hours. I can understand somebody getting upset.

3954 Mrs. Wade - It happens almost every time.

3955 Mr. Vanarsdall - Now, Dave, keep in mind that although we are appointed, keep in mind that even if we stayed
3956 until mid-night or 5:00 o'clock, it's it fair to people like that man, no.

3957 Mr. Zehler - That's what I'm saying. It doesn't matter how long we stay. But, it's not fair for this
3958 gentleman to pick up an agenda and say you are on the 10:30 a.m. docket and we don't hear his case until 1:00
3959 o'clock.

3960 Ms. Dwyer - That's how the courts are. But we are concerned about that and that's why we are
3961 here.

3962 Mrs. Wade - We would do better if we would take the risks perhaps of getting through early
3963 occasionally. Because before we had a five or ten minute stall between the next time period on the agenda and
3964 we don't want to sit around and not do anything but we could run into that risk if we tried that.

3965 Mr. Vanarsdall - Dave, what do we have to do to get this going?

3966 Mr. O'Kelly - On the consent agenda? Just give us an opportunity to evaluate some alternatives and

3967 bring them back to you to look at them and see what you feel comfortable with. I think it would be a big selling
3968 point for the development community. I think we will see a lot more cases resolved quickly, when they don't
3969 have to sit around at the meeting all day.

3970 Mr. Vanarsdall - I had two today that I didn't need to hear from the applicant and didn't have any questions or
3971 problems with.

3972 Mr. Zehler - I had four. You could have called them right-a-way, and if they ever become disputed
3973 then you can put them somewhere else.

3974 Mr. Silber - Did any of these have any opposition?

3975 Mr. Vanarsdall - No.

3976 Mr. Zehler - No.

3977 Mr. Merrithew - How much of out of room time did you guys have with these applicants on the PODs?

3978 Mr. Zehler- I have a whole lot. Mine is done before this.

3979 Mr. Merrithew - So, you have to contact, or somebody would have to have contact from you before the meeting
3980 so we would know which of your cases is more likely going to be undisputed.

3981 Mr. Silber - Right. I think that's a good point. I think probably, for example, the Friday afternoon
3982 before the Tuesday POD meeting, the Commission and staff will have to talk and say okay, here are the cases
3983 that I would like to put on the consent agenda. That agenda would be prepared. It would either be a separate
3984 agenda or a separate piece of paper and it would be presented Tuesday as the consent agenda. I would
3985 recommend that they all be called individually still.

3986 Mr. Vanarsdall - But, he will still have to ask if there is any opposition?

3987 Mr. Silber - Well, if there is opposition then you can pull the case off of the consent agenda and put
3988 it on the regular agenda.

3989 Mr. O'Kelly - It can be handled the same as the deferrals and withdrawals.

3990 Mr. Zehler- What's going to happen is you are going to have some cases that you think are going
3991 to be easy cases, and then he says is there any opposition and four people stand up. We don't know they are
3992 coming until the day of the meeting. So then fine. You flip them back and put them into the regular agenda.
3993 And we would probably cut our time in half.

3994 Mr. Vanarsdall - I think we should start that.

3995 Mr. O'Kelly - Well, suppose we have a staff person from my division work with the staff person
3996 from John's division since we will be talking about both rezoning and POD meetings, to come up with a couple
3997 of alternatives for the Commission to consider under the consent agenda scenario and make a presentation as
3998 quickly as possible.

3999 Ms. Dwyer - Is this something we might want to try with PODs first? I think we have more
4000 uncontested kinds of cases at POD meetings than rezoning.

4001 Mr. Silber - That sounds like a good idea. It's more than likely we will have them with the PODs.

4002 Ms. Dwyer- And the rezoning people should be involved in the planning though because if it is
4003 expanded.... You didn't get out of it, John.

4004

4005 Mr. Silber - Right. At any given zoning night, you all may only have one or two zoning cases that
4006 are clarified, maybe three.

4007 Mr. Merrithew - It would entail probably eliminating your timed agenda and we couldn't have an eight o'clock
4008 agenda if we are going to try and move everybody out.

4009 Mr. Silber - You would have two consent agenda. You would have a seven o'clock consent agenda
4010 and the an eight o'clock.

4011 Ms. Dwyer - Why wouldn't you have all the uncontested cases at the beginning?

4012 Mr. Silber - Why wouldn't you?

4013 Ms. Dwyer - Yes.

4014 Mr. Silber - Well, we have to advertise these at a certain time.

4015 Mr. Zehler - But, in the same essence, Randy, you could call.... I know my cases, he knows his
4016 cases, you could call me and say, "Dave, what have you got that you think is going to be disputed? Well, I've
4017 got these two that are and these two that aren't." Then you can put them in a category, and when they come up
4018 you can hear the undisputed case right away and get those behind you, like she just said. And, if it becomes
4019 disputed, then fine, you go back to the normal agenda and they fall in the order that they fall in.

4020 Mr. Silber - I understand that. But if one is being advertised for the eight o'clock agenda and at
4021 seven o'clock everybody agrees it's okay you can't hear that case or act on that case until eight o'clock. It's
4022 advertised at three weeks before the meeting.

4023 Mr. Zehler - Well, why do you have to have two agendas? Why don't you just the a seven o'clock
4024 agenda?

4025 Mr. Silber - Well, I think simple because it requires everyone to be there that early.

4026 Mr. O'Kelly - This morning it could have been at nine o'clock and he would have still been sitting
4027 there.

4028 Mr. Vanarsdall - The Board of Supervisors don't have a seven or eight o'clock agenda. They just come and sit.

4029 Mr. Zehler - If you do the consent agenda, what you are doing, you are probably taking 50 percent

4030 of your case loads and getting rid of them right away.

4031 Mr. Silber - I would like to think it would be 50 percent but I don't think that's the case.

4032 Ms. Dwyer - Not for zoning.

4033 Mr. O'Kelly - Let us evaluate that and come back to you.

4034 Mr. Vanarsdall - Yes. Why don't you all work on it and come back.

4035 Mr. Zehler - I'll tell you another thing you need to do that I'm having a problem with. I get my
4036 packet late Wednesday night on PODs and subdivisions. That gives me Thursday, Friday and Monday. Well,
4037 when I've got seven or eight cases, I'm not having enough time to get with the lawyer, the engineer and the
4038 applicant. It's not just giving me enough time.

