

1 Minutes of the regular monthly meeting of the Planning Commission of the County of Henrico,  
2 Virginia, held in the Board Room of the County Administration Building in the Government at  
3 Parham and Hungary Springs Roads, Beginning at 9:00 a.m. Tuesday, August 25, 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 Mr. James B. Donati, Jr., Board of Supervisors Representative  
11 (Varina)

12

13 Others Present: Mr. John R. Marlles, AICP, Director of Planning, Secretary  
14 Mr. Randall R. Silber, Assistant Director of Planning  
15 Mr. David D. O'Kelly, Jr., Principal Planner,  
16 Mr. Jim P. Strauss, CLA, County Planner  
17 Mr. E. J. (Ted) McGarry, III, County Planner  
18 Mr. Kevin D. Wilhite, County Planner  
19 Mr. Mikel C. Whitney, County Planner  
20 Ms. Leslie A. News, CLA, County Planner  
21 Mr. R. Kirby Smith, Drafting Technician  
22 Mr. Robert J. Eagle, Associate County Planner  
23 Mr. L. Jerry Peay, Planning Technician  
24 Mr. Todd Eure, Assistant Traffic Engineer  
25 Ms. Diana B. Carver, Recording Secretary  
26 Mrs. L. B. Ann Cleary, Office Assistant

27

28 Mr. Archer - Good morning everybody. We have a rather lengthy agenda, so without  
29 further ado, I'll turn it over to our secretary, Mr. Marlles.

30

31 Mr. Marlles - Okay. Good morning, Mr. Chairman. We do have a quorum today. I'm  
32 going to ask Mr. Kevin Wilhite to give the requests for deferrals and withdrawals.

33

34 Mr. Archer - Mr. Wilhite. Good morning, sir.

35 Mr. Wilhite - Good morning, Mr. Chairman and members of the Commission. I have six  
36 requests that the staff is aware of at this time for deferral. The first one is on page 2 of your  
37 agenda, the Fort King Subdivision (June 1998 Plan). The applicant is requesting a deferral to the  
38 October 27, 1998, meeting.

**39 SUBDIVISION (Deferred from the July 28, 1998, Meeting)**

**40**

Fort King  
(June 1998 Plan)

**Foster & Miller, P.C. for Stern Homes:** The 5.6-acre site is located along the south line of Fort King Road approximately 700 feet east of Pemberton Road on parcels 68-A-23, 24, 27 and part of parcels 68-A-22, 26, 29 and part of parcel 68-A-2-E-1. The zoning is R-2A, One-Family Residence District. County water and sewer. **(Tuckahoe)**  
**13 Lots**

**41**

**42 Mr. Archer -** Okay. Is there anyone here in opposition to the deferment of Fort King  
**43 Subdivision?** No Opposition. Ms. Dwyer.

**44**

**45 Ms. Dwyer -** Mr. Chairman, I move the deferral of Fort King subdivision (June 1998  
**46 Plan)**, to our October 27, 1998, meeting, at the applicant's request.

**47**

**48 Mrs. Wade -** Second.

**49**

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

**52**

**53 At the request of the applicant, the Planning Commission deferred subdivision Fort King (June**  
**54 1998 Plan)**, to its meeting on October 27, 1998.

**55**

**56 SUBDIVISION**

**57**

Canterbury on the James  
(August 1998 Plan)

**Koontz-Bryant, P.C. for Wilton Development Corporation:** The 19.86-acre site is located on the southwest corner of River Road and Parham Road on parcels 125-A-18A. The zoning is R-1, One-Family Residence District. County water and sewer. **(Tuckahoe ) 11 Lots**

**58**

**59 Mr. Wilhite -** The applicant is requesting a 30-day deferral to the September 22, 1998,  
**60 meeting.**

**61 Mr. Archer -** Is there anyone here in opposition to the deferment of subdivision  
**62 Canterbury on the James (August 1998 Plan)?** No opposition.

63 Ms. Dwyer - Mr. Chairman, I move the deferral, at the applicant's request, of  
64 Canterbury on the James subdivision (August 1998 Plan), to our September 22, 1998,  
65 Commission meeting.

66

67 Mr. Vanarsdall - Second.

68

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

71

72 At the request of the applicant, the Planning Commission deferred subdivision Canterbury on the  
73 James (August 1998 Plan), to its meeting on September 22, 1998.

74

75 **SUBDIVISION (Deferred from the July 28, 1998, Meeting)**

76

Effinger Drive  
(June 1998 Plan)  
(A dedication of  
Effinger Drive)

**TIMMONS for Edward E. West, Jr. Et Als, Magnolia Development, LLC and Velpar Investments Inc.:** The road extends westwardly from Mechanicsville Turnpike, approximately 1000 feet to its terminus and is located approximately 700 feet south of the Showplace entrance on part of parcels 128-A-2, 3 and parcels 7, 8 and 9. The zoning is M-2, General Industrial District and B-3, Business District. **(Fairfield ) 0 Lot**

77

78 Mr. Wilhite - The applicant is requesting a 30-day deferral to the September 22, 1998,  
79 meeting.

80 Mr. Archer - Is there anyone here in opposition to the deferment of Effinger Drive (June  
81 1998 Plan)? No opposition. I move the deferral of Effinger Drive to the September 22, 1998,  
82 POD meeting at the applicant's request.

83

84 Mr. Vanarsdall - Second.

85

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

88

89 At the request of the applicant, the Planning Commission deferred Effinger Drive (June 1998  
90 Plan), to its meeting on September 22, 1998.

91

92 **PLAN OF DEVELOPMENT & SPECIAL EXCEPTION**

93

POD-77-98  
Park West

**Balzer & Associates, Inc. for D. O. Allen Homes Inc.:** Request for a special exception and approval of a plan of development as required by Chapter 24, Sections 25-13.3 and 24-106 of the Henrico County Code to construct a zero lot line development for seniors with a

private non-commercial recreation center. The 23.21-acre site is located on the south line of Hungary Road approximately 150 feet east of Lanver Lane on parcels 49-A-19, 20 and part of parcel 49-A-18. County water and sewer. (**Brookland**)

94

95 Mr. Wilhite - The applicant is requesting a 30-day deferral to the September 22, 1998,  
96 meeting.

97 Mr. Archer - Is there anyone here in opposition to the deferment of POD-77-98, Park  
98 West? No opposition.

99

100 Mr. Vanarsdall - I move POD-77-98, Park West, be deferred to September 22, 1998, at the  
101 applicant's request.

102

103 Mr. Zehler - Second.

104

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

107

108 At the request of the applicant, the Planning Commission deferred POD-77-98, Park West, to its  
109 meeting on September 22, 1998.

110

## 111 PLAN OF DEVELOPMENT

112

POD-15-98

Beth Shalom Assisted  
Living Facility –  
Lauderdale Drive

**Balzer & Associates, P.C. for** : 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, 50,019 square foot assisted living facility. The 3.52-acre site is located on the northwest corner of John Rolfe Parkway and Lauderdale Drive on part of parcels 76-A-8A and 86. The zoning is R-6C, General Residence District (Conditional). County water and sewer. (**Tuckahoe**)

113

114 Mr. Wilhite - Again, the applicant is requesting a 30-day deferral to the September 22,  
115 1998, meeting.

116 Mr. Archer - Is there anyone here in opposition to the deferment of POD-15-98, Beth  
117 Shalom Assisted Living Facility? No opposition.

118

119 Ms. Dwyer- Mr. Chairman, I move the deferral of POD-15-98, Beth Shalom Assisted  
120 Living Facility to our September 22, 1998, meeting, at the applicant's request.

121

122 Mr. Vanarsdall - Second.

123

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

**126**

**127** At the request of the applicant, the Planning Commission deferred POD-15-98, Beth Shalom

**128** Assisted Facility – Lauderdale Drive, to its meeting on September 22, 1998.

**129**

**130 PLAN OF DEVELOPMENT (Deferred from the July 28, 1998, Meeting)**

POD-70-98

Car Nation –

W. Broad Street

**Resource International, Ltd. For Victor J. Moes and MGT  
Construction:** Request for approval of a plan of development as

157

158 Mr. Archer - All right. Mr. O'Kelly.

159

160 Mr. O'Kelly - Mr. Chairman, this is a process that will hopefully speed up the Planning  
161 Commission meetings. But, today I would like to report to you, of the 16 cases remaining on  
162 your agenda, only two qualified for the expedited agenda process. That is, if no Planning  
163 Commission member has any objection to calling the case forward or if there is no public  
164 opposition, and provided that the applicant and staff are in agreement with the recommendations  
165 and annotations on the plans and the conditions. We will begin this process, with your approval,  
166 at the September meeting, September 22, 1998. We will have the revised rules and regulations to  
167 accommodate the Expedited Meeting process. The rules and regulations are on your agenda later  
168 today for approval. I'd be happy to answer any questions.

169

170 Mr. Vanarsdall - Mr. O'Kelly. Is this what we are going to call this expedited cases? You  
171 know we talked about different names, the consent agenda, and so forth.

172

173 Mr. O'Kelly - With your approval, yes, sir, that's what we would refer to.

174

175 Mr. Vanarsdall - I don't have any objection. I just want to know what to call it, when I call  
176 up to say put this on the expedited agenda or put this on the consent agenda or put this where.....  
177 Okay. Thank you.

178

179 Mrs. Wade - They are calling it the expedited agenda.

180

181 Mr. Archer - Okay. Are there any further questions of Mr. O'Kelly?

182

183 Ms. Dwyer - This list of expedited cases on our agenda today, is just for our information  
184 then.

185

186 Mr. O'Kelly - Correct.

187

188 Mr. Archer - Okay. Mr. Secretary.

189

190 Mr. Marlles - Mr. Chairman, our next discussion item is just a short report on the  
191 Planning Web Site. Mrs. Gardner will give that report

192

193

## PLANNING OFFICE WEB SITE

194

195 Mrs. Gardner - I've given the Planning Commission a copy of this flyer which describes  
196 what I'm going to present this morning. I'm also going to ask Leslie News to hand these out to  
197 anyone in the audience that might be interested in our Web site. What I've placed on the screen is  
198 the main address to get to our Web site. It is on the flyer that I'm giving out to you, but this is  
199 where you would want to start if you were going to come to our Web site. We've actually been  
200 online for well over a year but we've only recently gotten to the level of staff proficiency with e-  
201 mail and gotten to a level with our content that we actually want to start promoting our Web site.  
202 Last month we had 500 different visitors come to our web site, just getting basic information  
203 about what the Planning Office does, what the Planning Commission does and so forth. We are  
204 putting a lot of effort in building the Web site. We are hoping that it will cut down on some of  
205 the phone calls. If we are able to give the public some of the basic information, handle some of  
206 the same questions that we get over and over again, then perhaps we are providing a public  
207 service. Obviously, on the Internet you can get to this information any time of the day that you  
208 want to, at your own convenience, and you can read it at your own convenience, you don't just  
209 have to call during office hours.

210

211 What I've put up here on the screen is our main office Web Site, the official Web Site of the  
212 Henrico County, Virginia, Planning Office. And, for those of you who are familiar with the  
213 Internet, of course, this gives you primary links to the various different types of information that  
214 we have here. All I'm doing is scrolling down with my mouse button. Now, these first three sites  
215 I'm going to talk about first, information about Planning for residents and applicants. I'm not  
216 going to show you every single bit of content here. I'm just going to tell you what we've got  
217 there, so that you can go look at it on your own. Frequently asked questions. Here we get to  
218 some of the most fundamental questions, What is rezoning? What is provisional use permit?  
219 When is a plan of development necessary? What is the Comprehensive Plan? This would be a  
220 good primer for anyone who's suddenly confronted with having to participate in some kind of  
221 Planning process to understand what some of the jargon means.

222

223 Closely related, we have a citizen's guide to participating in Planning Commission public hearings.  
224 This answers basic questions about what to do when you see a blue rezoning sign, what is the  
225 public hearing like, how do I participate. At this point, I will point out for anyone unfamiliar with  
226 the Web, all of these blue items with underlines, these are links. You can click on any of these  
227 links to get to an answer for that question.

228

229 Then, moving down just slightly, development proposals currently under review by the Henrico  
230 County Planning Commission. This is a recent addition, downloadable staff reports. We post the  
231 staff reports for the most recent meetings. We've only got a few on for the August Board of  
232 Supervisors' meeting, but we did have every staff report for the Planning Commission's August  
233 13, 1998, meeting. I'm not going to go through the procedure for this because it is a little bit  
234 involved, and it's different with everybody's browser. But, you do need the Adobe Acrobat

235 Reader. I've got instructions for downloading it. It's free software. It's very easy to set up. I  
236 encourage anyone to give me a call if they need technical assistance in setting that up. But, again,  
237 it's really not hard. It's just a matter of downloading the software and setting it up on your on  
238 computer.

239

240 We have the agendas for the next two Planning Commission meetings. For instance, if I were to  
241 click, here, well, here we've got this morning's agenda. So, if anyone was coming to this  
242 meeting, and they wanted to see where their case was on the agenda, they could have just come  
243 here. You will notice, for instance, landscape plan LP/POD-114-96. If you were interested in  
244 this case and for instance wanted some more information about it, you can just click on this e-mail  
245 link. This is automatically addressed to go to Jim Strauss. You type in your own subject line and  
246 type in your own message. You hit send, (and, again, different browsers look different) this  
247 automatically sends an e-mail message to Jim Strauss and he will respond to you. And, of course,  
248 for all of the cases we have links to all of the staff members, and the same thing for the Rezoning  
249 Meeting.

250

251 This is another service that we have begun recently, which we've had a very positive response to,  
252 that is our e-mail subscription list. We send out by e-mail copies of all of the agendas ahead of  
253 time, so that people will automatically receive an update of what the Planning Commission is  
254 looking at. Then, down here under development proposals recently reviewed, most recent  
255 Planning Commission Rezoning Meeting, most recent Planning Commission POD Meeting. We  
256 actually have what the actions were. So, if you didn't make the meeting or just wanted to know  
257 what's been happening, you can go through this agenda and find out how the Planning  
258 Commission voted. There is a similar page set up also for the Board of Supervisors. If you want  
259 to go back further than the most recent meeting, we have these here. We have all of 1998 up to  
260 now, and 1997 as far back as April, which is when we first went on line.