4039 Mr. Silber - We need to talk about that. We have talked about some options with that.

4040 Mr. O'Kelly - Well, back in the old days.

4041 Mr. Vanarsdall - Oh, God.

4042 Mr. O'Kelly- You used to get your agendas on the Friday before the meeting.

4043 Mr. Zehler - What it does is cause a lot of deferrals, because if I can't get to talk to the people,
4044 rather than argue it, like today, that one with Microtel. I just deferred it because the guy never called me. I
4045 mean, I'm not going to sit there and waste everybody's time disputing when I haven't had an opportunity to talk
4046 to him.

4047 Mrs. Wade - I notice in these minutes I mentioned the problem that we have, of course, the citizens
4048 don't get their PODs until, what, five days or something.

4049 Ms. Dwyer - Do you mean the notices?

4050 Mrs. Wade - Yes.

4051 Mr. O'Kelly - Eight days is the legal requirement which we try to send them out nine days at least
4052 just in case something goes wrong.

4053 Mrs. Wade - Sometimes it's two or three days, even locally, before they get the mail.

4054 Mr. Silber - Mrs. Wade, do you think one more day would help or do you think a week earlier?

4055 Mr. Zehler - Randy, how long does the engineer and lawyer have to submit their cases? And how
4056 long do you all review them before we get them?
4057

4058 Ms. Dwyer - Yes. Because I get calls on cases and I don't even know what they are talking about.
4059

4060 Mr. Zehler - Me too.

4061
4062 Mr. O'Kelly- Let me make a suggestion there. We put together the preliminary agenda early in the
4063 process and it takes a lot of effort on the staff's part but I think it might work better then extending the time for
4064 getting your final packets out. Suppose we start requiring the engineers to have scale reductions of the plans and
4065 send your cases out with the preliminary agenda, the individual cases, with the half size reduced plans to each
4066 Commission members, four weeks prior to your meeting.
4067
4068 Mr. Silber - Now, that's okay, but that's not going to be an annotated plan.
4069
4070 Mr. O'Kelly - This will make sure you have a plan in hand so that when you get a phone call you can
4071 look at it and relate to it.
4072
4073 Mr. Vanarsdall - You are getting ready to put in something that you are going to wish that you had never though
4074 of.
4075
4076 Mrs. Wade - Yes. I've been spending more time at the Planning Office.
4077
4078 Mr. Zehler - The problem I have is that I'll be working on my zoning cases and then it will be a
4079 POD coming in at the end of the month and I don't know anything about it. And all I can tell them is that I don't
4080 have my packet yet, I haven't gotten my staff report and I can't make a fair decision until I get it. And when I
4081 get it, give me your name and phone number, and I will call you back.
4082
4083 Mr. Vanarsdall - Another thing you can do. You can say "whose handling it over there in the department" and
4084 they say "yes, Ted McGarry" and I say okay. I'll call Ted and get back with you. I've done that many times.
4085
4086 Mrs. Wade - Yes. On the preliminary agenda it has the staff person handling the case.
4087
4088 Mr. Vanarsdall - And if they don't know, ask John or David they should know.
4089
4090
4091 Mr. O'Kelly- I'll have to go back and review the minutes on how to get the packets out early.
4092
4093 Mr. Vanarsdall - Now, wait a minute. Let me dwell on what David said. When you say the packets are going
4094 out Wednesday, what time Wednesday do you get it?
4095 Mr. Zehler - When I get home that night.
4096
4097 Mr. Vanarsdall - I used to get mine at three o'clock in the afternoon and I asked them to get it to me earlier and
4098 now I get it by eleven o'clock now. But, if you get something at night, you can't count that day because that day
4099 is gone.
4100
4101 Mr. O'Kelly - Well, that's no problem there, Mr. Zehler. We can take it to your office.
4102
4103 Mr. Zehler - Just an extra day would be fine. Like I said, I get mine Wednesday night and that
4104 gives me Thursday, Friday and Monday, I've got three days.
4105
4106 Mr. Silber - The gentleman who puts that together is hustling, really hustling to get it done.
4107

4108 Mr. Zehler - The four cases I had today, three of them were out of, two of them were out of Virginia
4109 Beach and one was out of Lynchburg.
4110
4111 Mr. O'Kelly - Diana knows what kind of effort is put into it so that it's done.
4112
4113 Mr. Silber - When it goes out with the inspectors Diana is usually pulling her hair out, just to make
4114 sure it is done right.
4115
4116 Mr. Zehler - Rezoning, I have no problem with. I always have plenty of time with rezoning, it's
4117 just the PODs and subdivisions.
4118
4119 Mr. Silber - It's a totally different process.
4120
4121 Mr. O'Kelly - And we have twice as many cases.
4122
4123 Mrs. Wade - We didn't used to get the zoning that far ahead until more recently.
4124
4125 Mr. Archer - Let me ask the question, while we are talking about PODs. Do you think it's better to
4126 have, if we had to schedule according to the, I guess, the toughness of the cases, would it be best to have, once
4127 we move off of the consent agenda, if we ever get on one, would it be best to have the tough cases first and move
4128 them out of the way or save them until later into the agenda?
4129
4130 Mr. Zehler - It would be easier first if we pass them back around to the bottom as they come and
4131 then here your toughest ones.
4132
4133 Mr. Archer - I guess I say that because we will always generally have one case, sometimes two, at
4134 each meeting. And you look out there and you see this big sea of people and you know they are there for one or
4135 the other. Generally, we know before hand that those cases are going to be tough and will involve a lot of
4136 discussion. So, do we make everybody stay until those cases are over, or do we get rid of that one?
4137
4138 Mr. Zehler - I'd rather get rid of the easy ones first.
4139
4140 Mr. Silber - That's a tough question. I think it depends.
4141
4142 Ms. Dwyer - Sometimes you want to get those people out of there so that you can do the rest.
4143
4144 Mrs. Wade - Yes, because I've been tempted to say can we move this up.
4145
4146 Mr. Archer - I don't know the answer. I was just asking around.
4147
4148 Mr. Merrithew - You have an opportunity to do it on a case by case basis. You can ask to have it moved up,
4149 right?
4150
4151 Mr. Silber - As long as it is within the same time period.
4152
4153 Ms. Dwyer - I don't like moving cases out of there agenda order because when I've got my little
4154 Tuckahoe guy sitting out there for three and a half hours and he'll say I've been sitting here, how come this guy