261

262 Going back to the main page, these are links by subject areas of all of the staff in the office. So,  
263 for instance, if I wanted information about subdivisions in general, and this is hard to see in the  
264 audience, the words are very small, I would come down to subdivisions, let's say east of Staples  
265 Mill Road, you want to talk to Diana Carver, Ted McGarry or Leslie News. Again, you can click  
266 on any one of these to get an automatic dialog box to send e-mail to that person. And, then,  
267 finally, on all of the pages at the bottom we have a link to the main e-mail address for the Planning  
268 Office. If you don't know who you want to talk to, if you don't know what kind of information  
269 you need, you just have a general inquiry, this goes to [Planning@co.henrico.va.us](mailto:Planning@co.henrico.va.us). And, again,  
270 this e-mail address is on this flyer. I encourage anyone to get in touch with us this way. I'll be  
271 happy to take any questions.

272

273 Mr. Archer - Thank you, Mrs. Gardner.

274

275 Mrs. Wade - Mrs. Gardner, I think the interaction and the availability of information to  
276 the public is wonderful. Will staff have to time now to reply to all of these?

277

278 Mrs. Gardner - We don't get that many e-mail messages. We treat them like phone calls,  
279 so we give them priority like our phone calls.

280

281 Mrs. Wade - I know how busy everybody has been.

282

283 Mrs. Gardner - We are certainly aiming to put so much information up that people don't  
284 have to get in touch with us, but we make it available if they want to. We are also working on  
285 expanding our offerings here on the Internet site to allow, for instance, zoning complaint forms,  
286 downloadable rezoning application forms. We want to try to tie into a database so that you can  
287 put in, say you saw a blue rezoning sign on Staples Mill Road and it will show you all of the cases  
288 on Staples Mill Road. That's a little bit further down the line, but these are the things we are  
289 working on so that it will truly be a self-serve site.

290

291 Mr. Archer - Mrs. Gardner, did you do the design for the Web Page?

292

293 Mrs. Gardner- Yes. It's not much of a design but it is a lot of content, very simple.

294

295 Mr. Archer - It has come quite a long way since the first of the year. It looks very nice.  
296 There's not very much more you can do to it. Will minutes of our meetings be available on this?

297

298 Mrs. Gardner - That's another thing that we are working on. I will admit, we don't have a  
299 schedule for implementing all of these things, but certainly that's relatively high on the priority list  
300 to get the minutes available, once they are approved, to make them available.

301

302 Mr. Archer - Will they be scanned into the site or will it have to be typed?

303

304 Mrs. Gardner - Actually, it's even easier than that, it's just saving it into a particular  
305 format.

306

307 Ms. Dwyer - Is the County ordinance on the County Web Site?

308

309 Mrs. Gardner - We are working on that, too. It is on another Web Site, not part of the  
310 County's Web Site, but it's very cumbersome and not user friendly at all. Jim Lehmann, in our  
311 office, is working on building a very user friendly zoning ordinance with very useful links. For  
312 instance, if you want buffers, it will take you to all of the places where it talks about buffers so  
313 that you don't have to guess where you have to go for information on buffers. It will make sure  
314 that you go to all of the right places. We are working on that.

315

316 Mr. Vanarsdall - Mrs. Gardner, how soon did you say you put these cases on the Web Site  
317 after they are ready?

318

319 Mrs. Gardner - Usually it's the day after. For instance, the actions of today's meeting will  
320 probably be up tomorrow.

321

322 Mr. Vanarsdall - Umm. That soon. That's good.

323

324 Mrs. Gardner - We aim for the next day. Sometimes events can conspire to prevent it, but  
325 we aim for the next day.

326

327 Mr. Zehler - You flipped through them rather hurriedly.

328

329 Mrs. Gardner - Sorry, I did.

330

331 Mr. Zehler - Is there anything that I didn't hear about that case coming up, do you have  
332 anything on there showing our procedure as far as notification of adjoining and adjacent property  
333 owners for rezoning requests?

334

335 Mrs. Gardner - Yes. Here in the Citizens Guide, how will I know if a case is coming up  
336 for public hearing? This talks about all of the ways that we make that information available.

337

338 Mr. Zehler - Does it explain to them who and how we notify?

339

340 Mrs. Gardner - I'll have to review it to make sure that it is very clear. Let's see, we talked  
341 about posting the blue rezoning signs. Our aim is to make sure that it is clear. That's a very good  
342 point.

343

344 Mr. Zehler - We hear that all the time, that's why I brought it up.

345

346 Mrs. Gardner - That's a very good point.

347

348 Mr. Archer - Okay. Are there further questions of Mrs. Gardner? All right. Thank you  
349 very much, Mrs. Gardner, we appreciate that. All right, Mr. Secretary.

350

351 Mr. Marles - Mr. Chairman, our next item is the subdivision extensions of conditional  
352 approval and Mr. Wilhite will review those.

353

354 **SUBDIVISION EXTENSIONS OF CONDITIONAL APPROVAL**

355

<u>Subdivision</u>	<b>Magisterial</b>	<b>Remaining</b>	<b>Previous</b>
	<u>District</u>	<u>Lots</u>	<u>Extensions</u>
<b>Eddleton Estates (August 1996 Plan)</b>	<b>Three Chopt</b>	<b>5</b>	<b>1</b>
<b>Fairlawn (August 1993 Plan)</b>	<b>Varina</b>	<b>5</b>	<b>4</b>
<b>Fairlawn (August 1997 Plan)</b>	<b>Varina</b>	<b>8</b>	<b>0</b>
<b>Pendleton Woods (A Resub. of Lot 16, Blk. A, Section A of Pendleton Woods)</b>	<b>Varina</b>	<b>2</b>	<b>0</b>

356

357 Mr. Wilhite - There is one subdivision on your agenda, Fairlawn (August 1997 Plan), the  
358 owner has informed us that he would like to let that expire. The other subdivisions up for  
359 extension, staff can recommend approval for.

360 Mr. Archer - Okay are there any questions from the Commission?

361 Mr. Zehler - Mr. Chairman, I move approval of subdivision extensions of conditional  
362 approval of all of those listed, less the Fairlawn (August 1997 Plan), which the applicant  
363 requested to let expire.

364 Mr. Vanarsdall - Second.

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

367 The Planning Commission approved the subdivision extensions of conditional approval for the  
368 above listed subdivision for 12 months, August 24, 1999. Fairlawn (August 1997 Plan) was  
369 requested to expire by the applicant.

370

371 **LIGHTING PLAN (Deferred from the July 28, 1998, Meeting)**

372

LP/POD-114-96  
Marriott Townplace  
Suites - Innsbrook

**Foster & Miller, P.C.:** Request for approval of a lighting plan, as  
required by Chapter 24, Section 24-106 of the Henrico County Code.  
The 2.79-acre site is located on the northern terminus of Park Place  
Court on parcel 38-3-A-9B. The zoning is O-3C, Office District  
(Conditional). **(Three Chopt)**

373

374

375 Mr. Archer - Is there anyone in the audience in opposition to LP/POD-114-96, Marriott  
376 Townplace Suites - Innsbrook? No opposition. Mr. Strauss.