4155 come ahead of me. It gives a perception of being unfair.
4156
4157 Mr. Vanarsdall - That's never been a problem for us.
4158
4159 Ms. Dwyer - We don't do it very often, but I would hate to start that.
4160
4161 Mr. O'Kelly - A lot of thought goes into, by staff, in setting up the agendas. We try to group
4162 engineers together, put all their cases together so they don't have to wait around.
4163
4164 Mr. Vanarsdall - I want to ask you about that. I think I asked Randy one time. Is it helpful to your department,
4165 if like, you took all of Leslie News cases one behind the other and all of Jim Strauss cases and....
4166
4167 Mr. O'Kelly - They have a hand in deciding where they want to be on the agenda. Like I said, a lot
4168 of thought goes into it. I leave the personal choices up to them.
4169
4170 Mr. Vanarsdall - I remember one time Jim Lehmann had about two or three cases in a row and then he had the
4171 last one on the agenda, like No. 33.
4172
4173 Mr. O'Kelly - That was probably something added at the last minute.
4174
4175 Mr. Vanarsdall - So, he had to go wherever he went and come back again and.... I'm just throwing that out. It
4176 doesn't matter to us.
4177
4178 Mr. Silber - That's a good point. Those are all things we try to keep in mind when the agenda is
4179 put together.
4180
4181 Mr. O'Kelly - The deferred cases, on the split agenda situation, when a case is deferred, today's
4182 cases for example, we have to do letters to the applicant almost right a way. And, generally, we don't know
4183 what kind of an agenda we are going to have the following month, so we set all of the deferred cases on the nine
4184 o'clock portion of the agenda.
4185
4186 Mr. Zehler - They come up first?
4187
4188 Mr. O'Kelly - Yes, they come up first.
4189
4190 Mr. Vanarsdall - I've had people ask me if my case is deferred won't it come up first next time.
4191
4192 Mr. Zehler - Yes, that's fair. They've already been through the process and they ought to come
4193 first.
4194
4195 Ms. Dwyer - I think your way of setting up the agenda is good.
4196
4197 Mr. Vanarsdall - I don't have any problem with it either.
4198 Mr. Zehler - I always thought you did it in alphabetical order, that's why Varina was always last.
4199
4200 Mr. O'Kelly - No we don't have to do that. For the POD agendas we are not going to have a
4201 rotation of districts. We certainly could look at that.

4202 Mr. Archer - Obviously, there is no easy answer for all of these things we are talking about because
4203 I'm sure you all have thought and thought and thought on most of it. Another thing, I guess, we need to think
4204 about too, and we have to do this on a developer by developer basis. But, everybody has a method by which they
4205 present stuff to us. I don't know who they all are but I know there are some who like to come and drop stuff on
4206 your desk at the moment of presentation and that takes a lot of time. I don't know, maybe I'm more ignorant
4207 about it then you all are, but half the time I can't understand five or six pages of engineering data that gets
4208 dropped in front of me and I've got to make a decision on it right away. Maybe we need to come up with a hard
4209 and fast rule about when we are to accept new data that comes in.

4210 Mr. Zehler - That's why you have a 30-day deferral.

4211 Mr. Archer- But that just prolongs it though.

4212 Mr. Zehler - You do it a couple of times, it's like a child. You smack his hands a couple of times
4213 and he will catch on real quick.

4214 Ms. Dwyer - That's part of our discussion list. Item No. 4, is late plans and Item No. 3 is
4215 reevaluating waving time limits for proffers. In zoning cases it's a lot worse. For what I understand, lots of
4216 other jurisdictions don't allow late proffers to be submitted. Not only do we allow late proffers, we let them
4217 drop them on our desks the night of the meeting. This is really a pet peeve of mine. I think we should never
4218 allow that.

4219 Mr. Zehler - I said that from day one when I came here.

4220 Ms. Dwyer - I think that really prolongs the meeting. It not only prolongs our meetings, but it forces
4221 us to make decisions on information that we possibly can't evaluate. And I think, and I've been thinking about
4222 this for a while, and I'm wondering if that changes the way people do business in Henrico. I think it's becoming
4223 a tactic. We know we can meet the filing deadline, for next month, our case is not ready but we will file it
4224 anyway just to get on the agenda and then we will worry about working out the details with staff and the
4225 Commission and put the time pressure on staff and put the pressure on the Commission.

4226 Mr. Merrithew - They can circumvent that altogether.

4227 Ms. Dwyer- Exactly. You know, I think we really defeat ourselves by doing this.

4228 Mr. Zehler - What does the Commission's rules say on that?

4229 Mr. Silber- It's 48 hours on proffers.

4230 Mr. Vanarsdall - I'll tell you one thing we can do, and she did it. I remember it was a couple of years
4231 ago, it may have been last year, somebody wouldn't accept the time limit on a proffer. I almost crocked. It
4232 shocked me. I've never heard of anybody doing that.

4233 Ms. Dwyer- In the process of negotiating with them you don't want to discourage that. But, I just
4234 think we need to make a decision as a Commission, what is the last time to accept a new proffer and stick to it.

4235 Mr. Zehler - Forty-eight hours.

4236 Mrs. Wade - Yes. Because I've been hearing this for I don't know how many years.

4237 Mr. Zehler - That's right. We need to do it and stand by it.

4238 Mr. O'Kelly - We have to be consistent. Sometimes you make an exception and you know you are
4239 falling off the wagon.

4240 Mr. Zehler - There are no exceptions, 48 hours.

4241 Mrs. Wade - Sometimes it's just a matter of just changing from 10 feet to 15 feet or something.

4242 Mr. Archer- We don't know this because we don't all get an opportunity to go to everybody's
4243 meeting. But, I always wondered if developers and applicants don't have a hat that they put on depending on
4244 where they are.

4245 Mr. Vanarsdall- I think so.

4246 Mr. Archer - They do a certain thing a certain way in Henrico, certain thing in Richmond, a certain
4247 thing in Hanover, Chesterfield, depending on where they are and what they can get away with.

4248 Mr. Zehler - It's a game they play and it depends on whose house they are in.

4249 Ms. Dwyer - But it puts the pressure on us and it puts the pressure on staff and it cause us to spend
4250 more time on cases because they can file them when they are not ready.

4251 Mrs. Wade- I know the Board takes proffered amendments up until when, not after the hearing
4252 starts, but when?

4253 Mr. Silber - After the case is called, they cannot accept a change of proffer. They can take it all
4254 the way up until that point.

4255 Mr. Merrithew- Unless the Board itself wants to change a proffer or something and the applicant is agreeable to
4256 doing it.

4257 Mr. Zehler - It will be difficult to start with and I think if we sent letters out to the engineers and
4258 lawyers and let them know that the Commission is tired, we have had enough, and it is forcing us to make
4259 decisions we don't want to make and that we are going to add effective such and such date and give them a
4260 reasonable time.

4261 Mr. Silber - I think we will have to do a letter to them.

4262 Ms. Dwyer - We can talk about it in our meetings too. We can say, for instance, "As of July 1, this
4263 is our new resolve."

4264 Mr. Zehler- Yes. He can announce that.

4265 Mr. O'Kelly - Now, is a good time to consider this too with the caseload that the Commission is
4266 faced with. Your last agenda, and the one coming up in May, 17 cases. And, we have got another filing

4267 deadline this week.

4268 Mr. Silber - And some of these are not easy cases.

4269 Mr. Vanarsdall - I know it was not too long ago at one of our rezoning meetings, it looked like every case
4270 somebody was dropping something over our shoulders. And remember I said I've never had so much paper work
4271 in my life. It was just about every case that night, there was a change on it.

4272 Mr. Zehler - How can you read that paper and listen to the applicant and listen to the staff? You
4273 just can't digest all of that stuff at the same time.

4274 Mr. Merrithew - In that case, you are getting your staff reports two weeks in advance, basically, and we are
4275 holding anything that comes in after that until the night of the meeting to hand out to everybody. Obviously, the
4276 district Commissioner will get it earlier, and you all may get it earlier once in a while.

4277 Ms. Dwyer - You were saying, Chesterfield apparently doesn't take any of them after the staff
4278 report.

4279 Mr. Merrithew - But the last sentence, they will write a revised staff report and hand it in at the meeting or give
4280 it out the day before the meeting with the new proffers.

4281 Mr. O'Kelly - But, they don't accept anything after the public hearing. I mean they may do a late
4282 staff report but after....

4283 Mr. Merrithew- They said they won't accept proffers after the staff report goes out. But, if they are working on
4284 issues saying get proffers then they will revise the staff report and send it forward the day before the hearing.
4285 So, they are not really slamming the door on anybody. It's just that the staff will have to do a little more work
4286 by writing the reports.

4287 Mr. Vanarsdall - Somewhere somebody in here wrote "They must have more time than you all do."

4288 Mr. O'Kelly- Yes. John wrote that.

4289 Mr. Vanarsdall - I thought that sounded like John.

4290 Mr. Merrithew - This was not intended to go into this format. They sent the note before I had a chance to
4291 rewrite it.

4292 Mr. Silber - This was supposed to be an internal publication.

4293 Mr. Merrithew - These were just my notes off the phone.

4294 Mrs. Wade - Chesterfield has this special meeting every few months to discuss work programs and
4295 everything. Which I guess is their work session, which is a separate meeting, which in some ways I, that
4296 interferes often with our schedule when we try to combine hearings and work sessions.

4297 Mr. Silber- So, what I hear you saying, is that you would like to see if we can stick to the 48-hour
4298 requirement for submission of proffers. If you would like we can prepare a letter to go out in the coming weeks

4299 that says maybe by, pick a date, say July 1.

4300 Mr. Zehler - Like Elizabeth said, now, we've got to hold hands on this and everybody stick by it.

4301 Mr. Silber - Yes. I think it needs to be something, maybe there can be an exception to it, but by
4302 golly....

4303 Mr. Zehler - No exceptions.

4304 Mr. Silber - No exceptions?

4305 Mrs. Wade - But if you do get additional proffers though you will have to get them to us before 48
4306 hours. Now, some of them are good about sending them but not everybody. But he just said sometimes if you
4307 get them after the staff report which could be 10 days ahead there could be new proffers.

4308 Mr. Merrithew - Yes. We could have the proffers in hand a week before and only send them out to the district
4309 Commissioner.

4310 Mr. Silber- Maybe what we need to do is send, made to fax it because it may be 48 hours before
4311 the meeting we get a couple of more new proffers.

4312 Mrs. Wade- You'd have to get me a fax machine. Everybody else has a fax machine.

4313 Mr. Vanarsdall - And the thing about it is you all already have your rules and regulations, it's just not enforced.

4314 Mr. Zehler - Right. You are exactly right.

4315 Mr. O'Kelly - It's the same thing at the POD meetings. They are submitting late plans that are
4316 supposed to be to the staff by four o'clock on the Friday preceding our meeting, unless you waive the time limit.

4317 Mr. Zehler - I think we ought to consider enforcing that too. How many sets of plans were thrown
4318 over our shoulders today?

4319 Mrs. Wade- We didn't get to many today.

4320 Ms. Dwyer - About three or four.

4321 Mr. Archer - Not as many as in the zoning cases.

4322 Ms. Dwyer- But usually they are not that complex. It's usually a picture or removing the BMP or
4323 whatever. It's not like six paragraphs of writing that you have to analyze.

4324 Mr. O'Kelly- Well, I would say you have that opportunity. That if you don't want to look at
4325 something late, and certainly if it wasn't submitted under your rules and regulations by four o'clock on Friday,
4326 then you have the right to consider deferring it. If you don't want to make it mandatory then we certainly can
4327 work with the Commission on the way the process is going right now.

4328 Mr. Merrithew - Is there any way a late submittal could be accepted only if the applicant agrees that a deferral

4329 doesn't cut into the time the Commission has to review them, on waving their time requirement?

4330 Mr. Silber - That may take some changes to the....

4331 Mr. Merrithew - Is that a Code change?

4332 Mr. Silber - I don't know, John, I will have to check. I don't know if it is a rules or regulation
4333 change or what. I know what you are saying.

4334 Mrs. Wade - Okay. So, we are going to have the time limit for zoning cases, which will be how far
4335 ahead now?

4336 Mr. Merrithew - Forty-eight hours.

4337 Ms. Dwyer- So, really, we don't have to change any of our rules, we just have to....

4338 Mr. Zehler - Just start enforcing what we've got.

4339 Mrs. Wade- Now for PODs and subdivisions, we can.....

4340 Mr. O'Kelly - I think you can continue to keep that on a case by case basis.

4341 Mr. Silber - The letter will also address that.

4342 Mr. O'Kelly - Yes. That's a good idea. At least remind people that these are the Commission's rules
4343 and regulations.