377

378 Mr. Strauss- Thank you, Mr. Chairman. As you may recall this lighting plan was  
379 deferred last month at the applicant's request, in order that they could provide a revised lighting  
380 plan which would address the numerous conflicts between the proposed lighting and landscaping.  
381 Since that time, a revised lighting plan has been submitted and we will be distributing that plan to  
382 you at this time. Staff has reviewed the plan and can recommend approval this morning. The  
383 lighting consultant is out of town but Mr. Phil Parker of Foster & Miller is here to help answer  
384 any questions you may have.

385

386 Mr. Archer - Are there any question of Mr. Strauss by Commission members?  
387  
388 Mrs. Wade - But the questions have been answered satisfactorily and you are satisfied  
389 with it?  
390  
391 Mr. Strauss - Yes, ma'am.  
392  
393 Mrs. Wade - This is the fixture they plan to use (referring to picture)?  
394  
395 Mr. Strauss - That's a picture of the light poles and the fixtures that they are proposing  
396 to use.  
397  
398 Mrs. Wade - But with that fixture, they will meet the foot candle expectations.  
399  
400 Mr. Strauss - Yes. In this case, the foot candle was actually more restrictive than in most  
401 cases. There was an appeal on this case, which required the minimum foot candles to be zero at  
402 the property line and the photometrics submitted does show compliance with this.  
403  
404 Mrs. Wade - There won't be any light at all, theoretically. Thank you. And, they've got  
405 the poles out of the landscape area?  
406  
407 Mr. Strauss - Yes. They have resolved all of the conflicts.  
408  
409 Mrs. Wade - Thank you.  
410  
411 Mr. Archer - Do you need to hear from the applicant, Mrs. Wade?  
412  
413 Mrs. Wade - I don't think so. I believe it's clear. I'm satisfied. All right. I move  
414 LP/POD-114-96, the lighting plan for Marriott Townplace Suites – Innsbrook, be approved,  
415 subject to the annotations on the plan and the standard conditions.  
416  
417 Mr. Zehler - Second.  
418  
419 Mr. Archer - The motion was made by Mrs. Wade and seconded by Mr. Zehler. All in  
420 favor say aye...all oppose say nay. The motion passes.  
421  
422 The Planning Commission approve the lighting plan for LP/POD-114-96, Marriott Townplace  
423 Suites – Innsbrook, subject to the annotations on the plan and the standard conditions.  
424  
425 **SUBDIVISION**  
426  
Cambridge  
(August 1998 Plan) **Koontz-Bryant Engineers, P.C. for Theodore and Faye Kefalas,  
Gregory A. Windsor, Robert P. Bain, Thomas D. and D. C.**

**Dickerson and Wilton Investment Corporation:** The 42-acre site is located at the intersection of Pouncey Tract Road (State Route 271) and Nuckols Road on parcels 9-A-36, 9-1-1-100 and part of parcels 9-A-28G and 9-1-A-3. The zoning is A-1, Agricultural District and R-2C, One-Family Residence (Conditional). County water and sewer.  
**(Three Chopt) 57 Lots**

427

428 Mr. Archer - Is there anyone in the audience in opposition to subdivision Cambridge  
429 (August 1998 Plan)? No opposition. Mr. Wilhite.

430

431 Mr. Wilhite - In your packet is a revised layout that was done in response to the Traffic  
432 Engineer's request that the entrance into the subdivision be at the intersection of Pouncey Tract  
433 Road and Nuckols Road, which the applicant agreed to do. As well, comments from the Virginia  
434 Department of Transportation were just received yesterday and I have not been able to get in  
435 contact with the engineer on this. VDOT is recommending 15 feet of dedication along the  
436 frontage along Pouncey Tract Road. That is not something that I believe the applicant was aware  
437 of. Also, with this subdivision there is some impact on the lots in Cross Creek subdivision. There  
438 is some land swap proposed with lot 3, on Country Creek Way. Lots 4 and 5 would be getting  
439 some additional residue property out of this subdivision. Staff had asked for signatures from  
440 these property owners to allow this case to go forward. As of this point, staff has not received  
441 those signatures, and I'm not sure if the applicant had those today.

442

443 Mr. Archer - Are there any questions of Mr. Wilhite?

444

445 Mrs. Wade - What does that 15-foot dedication do then to the 25-foot landscape strip  
446 along the street?

447

448 Mr. Wilhite - The 25-foot landscape strip would have to be an addition to the 15-foot  
449 dedication and I'm not sure of the impact on lots at this point.

450

451 Mrs. Wade - It seems to me this needs a little more time.

452

453 Mr. Wilhite - That's very possible. I think Mr. Wilton is here.

454

Mrs. Wade - Here he comes. And you don't 97

463 Mr. Wilhite - We do have the faxed signatures and staff would ask that the originals be  
464 submitted to us.

465

466 Mr. Archer - Okay. Mr. Wilton.

467

468 Mr. Wilton - Yes, Mr. Chairman. Just to explain what we are doing here, this is  
469 additional property that we promised the adjacent property owners. You can see in the upper top  
470 it, of the plat, and that acreage is, actually, going to be segmented up into three property owners.  
471 It will give them a larger buffer. Those are the smallest lots in regard to depth of the Cross Creek  
472 subdivision. So, this is something that...and we proposed this all the way through zoning. This is  
473 the plat you saw when you actually approved the other zoning cases that came through there,  
474 actually two zoning cases on this piece of property, and everybody is in agreement. They will be  
475 taking that additional property. I think that was the only question left in regard to the County,  
476 unless there are some other questions.

477

478 Mrs. Wade - Did you hear the comments about VDOT's dedication? Do you still have  
479 plenty of room here to do that in addition to their 25-foot strip?

480

481 Mr. Wilton - Nobody has given me these comments as yet, and they just got the  
482 comments yesterday. We will work it out with VDOT. If we need to give them more, certainly,  
483 we will.

484

485 Ms. Dwyer - What about the two reserved parcels? What's the future status of those?

486

487 Mr. Wilton - We are purchasing additional property from Mr. Bain and Mr. Parkinson.  
488 We have contracts with them, and we will be back in to segment, to cut off portions of their  
489 property and add two lots to the Hampton Woods subdivision. That would make a total number  
490 of 16 lots in that area. We have a total of 59 lots now, a total well within the restrictions of the  
491 zoning density. In fact, all of these lots are a minimum of 100 to 115 feet in width.

492

493 Mrs. Wade - So, are we approving 57 or 59 now?

494

495 Mr. Wilton - Well, 57 right now. Those other two lots won't come in until later when  
496 we make the additional property purchases.

497

498 Mrs. Wade - Was this one that had flag lot questions and are they gone or is that another  
499 issue?

500

501 Mr. Wilhite - No, ma'am.

502

503 Mrs. Wade - This wasn't an issue here?

504 Mr. Wilhite - I would like to point out that the reserved areas would only stay in the  
505 subdivision if those reserved areas could stand alone as lots by themselves and meet all zoning  
506 requirements, just in case the deal that he is making with the adjacent lot owners does not come  
507 about.

508

509 Mr. Wilton - We do have signed contracts on that, so you will see that redo of the plat  
510 come back through the Commission.

511

512 Mrs. Wade- The only public comment I received here was regarding the access, and you  
513 have moved that now so it's at Pouncey Tract.