4344 Mr. Merrithew - And put that under Mr. Archer's signature.

4345 Mrs. Wade - Well, don't you think we ought to wait until we get more information on the consent
4346 agenda?

4347 Mr. Silber - Well, it's up to you.

4348 Ms. Dwyer - Do you all agree that PODs are not as much of a problem as zoning? I hate to be so
4349 strict on the PODs but for one thing, as you said, we don't get our packets probably effectively until Thursday.
4350 So, when we are discussing things... A lot of times I don't get these people until Monday anyway.

4351 Mr. Zehler - Most of your PODs are just annotations on the plans anyhow. It's not like a proffer
4352 change. So, you can agree to it and change the annotation on the plan yourself.

4353 Mr. Vanarsdall - Or you just might want to add one condition and that's all.

4354 Mr. Zehler - That's right. But, when it comes to a rezoning case for a proffer then I think you ought
4355 to....

4356 Ms. Dwyer - And they can change one word in the proffer and it would change the whole thing.

4357 Mr. O'Kelly - Again, I agree with you. I think you should leave the PODs on a case by case basis. I
4358 think Randy's idea is a good one to at least put the development community on notice that the Commission's
4359 rules and regulations do include this information, and at any time they decide that they want to not hear a case
4360 because of a late plan then they have that prerogative.

4361 Mr. Archer - Well, perhaps we ought to consider, a letter is a good way to do it, but perhaps we
4362 ought to consider having a work session of sort with the development community. Have a meeting and tell them
4363 the things that we are going to express in the letter. Then if they have questions they can express them right
4364 then. They won't have to mumble under their breath after they get it.

4365 Ms. Dwyer - We could say it in open meeting, couldn't we?

4366 Mr. Archer - Yes. We can devote some time to it. Have the developers come early, or whatever, at
4367 a certain meeting and go over these or restate the rules.

4368 Mr. O'Kelly - I think we'd be there all day long, Mr. Chairman.

4369 Mr. Archer - We could set a time limit. But we will run the meeting though.

4370 Mr. Zehler- I think a letter on Chris's letterhead as the Chairman of the Commission, that we had a
4371 meeting based on our case load being as heavy as it is and the time that we are spending now, and that we do
4372 have rules and regulations and effective such and such date we are going to start enforcing them. And as of that
4373 date, under no circumstances, does anybody get any leas way. If we all hold hands and enforce it, then I think
4374 we will see a big change. It will make our time go by faster too.

4375 Mr. Silber - And that will speed up the meeting. When you don't have to get those proffers and sit
4376 there and read them and start to ask questions, that will be a real time saver.

4377 Mr. Zehler - Then you have to explain to the public what a proffer is, the proffer change, half of
4378 them don't know. Yes, it's going to change a lot of time.

4379 Ms. Dwyer - Or, they will say I haven't seen that.

4380 Mr. Merrithew - Chris, why don't you have a meeting with Jay Weinberg and that would take care of 90%.

4381 Ms. Dwyer - What about the second bullet, Imposing Time Limits for PODs? I assume you mean
4382 public discussion or public participation time limits?

4383 Mr. Silber- I think we are talking about a 10-minute comment period. The rules and regulations
4384 don't address that at all.

4385 Ms. Dwyer - I think we ought to do that.

4386 Mr. O'Kelly - In that case we will need to amend the rules and regulations to include that time limit
4387 for both rezoning and PODs.

4388 Mr. Zehler - The only problem with that is somebody sits there two and a half hours and then you
4389 are going to limit them to what they can say and how long they can speak.

4390 Mr. Silber- Well, the Commission has the right to be able to relax that and let someone speak
4391 longer.

4392 Ms. Dwyer - I didn't think so when I was a citizen. But, the way it works, they always get more
4393 than ten minutes because they are asking and answering questions. And we have often allowed them to continue
4394 their discussion by asking them.

4395 Mr. Zehler - I think it's also up to the discretion of the Chairman. He has the right to let somebody
4396 continue to speak.

4397 Mr. Archer - I don't think anybody has ever not been able to speak. We always try to get a
4398 spokesman from each group.

4399 Mr. O'Kelly - Now, the next to the last one I believe we have not discussed. The Commission was
4400 wonderful today. I think No. 9 was only amended once or twice.

4401 Mr. Vanarsdall - Yes. Let's talk about that if you don't mind. Correct me if I'm wrong, but at one time wasn't
4402 No. 9 amended always on there and then we added No. 11 for the electrical.

4403 Mr. Archer - Nos. 9 and 11 was always on there.

4404 Mr. Vanarsdall- Okay. Then the Planners decided that we didn't need it in some cases and then we put it on
4405 there in case, well you knew who you were dealing with because you were afraid you might have something
4406 wrong. So, why do we use it as much as we do?

4407 Mr. Zehler - I used it today only because I was trying to prove a point over the applicant and I
4408 didn't want him to think that he was getting anything by on me. In fact, I used it twice.

4409 Mr. O'Kelly- I think that's fine. What we are trying to get away from is the staff making that
4410 recommendation, not the Commission. I'd rather leave it up to the Commission member at the meeting. You
4411 know what you are dealing with and if you want to make that decision, then it's no problem with the staff as far
4412 as we are concerned. Unless there is a proffered condition or zoning requirement that requires your review, then
4413 the staff would not be making that recommendation to you as a part of the agenda that the case come back to be
4414 heard at a later date.

4415 Ms. Dwyer - I tend to do it if there is public involvement. If there is a high level of public
4416 involvement who care what tree is planted on there then I will add it.

4417 Mr. O'Kelly- Like Mrs. Nuckols and her situation.

4418 Mr. Zehler- Like CVS today, I had a tradeoff with him on the four feet with additional plantings up
4419 front and I want to make sure I get them. Staff, when it comes in, might not know the agreement he and I made
4420 and don't see a copy of the minutes. So, if it comes in front of me I can go back and say well wait a minute we
4421 had an agreement. So, I want to keep his foot to the fire in that case.

4422 Mr. Vanarsdall - The one I had with Sonny Bertozzi, I didn't want him to stick it to the neighbors back over
4423 there. So, I had to make sure he plants what he said he would plant.

4424 Mrs. Wade - Sometimes on the zoning case you tell the people well you are going to have a POD
4425 and then at the POD you say the landscape plan is coming back and you get some more input.

4426 Mr. O'Kelly- The staff certainly doesn't object, Mrs. Wade. We just feel like, probably in most
4427 cases it would be a better decision for you to make individually.