514

515 Mr. Wilton - Yes, ma'am. This is an older plat I had with me for the addition. But,  
516 what we have done, we have brought the access down into Pouncey Tract Road, where  
517 everybody seems to want it. It gives everybody a way to get out, get their shopping, get back to  
518 Nuckols Road down to I-295.

519

520 Mrs. Wade - Thank you.

521

522 Mr. Archer - Are there any more questions of Mr. Wilton?

523

524 Mrs. Wade - Are there turn lanes involved here too, Mr. Wilhite?

525

526 Mr. Wilhite - Yes, there are turn lanes on Nuckols Road, both left turn and right turn  
527 into this development.

528

529 Mrs. Wade - They are also provided outside the 25-foot strip.

530

531 Mr. Wilhite - Yes, ma'am, that is correct.

532

533 Mrs. Wade - Thank you. Okay. Is there anybody else? Oh. Mr. Wilhite, No. 13 on  
534 here, it seems to me that it needs to be reworded. Take out the "requesting the first occupancy  
535 permit." It's not clear the way it is on the agenda.

536

537 Mr. Wilhite - Yes, we had a problem on another one as well.

538

539 Mrs. Wade - Is it final approval or is it first occupancy permit that you want there?

540

541 Mr. Wilhite - Well, it's prior to requesting the final approval, a draft of the covenants and  
542 deed restrictions for the maintenance of the common area by a homeowners association shall be  
543 submitted to the Planning Office for review.

544

545 Mrs. Wade - So leave out the "requesting the first occupancy permit."

546

547 Mr. Wilhite - Yes. That's more or less a standard miscellaneous condition and we will  
548 just substitute the standard condition for that one.

549

550 Mrs. Wade - Okay. Thank you.

551

552 Mr. Archer - Okay. Are there any further questions? All right, Mrs. Wade.

553

554 Mrs. Wade - I move that Cambridge (Revised plan, August 1998) subdivision be  
555 approved, the annotations, the conditions on the agenda with Nos. 12 and 13, and No. 13  
556 amended to eliminate on the second line the phrase "requesting the first occupancy permit" and  
557 then the period and then eliminate the "the" and put all of the next part of that with the first  
558 sentence. The 15-foot dedication to be worked out later on but it will not interfere with the 25-  
559 foot landscape plan and we've got the signatures, but staff needs the original copies of the  
560 signatures with the possibility that two lots will come up for approval later on. I move it be  
561 approved.

562

563 Ms. Dwyer - Second.

564

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

567

568 The Planning Commission granted conditional approval to subdivision Cambridge (August 1998  
569 Plan), subject to the standard conditions attached to these minutes, the annotations on the plan,  
570 and the following additional conditions:

571

572 12. The detailed plant list and specifications for the landscaping to be provided within the 25-  
573 foot-wide planting strip easement along Nuckols Road shall be submitted to the Planning  
574 Office for review and approval prior to recordation of the plat.

575 13. Prior to requesting the final approval, a draft of the covenants and deed restrictions for the  
576 maintenance of the common ~~requesting the first occupancy permit.~~ The area by a  
577 homeowners association shall be submitted to the Planning Office for review. Such  
578 covenants and restrictions shall be in form and substance satisfactory to the County  
579 Attorney and shall be recorded prior to recordation of the subdivision plat.

580

#### 581 LANDSCAPE PLAN

582

LP/POD-25-98  
Autozone W. Broad  
Street

**Koontz-Bryant Engineers, P.C.:** Request for approval of a landscape plan, as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code. The 1.6-acre site is located on the northwest corner of Deep Run Road and West Broad Street (U.S. Route 250) on parcels 81-11-A-4, 6, 7, 8, 10, 21 and 23. The zoning B-3C, Business District (Conditional). **(Brookland)**

583

584 Mr. Archer - Is there anyone in the audience in opposition to landscape plan LP/POD-  
585 25-98, Autozone W. Broad Street? No opposition. Mr. Strauss.

586

587 Mr. Strauss - Thank you, Mr. Chairman. The staff has completed its review of the plan  
588 and can recommend approval of the plan as annotated and, of course, we are distributing the plans  
589 to you at this moment. The applicant is in agreement with the annotations, and the annotations,  
590 basically, requested an increase in height of the evergreen screening on Fountain Avenue per the  
591 proffers of the zoning case. And, you might note, there is a fence also that's provided. They are  
592 providing a five and a half-foot fence per the previous zoning case as well. I believe Mr. Tim  
593 Easter and Greg Koontz may be here this morning. I spoke with them earlier and they are in  
594 agreement with the annotation.

595

596 Mr. Archer - Thank you, Mr. Strauss. Are there any questions by the Commission?

597

598 Ms. Dwyer - Are we recommending Bradford pears as plant materials these days?

599

600 Mr. Strauss - Well, it was proposed, Ms. Dwyer, on the plan but the Red Spire variety is  
601 a more longer lived, better variety. They have agreed to make that change.

602

603 Ms. Dwyer - What is it called?

604

605 Mr. Strauss - It's a Red Spire variety of the Bradford pears. It's more hardy, with better  
606 branch construction.

607

608 Mr. Vanarsdall - Mr. Strauss, do you have a letter on file about the bricks that they are  
609 going to use on the sides?

610

611 Mr. Strauss - Check the file and there is information on the brick that's to be provided.

612

613 Mr. Vanarsdall - It's going to be similar to the McDonald's brick.

614

Mr. Strauss

626 Mr. Vanarsdall - I move LP/POD-25-98, Autozone W. Broad Street, with the annotations  
627 on the plans, the standard conditions in accordance with the revised plan dated today's date,  
628 August 25, 1998.

629

630 Ms. Dwyer - Second.

631

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

634

635 The Planning Commission approved the landscape plan for LP/POD-25-98, Autozone W. Broad  
636 Street, subject to the standard conditions and the annotations on the plan.

637

### 638 **PLAN OF DEVELOPMENT & SPECIAL EXCEPTION**

639

POD-80-98

The Glens at Millers  
Lane Apartments  
(POD-110-89 Expired)

**Koontz-Bryant, P.C. for Varina Station Associates, LLC:**  
Request for approval of a special exception for building height and a  
plan of development as required by Chapter 24, Sections 24-2 and  
24-106 of the Henrico County Code to construct 12, three-story  
apartment buildings totalling 144 units and clubhouse with pool. The  
24.5-acre site is located along both sides of Millers Lane  
approximately 250 feet south of Gay Avenue on parcels 162-A-13,  
14, 15 and part of 162-A-10A. The zoning is R-6, General Residence  
District and R-4, One-Family Residence District and ASO (Airport  
Safety Overlay District). County water and sewer. (**Varina**)

640

641 Mr. Archer - Is there anyone in the audience in opposition to POD-80-98, The Glens at  
642 Millers Lane Apartments? Okay, we have opposition. We will get to you in a minute.

643

644 Mr. Zehler - Mr. Chairman, if you will, the County Attorney has advised me that I have  
645 a conflict with this case. Therefore, I'll be disqualifying myself.