4428 Mrs. Wade - I'm trying to avoid that as much as possible.

4429 Mr. O'Kelly- I just want to remind you too, that we are very fortunate to have two experienced,
4430 wonderful, landscape architects with 40 years of combined experience working for us now and I wouldn't trade
4431 them for anything. At some point in time, and this is a part of the staff's work program, we would like to bring
4432 back to you to reevaluate the Commission's policy on lighting. We want to update that and come back to you
4433 with some recommendations. My review research indicates that what was before the Commission in 1994 was
4434 only a draft policy anyway. We need something that we can hand out to folks and tell them this is Henrico
4435 County's standards, this is what the Planning Commission has voted on. I think they deserve to be able to have
4436 information on what is expected. So, at some point we want to bring that back to you and get some guidance and
4437 have you vote on it and get something official that we can hand out.

4438 Mrs. Wade - Yes. Because we always heard there was going to be a policy and then somehow we
4439 never got a policy and we keep referring to it.

4440 Mr. Zehler - There is something here that is being overlooked. I've had a couple of cases here
4441 recently on those canopies with service stations. If you say all buildings on the property will be architecturally
4442 the same, I'm going with one right now, where they are saying wait a minute that's not a building.

4443 Mr. O'Kelly - The problem we are having, Mr. Zehler, is with Building Inspections. They have one
4444 electrical permit application for the entire site. We need to separate the building lighting from site lighting and
4445 have a separate permit. Because what's happening is they come in and get an electrical permit from Building
4446 Inspections, we never see it. The lighting is already installed at the time you are reviewing the plan.

4447 Mr. Zehler- But, don't they submit plans for canopies? They ought to be submitting additional
4448 plans for the canopies that shows the recess lighting and whatever with the problem that we are having now. We
4449 are approving these projects and then all of a sudden they come in with these canopies and they come in where
4450 they want them to come in and we don't have any guidelines or anything to go by.

4451 Mr. O'Kelly - The permit is already approved by Building Inspections and we never knew about it
4452 and the lighting is installed. We need to stop that.

4453 Mr. Silber- We are trying to work through that. But, I thought your question was the architectural
4454 treatment of the building, the canopy and the building.

4455 Mr. Zehler - It doesn't stipulate that. Take the Fast Mart down there on Elko. The staff has made a
4456 ruling that the canopy has to be in drivit like the building. So, I meet with the guy yesterday and he says there is
4457 nothing in the proffers that says the canopy has to be in drivit. It's an Amoco and they have their national colors
4458 and their trade and their canopy is the same. Every Amoco has the same canopy and that's what they want to do.
4459 Now staff has determined that because it's worded in the original proffers that all buildings or exterior
4460 buildings, I don't know exactly how it was worded, has to architecturally the same.

4461 Mr. Silber - But, did they have a proffer with an elevation that showed the building and the
4462 canopy?

4463 Mr. Zehler- It doesn't show the canopy.

4464 Mr. Merrithew- They submitted exhibits with were photographs saying that it will be substantially like this
4465 exhibit and it was a photograph of one that showed drivit, drivit canopy.

4466 Mr. Silber - That's what pushed us over that...

4467 Mr. Merrithew - It's in the file.

4468 Mr. Zehler - Were you involved with that? Will you pull that and let me look at it? Because I'm
4469 going to hold their foot to the fire on that.

4470 Mr. Merrithew - Sure. That's what they showed us.

4471 Mr. Zehler - They are doing a utility building, an out building, and they want to deviate from that
4472 and I say no. It says drivit and I told them they will have to do it in drivit or brick.

4473 Mr. Silber - I think in that case it is somewhat clear cut, but there are situations like the one on
4474 Spring Oak and W. Broad Street. We worked so hard to get the building to look right and to get the pitched roof
4475 on the canopy and everything, and then they put the red, white, and blue striping around it.

4476 Mr. Zehler - Is there in anything in the Code that addresses that issue? Is it a structure? Is it a
4477 building?

4478 Mr. Silber- I think it's a structure.

4479 Mr. Zehler - Then we need to reword the Code, it says including structures and not buildings.

4480 Mr. Silber - Or reword the proffers. We will help you with this one and then we will have to be
4481 careful in the future.

4482 Mr. Zehler- Well, it's as confusing when you see a site plan you see four squares in the ground and
4483 that's a canopy. You don't see any site plans on a canopy. And you are worried about everything else and you
4484 overlook this. And, that's what happening.

4485 Mr. Silber- Right.

4486 Mr. Archer - Okay. Moving right along.

4487 Ms. Dwyer - Were there any other ideas about shortening the meetings?

4488 Mr. Silber - I think we have covered everything that was on here. What do we mean by this last
4489 one?

4490 Ms. Dwyer- I think when we have work sessions, is that it?

4491 Mr. Archer - Items to be added to the agenda.

4492 Mr. Vanarsdall - I can elaborate on that. As I came up a couple of time we would get the agenda and it would be
4493 on there, what can I think of, like...

4494 Mr. O'Kelly- Like the discussion item today. Setting a discussion time for Keeping Henrico
4495 Beautiful Committee.

4496 Mr. Vanarsdall - And another time there was one, that John had sent out two or three pages on O/S after the
4497 result of that Marriott at Innsbrook. He sent out a change about how they were going to move back 500 feet or
4498 something. And you had a couple of pages we could kind of get the idea. Then there was something else on
4499 there I think that Dave or Allen wanted to discuss but there was nothing in the packet. And I was wondering
4500 why there couldn't have been a page about that. And then we would used to get a couple of things on there that
4501 would just be maybe five words and you couldn't tell what that was going to be about so you had to make a
4502 phone call and ask what is this and who is going to tell us about it?

4503 Mr. Silber - If it's on the agenda, and I would like staff to coordinate with the Chairman, on
4504 anything being added. Then once something has been decided on the agenda and it is put in print the there
4505 should be some document in the packet that goes to you that explains the background to that item, either a report
4506 or summary or something so it's just not thrown on there as in item. I'm in agreement with you, Ernie.

4507 Ms. Dwyer - I don't remember how that got on there. I wasn't told about this item.

4508 Mr. Zehler - What about that substantial in accord on the new school on (Doran Road?) that
4509 showed up on the agenda and then it just disappeared.

4510 Mr. Silber- Are you talking about the one on Gill Dale Road?

4511 Mr. Zehler- No, Doran Road.

4512 Mr. Silber- There was a substantial in accord that was prepared. We were told to prepare it for
4513 this multi facility site up off of Shady Grove Road and we have been now told to pull that temporarily that they
4514 are still negotiating with the property owner and they didn't want it to go forward yet. So, that may be the one.
4515 We gave the Commission the information on that and then at the last minute General Services and Schools told
4516 us to pull it. And Gill Dale Road proposed a possible school and a possible park site and we have pulled that off
4517 because we are looking at that as.... At this point, we don't know how it's going to be used. We don't know
4518 how to do a substantial and accord. If it is going to be a school site, we've got some concerns about it being
4519 used as a school site. I think what we are going to try and do is perhaps have a meeting..... John, did I talk to
4520 you or Lee about this?

4521 Mr. Merrithew - It must be Lee.

4522 Mr. Zehler- Has the land been purchased?

4523 Mr. Silber- Yes.

4524 Mr. Zehler - It's been brought and closed on?

4525 Mr. Silber - The County owns the property as far as I know. Now, how it's going to be used we
4526 don't know. The substantial and accord really should be reviewing how the property is going to be used. We
4527 would like to know more about how it's going to be used before we go through the exercise of doing this.

4528 Mr. Zehler - Well, it was a combination I think I saw was a school in Parks & Recreation.

4529 Mr. Silber- It's likely it will be used for that purpose.

4530 Mr. Zehler - I thought they were going to split it. Parks and Recreation was going to half of the
4531 school and we will take the other half. It's 100-acre parcel.

4532 Mr. Silber - One of the concerns that we have, Mr. Zehler, is that it looks like it could have impact
4533 from the airport. If it's going to be a school, that's not a great location for it. And also there could be some road
4534 implications. Before staff does this we may come out and say this has problems. Well, the County just acquired
4535 it so before we go through the exercise of coming out with a staff report that says voices of concerns with
4536 property already acquired, we thought we better have a better idea as to how the property is going to be used,
4537 perhaps maybe even just pulling the paper and not even considering it until there is a POD on the property so we
4538 can go forward with something more concrete. That's where we are with that and staff is going to meet about
4539 that.... I think I talked with Lee just before I went out to the northwest.

4540 Mrs. Wade - I have one question about the Chairman's position. When he gets a letter, say it's
4541 copied to him, does that just stay with him or is that something that perhaps we all should have?

4542 Mr. Silber - Who is the letter coming from?

4543 Mrs. Wade - Well, in this case it was the School Board. It went to Virgil and to the Chairman and
4544 the rest of us didn't see it until it arrived at the hearing.

4545 Mr. Silber- That's a good point.

4546 Mr. Archer- I apologize, Mrs. Wade. I guess I should have known but I just assumed he sent that
4547 letter to everybody.

4548 Mr. Vanarsdall - A copy came to staff, didn't it? Usually a copy comes into the Planning Office or somebody.

4549 Mr. O'Kelly - I had one that Chris gave me today that might be a good example.

4550 Mr. Silber - If you are concerned about that we can be more careful. If it's copied to the Chairman
4551 of the Planning Commission, we can start making copies for everyone.

4552 Mr. Archer - I don't even think I paid any attention to who it was copied to. I just probably
4553 assumed that it went to the entire Commission.

4554 Mrs. Wade - I think that some people think when they write to the Chairman that we will all get it.

4555 Mr. Silber- What we should try to do is check with the Chairman to make sure he is comfortable
4556 with it being shared with everybody.

4557 Mr. Archer - It doesn't happen that often. I wouldn't feel uncomfortable at all.

4558 Mr. O'Kelly - Here is one I'm not sure you want to see. It is from the Department of Environmental
4559 Quality. Some action is taking place in the General Assembly to review new regulations.

4560 Mr. Silber- See this is the type of thing you probably wouldn't want to see.

4561 Mr. O'Kelly - And that was sent to the Chairman of the Planning Commission.

4562 Mr. Silber - It just has no real significance to the Commission. But, there are things that have
4563 direct relationship to items that you all are considering maybe billboards or YMCA.

4564 Mr. Vanarsdall - The way I feel about that is that, don't you all evaluate what the letter is, just send it
4565 on out because Mrs. Wade might be very interested in that environmental thing.

4566 Mr. O'Kelly - The staff wasn't copied though, Mr. Archer was, and if he hadn't told me about it we
4567 would have never known.

4568 Mr. Archer - I got it in the mail yesterday.

4569 Mrs. Wade - Did you ask questions.

4570 Mr. Archer- I have no idea what it is talking about.

4571 Ms. Dwyer - Do we have any other ideas about how we can approve speeding up our meetings?

4572 Ms. Carver- Before we go any further, and to answer Mr. Vanarsdall's question. On the
4573 preliminary agenda we have a note that states that the number and sequence of items are subject to change.
4574 That statement is put there because we will receive a new application and it will be listed on the preliminary
4575 agenda but during the process before public notice is sent a problem may occur and that particular case is pulled
4576 from the agenda. That's why you may not see it ever again or perhaps on the next month's agenda.

4577 Mr. Vanarsdall - I know. I don't have any problem with that. Also when you all have a withdrawal the staff
4578 doesn't put it in the packet.

4579 Mr. Zehler - Randy, I'll tell you another thing they are starting to do. I don't know why all of a
4580 sudden, but hey are starting to open up my mail.

4581 Mr. Vanarsdall - Who?

4582 Mr. Silber - The staff is?

4583 Mr. Zehler - I don't know who, but, yes, I guess it's the staff.

4584 Mr. Vanarsdall - Is it personal mail?

4585 Mrs. Wade - We go through phases there too sometimes.

4586 Mr. Silber - We have a new administrative secretary, we can check with her. I don't know what
4587 the normal procedure is.

4588 Ms. Carver - I think what happened before, some of the Commissioners complained that there was
4589 information that they needed before hand, before we sent the packet out so then they said to start opening it and
4590 to read it to see if the information was something they needed to see before the packets were delivered. That's
4591 the reason why it is opened, not unless it is stamped confidential then they are not to open it. But, if a citizen
4592 sends in a letter or something before the Planning Commission meeting or before the packets are delivered, then
4593 it will be mailed to you. If it is not an issue, we will put it in the packet. That's the reason it's being opened.

4594 Mr. Zehler - I just thought it would be interesting to know who's reading my mail, that's all.

4595 Mr. Silber - Can you live with that?

4596 Mr. Zehler - Yes. Most of it is just invitations and stuff like that.

4597 Mr. Vanarsdall - Do you ever get any mail that you don't want them to see?

4598 Mr. Zehler- Nope.

4599 Mr. Archer - I got an invitation to a Christmas party one time that had been two weeks before.

4600 Mr. Vanarsdall - You know what happened to me. The people at the State Fair sent me some tickets and I didn't
4601 get them until after the fair was over.