646

647 Mr. Archer - Okay. Mr. McGarry.

648

649 Mr. McGarry - Mr. Chairman, in keeping with normal procedure, the staff will not be  
650 making any recommendation on the applicant's request for a special exception for the three-story  
651 height building. Under the plan of development, staff would like to point out that the apartments  
652 are located on an R-6 portion of the County. It's a 7.45 acres site that will permit the apartment  
653 uses. The BMP is going to be located off site. The current site has been zoned since 1960 for  
654 multi-family. It has had three prior plans of development for apartments since 1978. They varied  
655 in density from 140 to 160 units. This project is proposed to be 144 units. There is a revised plan  
656 in your packet. It is the last sheet. Staff has completed its review of that sheet and would like to  
657 point out that all of the Code provisions have been met. The site did get changed. The building  
658 has been rearranged slightly. It does include a pool, a clubhouse and a maintenance building as an

659 amenity on the project.

660

661 In addition, you have an increased landscape buffer that has been offered by the applicant that  
662 goes beyond the minimum of the code requirement, and a six-foot privacy fence has been  
663 proposed in places where it was deemed appropriate. Public Works' comments have been  
664 handled through an addendum on your agenda. It's addendum item No. 29. This details the  
665 approvals necessary to get construction plan approval from the Department of Public Works. The  
666 only question the staff would like to clarify with the applicant is that of the building material color.  
667 You have before you on your screen, an architectural rendering of the building. It is vinyl siding  
668 and it does show two tone. So for the planners who reviewed the building permit, staff would  
669 like to have clarification whether or not the building would also be expected to be provided in a  
670 two-tone color as does the rendering. With that, staff can recommend approval of the plan of  
671 development, assuming the Commission takes action first on its special exception for height. We  
672 can recommend approval of that revised plan, plus conditions Nos. 23 through 28 and item No.  
673 29 on your agenda. I'd be happy to answer any questions.

674

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

677

678 Mrs. Wade - As I recall, the Fire people had some comment about the original  
679 arrangement of the buildings, has this changed?

680

681 Mr. McGarry - The buildings are now further apart than they were originally. It does meet  
682 the minimum building separation required under the BOCA code. In fact, it exceeds the  
683 minimum.

684

685 Mrs. Wade - Is there a playground provided on here?

686

687 Mr. McGarry - There is a pool shown on the site and then off site, where the BMP is  
688 located, there will be, I believe, a jogging trail and some passive recreational uses.

689

690 Mrs. Wade - But, nothing on site for children.

691

692 Mr. Wilton - There is one on site, yes. It's not shown, but we have to have a  
693 playground on the site also.

694

695 Mr. McGarry - That was Hank Wilton speaking.

696

697 Ms. Dwyer - How many units?

698

699 Mr. McGarry - There are 144 units.

700

701 Ms. Dwyer - With the three stories.

702

703 Mr. McGarry - Yes, with the three stories.

704

705 Ms. Dwyer - So, they are rearranging, the realignment of the buildings, that Mrs. Wade  
706 was referring to, was simply to try to get more separation between the buildings.

707

708 Mr. McGarry - It was done to get more separation and also provide a shift to move some  
709 of the larger buildings away from the residential areas on the perimeter.

710

711 Ms. Dwyer - Was that accomplished on the revised plan? I can't see any difference  
712 between them.

713

714 Mrs. Wade - They juggled a couple of the two and three stories around, it seems to me.

715

716 Mr. McGarry - All of the buildings will be three stories. The difference is the smaller units  
717 are your two bedrooms. There are six, two bedroom buildings and six, three bedroom buildings.

718

719 Mrs. Wade - There was a suggestion, somewhere, that some of those closest to the  
720 residents be two story, did I see that someplace?

721

722 Mr. McGarry - That was a thought on the staff's part. Staff is willing to, because this does  
723 meet the minimum requirements for the code, we will accept it.

724

725 Ms. Dwyer - Staff also had a question about the materials being used, and thinking  
726 something more fireproof would be appropriate. Has staff's view changed on that?

727

728 Mr. McGarry - The redesign moved the buildings a little bit further apart so staff has taken  
729 away that objection. Staff would like to point out that the building separation does meet the  
730 minimum BOCA Code for separation between buildings of this material.

731

732 Ms. Dwyer - Is that what we have? I thought you said something about a revised plan.  
733 Were we just given a revised plan?

734

735 Mr. McGarry - You should have a revised plan. It should be the last sheet in your packet.

736

737 Ms. Dwyer - Dated August 25.

738

739 Mr. McGarry - The received date is in the lower right-hand corner, which reads August 14,  
740 1998.

741

742 Ms. Dwyer - I don't see any difference. The last page looks the same as the first page to  
743 me.

744

745 Mr. McGarry - Your last page and your top page, labeled C4, should be different. C4 is  
746 the first sheet in your packet, it was the original review with all the annotations on the right-hand  
747 side.

748

749 Mrs. Wade - They alternated the bigger buildings and the smaller buildings on the last  
750 page.

751

752 Ms. Dwyer - Oh, I see.

753

754 Mrs. Wade - And these are sprinklered, I assume.

755

756 Mr. McGarry - Are these sprinklered?

757

758 Mr. Wilton - Yes.

759

760 Mr. McGarry - These are sprinklered apartments.

761

762 Mr. Archer - Are there any further questions of Mr. McGarry?

763

764 Mr. Donati - Yes, Mr. Chairman, I have one. Mr. McGarry, the off site BMP on the R-  
765 4, across the street, how would that effect the development of that parcel of land that's zoned R-  
766 4, for BMPs for the development of that site?

767

768 Mr. McGarry - The engineer, the developer, has master planned, if you will, that piece of  
769 land so that he has allowed the frontage on Millers Lane, for example, and the area off Dennison,  
770 there. It has sufficient depth for lots, for single-family purposes. As you get behind those lots,  
771 and begin getting underneath those power lines, that's the location of his BMP structure, which is  
772 about the only use you can put to land underneath those transmission lines from Virginia Power.  
773 He has thought it though, so that he can get lots fronting Miller's Lane and Altair Road and the  
774 BMP will be essentially underneath the power lines.

775

776 Mr. Donati - Is this BMP sufficient enough for the development of houses on the R-4, or  
777 would it have to be another BMP for the development of that parcel?

778

779 Mr. McGarry - I'll ask the engineer to clarify whether he has planned it to handle the water  
780 from both the apartments and from the single family.

781

782 Mr. Donati - And how deep it is going to be and things of that nature, and if it is too  
783 deep, how is it going to be protected?

784

785 Mr. McGarry - I'll let him address your concerns on that.

786

787 Mr. Donati - Okay.

788

789 Mr. Vanarsdall - Mr. McGarry, I couldn't hear everything you said. Did you mention the  
790 color?

791

792 Mr. McGarry - The colored rendition that we have been given shows a two-tone color  
793 scheme on the building. And as the planner who is going to review the building permit, I wanted  
794 clarification as to whether or not when the building permit comes through, I should expect a two-  
795 tone building in your approval.

796

797 Mr. Vanarsdall - Thank you.

798

799 Mr. Archer - Are there any further questions of Mr. McGarry? We will now hear from  
800 the applicant.

801

802 Mr. Marlles - Mr. Chairman, excuse me, but I would just like to remind the audience that  
803 our ten-minute rule will be in affect for both the applicant and the opponents. They will both have  
804 ten minutes. The applicant's representative may want to reserve some time for rebuttal.