4602 Mr. Archer - Okay. I think we need to wrap this up, but I have two things that I need to mention.
4603 One is, and I think I've already told Randy. I need to leave the May meeting rather early so I need to move my
4604 cases to the front. Two is, in June Mrs. Wade and I neither one will be here so nobody get sick.

4605 Mr. Vanarsdall - Last April the same thing happened and we move the meeting a week later. I'm just throwing
4606 that out. You can do what you want.

4607 Mr. O'Kelly - That's no problem moving your cases up front.

4608 Mr. Archer - The other thing that I would like to mention. Mr. Vanarsdall and I attended a meeting
4609 that we had about public service corporation utilities and the location of their facilities. Mr. O'Kelly and Mr.
4610 Strauss did such an excellent presentation that I would like for the rest of the Commission members to see it. It's
4611 a slide presentation. It shouldn't take no more than five minutes to look at it.

4612 Mr. O'Kelly - We could show it at the end of your May meeting if you like, right after the Keep
4613 Henrico Beautiful Committee.

4614 Mr. Archer - Do you agree with that, Ernie? Do you think they ought to see it?

4615 Mr. Vanarsdall- Yes. Let me tell you, while we were watching this slide the people from Media One, VA
4616 Power and all of them, their eyes got that big around. They didn't realize how all these things were.

4617 Mr. Zehler - How come we didn't get invited to that?

4618 Mr. Archer - We couldn't do it. If we did we would have had to have an official meeting.

4619 Mr. Silber - Why don't we just do an abbreviated presentation, Jim, and maybe spend no more than
4620 ten minutes on it.

4621 Mr. O'Kelly - The way we left that subject, the Chairman, quested that I set up a committee including
4622 the Chairman and a representative from each of the public service corporations and representatives from the
4623 County staff to sit down and start talking in more detail about what we can do as a group to alleviate this
4624 problem. Now, one of the things that the public service corporations have to overcome is the fact that the staff
4625 discovered an ordinance basically our subdivision ordinance which requires them to be in the rear yards anyway.
4626 We haven't been doing a good job of enforcing it because some of us didn't know about it.

4627 Ms. Dwyer - Well, we have the eight-foot easement that's required on subdivisions anyway for that
4628 purpose, right?

4629 Mr. O'Kelly - For drainage and utilities and other purposes, correct.

4630 Mr. Archer - But there was just one little caveat in there that messed things up. What was it, Dave,
4631 where possible?

4632 Mr. O'Kelly- Where possible, yes.

4633 Mr. Archer - We should have eliminated that wording altogether.

4634 Mr. O'Kelly - Anyway. Mr. Archer wants to include the Homebuilders. So, my next task is to
4635 contact Bambi Davidson with the Homebuilders and see if she can search for a committee person to assign to us
4636 and then we will get to work.

4637 Mr. Archer- Okay. The reason behind that was that they said that the development community had
4638 stopped doing something. They used to clear a territory for them to put the utilities in and then they stopped.
4639 And then when they stopped they just moved to the front yard.

4640 Ms. Dwyer- Mr. Silber, I would like to talk to someone about an ordinance amendment. How will I
4641 start that?

4642 Mr. Silber- An ordinance amendment is sponsored either by a member of the Planning
4643 Commission or by the Board.

4644 Ms. Dwyer- So, we can initiate that ourselves, it doesn't have to be by the Board?

4645 Mr. Silber - I would suggest that you let Mrs. O'Bannon know about it. You can just draft us a
4646 letter. Would you like to give us a heads up about it?

4647 Ms. Dwyer - No. I'll talk to you about it.

4648 Mr. Archer - All right, folks, that's all I have.

4649 Mr. Vanarsdall - Leslie and Jim. Did you all come in to give us some suggestions.

4650 Mr. Zehler - As outsiders looking in and you handle this program on a daily basis, what ideas do
4651 you have?

4652 Mr. Vanarsdall - How can we shorten the meetings like the one we just had?

4653 Mr. Silber - Accepting fewer applications is not a choice.

4654 Ms. New - The first thing I can think of is to discuss as much of the project as we can before we
4655 get into the actual meeting. Maybe answer questions and concerns before we get to the meeting that won't have
4656 to be discussed at the meeting.
4657

4658 Mr. Whitney- I usually make that suggestion at my staff/developer meeting. A neighborhood
4659 meeting would be in order or a meeting with the Planning Commissioner to try to head things off.
4660

4661 Ms. Dwyer - Would it be helpful after staff/developers, if you see a problem coming our way, that
4662 you just call us? Because as we were discussing earlier, we are not aware of some of the issues until we get our
4663 packets.
4664

4665 Ms. News- If you don't mind getting the calls, we can call you as soon as we know there is an
4666 issue or even just to let you know where we are even if there is no issue, just to say this is the project and we
4667 don't have any issues and to make sure you don't have something in mind that we hadn't thought of.
4668

4669 Mr. Whitney - I tend to see that things get worked out before I bother you with a call but if you want
4670 to know more.
4671

4672 Ms. Dwyer - Well, like the Wilton that was deferred today because you suggested at the staff
4673 developer meeting that they call me, which they didn't do, and a couple of other things. It wasn't until yesterday
4674 until we talk.
4675

4676 Mr. Whitney - I asked them at staff/developer and I followed up a couple of days later. Then there
4677 was a third follow-up call.
4678

4679 Mr. Vanarsdall - I want you to know, along those lines, the staff is extremely good about telling somebody to
4680 call when they have a problem or an idea. I think it was Lee Yolton that told the guy to call me about a tower
4681 and he just moved that tower as fast as he could move it. He never filed anything, he never argued about it,
4682 nothing. Nancy is very good about that. And it really does help when we can get ahead of something.
4683

4684 Mr. O'Kelly - I think those are excellent suggestions and certainly the staff will take those to heart
4685 and try to contact you much earlier in the process, those that we can anticipate.
4686

4687 Mr. Archer - All right. If there is nothing further, we need motion for adjournment.
4688

4689 Mr. Zehler - So, move, Mr. Chairman.
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4691 Mr. Vanarsdall- Second.
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4693 On a motion made by Mr. Zehler and seconded by Mr. Vanarsdall, the Planning Commission adjourned its
4694 meeting at 3:30 p.m.

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

Randall R. Silber, Secretary