805

806 Mr. Wilton - I would like to reserve two minutes for rebuttal, please.

807

808 Mr. Archer - All right. Mr. Wilton.

809 Mr. Wilton -

Mr. Chairman and members of the Commission, for the record, my name is  
810 Henry Wilton and I represent this project, The Glenns at Millers Lane. I'll be a partner in this  
811 project. (Unintelligible) is responsible for a minimum of 10 years, possibly 15 years, that's a part  
812 of the financing commitment on this. So, it will not be an absentee landlord, I will be here. Rent  
813 on these apartments, just to give you a little background, will start on a base of \$530.00 for two  
814 bedrooms to \$630.00. In addition to that, there will be another \$120.00 in utilities because these  
815 are all electric. They will pay that and they will also pay their water and sewer. So, you are  
816 looking at a range in here of \$650.00 to \$750.00 for these apartments. These are supposed to be  
817 affordable apartments.

818 To give you a little bit of a background on this site, I originally tried to move this existing zoning,  
819 which, again, has been in existence for 35 years. Again, it's been through here several times. I  
820 tried to move the existing zoning of 144 units, I've tried to move it down onto the Hutchison's  
821 property, which would be further down here (referring to the rendering). We met with the  
822 Lawndale people, some of them are here today, obviously, they didn't like that idea. Then we  
823 came over and we tried to move the apartments into this parcel along with this parcel. Again, the  
824 citizens did not like that. So, basically, what we were faced to come back with this, and use the  
825 zoning that's in place and has been in place for 35 years. We have gone through many revisions  
826 on the plan since working with some of the neighbors and also, of course, the County. What we  
827 have done here, we have got 144 units and the apartment project would actually own this 7.9  
828 acres and in addition, will own 8.3 acres over here (referring to rendering). That will be used not  
829 just for recreation for the people that live in the apartments, but it will also be used for recreation

830 for people that live everywhere. We will maintain it along with the apartments. This is a part of  
831 the commitment I made when I went through the earlier zoning cases with the Lawndale people.  
832 We have agreed also to go ahead, after we meet with the Lawndale people, their subdivision, to  
833 put another playground area over here for them. This is in addition to the playground area that's  
834 already in our complex for the children within our complex. We don't expect these children will  
835 walk across the street. But, this is a total master plan. It also shows here that we have a jogging  
836 trail going around the periphery of the property. That will also have workout stations, again, for  
837 either the residents or the people living within the subdivision.

838 Mrs. Wade - Mr. Wilton, would you mind turning that around about 90 degrees.

839 **AT THIS TIME MR WILTON HAD MOVED AWAY FROM THE MIKE AND WAS**  
840 **NOT COMING THROUGH THE RECORDER LEGIBLY AT SOME POINTS DURING**  
841 **THE RECORDING.**

842 Mr. Wilton - I certainly will. I'll comment on the actual layout at this point. We made  
843 some changes, which I will highlight here today. We have been working with Mr. Gallagher, right  
844 here (referring to rendering). This is a three-story unit, right here. What we have agreed to do is  
845 move the one-story building here, which contains the community center. It will replace the three-  
846 story building. That would give Mr. Gallagher more privacy. So, what we have done here, we  
847 have moved this (unintelligible) here. We put the pool here and we moved this over here so that  
848 he does not have to look at a three-story apartment building. After we met with the County, we  
849 also increased the 10-foot planting strip with the tree preservation plan. We increased that to 20  
850 feet. We also agreed to increase, as needed, to protect any of the adjacent neighbors. We have  
851 been working with Mr. Gallagher over here. His property is R-6 and is zoned for 19.5 units per  
852 acre. In addition, back here we've been working with Mr. Frank Jones, I met with him for a few  
853 hours last week. He is in agreement with this. Four of his units are affected back here. We have  
854 agreed, once again, to put up a privacy fence to increase our buffer to 20 feet. We have a tree  
855 preservation plan and we've also agreed to come back here and here and supplement the  
856 landscaping and the buffering as needed with pines or shrubbery or whatever is needed in order to  
857 make the residents happy.

858 Again, the zoning is in place. It has been in place for over 35 years. We are requesting the three-  
859 story special exception, because we are using all three stories. The actual building height, on all  
860 these buildings, are no higher than 32 feet. Under the ordinance, after 35 feet is when you  
861 actually come into a three-story building, so these are not as high as allowed under the ordinance  
862 for three stories. So, we made them as short as we can.

863 Ms. Dwyer - I sorry. I just wanted to make sure I understand. The buffers, then are  
864 what along the....

865 Mr. Wilton - The buffers are increased to 20 feet all along here. This will be increased  
866 to 20 feet here too (referring to rendering). What we are doing is putting a pool in here, now.  
867 We are taking this dumpster away. Again, Mr. and Mrs. Gallagher didn't want the dumpster next

868 to them, so we are moving that. So, there will be a condition that this dumpster will be moved.  
869 This three story will become a one-story building. That will be the community center. That  
870 would be the only change, this will remain the same back here. Originally, we had the dumpster  
871 facing back toward these homes. What we've done is we have gotten this way to give additional  
872 relief. All 74 homes are owned by Mr. Frank Jones, again, who is in agreement with the plan.

873 Mrs. Wade - He owns the whole subdivision?

874 Mr. Wilton - With the apartment complex, the way we have redesigned it and given him  
875 a plan (unintelligible). Again, I met with him last week.

876 Mrs. Wade - What did you say about him and the homes?

877 Mr. Wilton - He owns all 74 homes back here. They are all rental homes of  
878 approximately 900 square feet. His rents are approximately \$495.00, our rent starts at \$530.00 to  
879 \$630.00.

880 Ms. Dwyer - So, the buffer along there is what now, along the rear?

881 Mr. Wilton - The buffer is 20 feet along the entirety of the property with the privacy  
882 fence coming across the back here. With additional planting, we will come back and do additional  
883 planting as needed. It is reduced by 10 feet right, here, but, again, we will come back on these  
884 two units and put some additional landscaping in.

885 Ms. Dwyer - So, behind the dumpsters it's 10 feet and elsewhere it's 20.

886 Mr. Wilton - And, again, Mr. Jones is in agreement with the plan and he knows what  
887 we've got in plans of planting additional trees as needed, Pines or whatever. We are in a position  
888 to go forward. We have approved financing. We are ready to go. This isn't a POD that you are  
889 going to approve, and then, like you have on three previous occasions. The 144 units is allowed  
890 within the area, even though 8.3 acres across the road will be used for additional amenities. If  
891 you have any questions, I would like to answer them if I could.

892 Mr. Archer - Mr. Wilton, the building that is becoming a one story, are you rearranging  
893 that building or doing away with the three-story building altogether?

894 Mr. Wilton - I'm moving the three-story building to the other side, over here. This will  
895 be a little bit further over this way. We still have to have two access points.

896 Mr. Archer - So, essentially, you are switching places with those two?

897 Mr. Wilton - Yes, sir. So, that I will have a one and half story against Mr. Gallagher.

898

899 Mr. Archer - Okay. Now, I understand.

900 Mr. Wilton - That is a single-family residence, but it is zoned R-6, just like my property.

901 Mrs. Wade - So, this is roughly 16 acres, this parcel?

902 Mr. Wilton - This is 7.9 acres.

903 Mrs. Wade - I didn't think it looked that big, but you said something about....

904 Mr. Wilton - Seven point three acres and 8.3 acres on the other side, which will be  
905 owned by the same company, the apartment company. Now, the additional acreage that you see.

906 Mrs. Wade - I get 20 something when I divide.

907 Mr. Wilton - It's actually 25 total. This is a 17.2-acre parcel that I am purchasing from  
908 the Lytle family.

909 Mrs. Wade - When I divide 7 acres into 144 I get 20 something.

910 Mr. Wilton - It's 19.5. We have not exceeded the maximum density allowed under the  
911 zoning. That's already been checked. The acreage may not be exact, as far as I'm concerned, but  
912 we have no more units than allowed under the density and under the R-6. When you put the 8.3  
913 acres into the equation, we come down to about 5.9 units per acre.

914 Mrs. Wade - I understand that.

915 Mr. Wilton - So, that gives us additional open area that we can go ahead and let our  
916 apartment people use. Also, we are maintaining it and we are also letting anybody else in the  
917 area, neighborhoods, or whatever, if they want to go ahead and use the facility, we have no  
918 problem. In addition, we have agreed to put in another playground area if they want it.

919 Ms. Dwyer - Where will the playground area be on the other side?

920 Mr. Wilton - The playground area would have to be over here, here, here and here. I'm  
921 going to meet with the Lawndale people and some of them are here today. This is a commitment  
922 that I have made.

923 Mrs. Wade - I thought you indicated that the playground was going to go on the  
924 apartment side.

925 Mr. Wilton - No. We already have a playground, we have to put a playground with our  
926 facility over here, for the people in the apartments. We would not expect the children to walk  
927 across the street to the playground. This playground is for other people, what we are trying to do  
928 is do a total master plan and give the County something back. We are using maximum density

929 here and we are giving them something back. We would like to go ahead and put the playground  
930 here and that's always been a part of the presentations that I've made before you.

931 Ms. Dwyer - So, where would the playground be on the apartment side?

932 Mr. Wilton - On the apartment side it's right now scheduled to be right in here. We will  
933 probably have enough space to keep it there.

934 Mr. Vanarsdall - Mr. Wilton, staff recommended that Nos. 5 and 6 go from three to two  
935 stories. Would you entertain that idea?

936 Mr. Wilton - That was the earlier staff report. After working with Mr. Jones, and  
937 putting up the additional buffer, this is before the additional buffer and the additional planting,  
938 staff agrees with the plan at this point. We are going basically with the three stories in every place  
939 except for the one and a half story against Mr. Gallagher.

940 Mrs. Wade - Mr. Gallagher would rather have a club house and a swimming pool than  
941 the three story structure?

942 Mr. Wilton - So far, that's the way it looks. We are going to be developing these lots  
943 right here (referring to rendering). We are going to have houses in there. We will be building  
944 single-family homes. That is R-4 property. We are going to be putting up houses that retail at a  
945 minimum of \$100,000 and up.

Ms. Dwyer - Do you have permission for the off site BMP at this point?

959 Mr. Wilton - There were numerous areas where we could design it, we could have put it  
960 underground, which we have done in some sites recently. Before, obviously, some of the  
961 previous POD designs didn't have BMPs. One of the reasons that this piece of property has not  
962 been developed before was because they didn't have this part of the piece of the pie. That's why I  
963 purchased the 17.2 acres in addition for use as additional open area and, again, going to build  
964 single-family homes on it.

965 Mrs. Wade - Wasn't there another house in the middle there on Millers Lane?

966 Mr. Wilton - Yes, ma'am. We actually purchased the two houses at this location from  
967 the Hamilton's. We will be moving those houses over to lots over here too.

968 Mr. Donati - Mr. Wilton, has Virginia Power granted you the easement?

969 Mr. Wilton - They actually designed the pond with my engineer. They have agreed to  
970 this concept. As far as actually having the letter from them, no, I don't, but we have a  
971 confirmation that we have to put the BMP over on this side.

972 Mr. Donati - This is Virginia Power easement, not right-of-way, right?

973 Mr. Wilton - Actually, yes, sir.

974 Mr. Donati - Does Virginia Power own it?

975 Mr. Wilton - I own it, and it's an easement to them.

976 Mr. Donati - The design you have on the plat here, is that sufficient enough to handle the  
977 development of single-family homes also?

978 Mr. Wilton - Yes, sir. All of these lots will go into this BMP. My engineer is here and  
979 he could speak to those houses. The BMP actually has less water, with the way we are capturing  
980 it, less water will be going onto the other side of the property than what's happening now. They  
981 do have drainage problems further down.

982 Mr. Donati - How deep is your BMP?

983 Mr. Wilton - Three to four feet.

984 Mr. Donati - Does it have to be fenced?

985 Mr. Wilton - No, sir. We are not planning to and it doesn't have to be, no.

986 Mr. Donati - You don't have any liability if someone was to fall in there and drown?

987 Mr. Wilton - The apartment complex will carry a liability policy on that. We don't want  
988 to make it look like a BMP, we are trying to go ahead and make it look like an amenity. Nobody  
989 likes BMPs, including the developer.

990 Mrs. Wade - But the playground will be there near the BMP.

991 Mr. Wilton - No, ma'am. The additional playground area will be either here, here, or  
992 however we can go ahead. I'm going to leave that up to the Lawndale Association. It's basically  
993 for them. If they don't want it, then I won't put it in. If they do want it, then I would go ahead  
994 and put it where they like it. I have no problem with that.

995 Mrs. Wade - And all the new houses will be along the road there.

996 Mr. Wilton - Yes, ma'am. And, then we would back up to this, and, again, we will be  
997 landscaping all the way back through here also.

998 Ms. Dwyer - And then there's some along Denison as well.

999 Mr. Wilton - There are three, I owned the property all the way to Mr. Hutchison's piece  
1000 of property. Right now, I could cut in another road here and put another line of lots at a later  
1001 date. We are not proposing that right now. We will hopefully work with Mr. Hutchison later on.  
1002 Right now, we have enough land where we are showing that we can put three lots right there.  
1003 We are not planning to put them in right now but we will come back before the Commission for  
1004 that approval, along with the lots we have right here.

1005 Ms. Dwyer - If you were not able, again, to have a BMP off site, the BMP would be on  
1006 site, then it would take up a lot of space and eliminate....

1007 Mr. Wilton - We actually had a design that we would go underground with it, which is  
1008 basically large pipes. We had that design also, it just works better here and, again, we are trying  
1009 to use that property appropriately, and we think we can turn it into an amenity.

1010 Mr. Donati - You've got to have an outfall for those pipes underground, right? And,  
1011 where would that be?

1012 Mr. Wilton - The outfall is right here. It is sufficient outfall. It has to be approved by  
1013 the County, and, again, there will be less water coming through here than it is now. The whole  
1014 point, when we went through all these zoning cases back and forth, one of the main problems is  
1015 drainage in that area. This is going to reduce what's over there now, because we are capturing it  
1016 and letting it out a little at a time instead of flowing across there the way it used to.

1017 Mr. Archer - Are there further questions of Mr. Wilton? We do have some opposition.

**1018** Ms. Dwyer - You mentioned that you were going to move the pool house and the pool  
**1019** over to the residential side, do we have a plan that shows that? Has that been submitted? What is  
**1020** the status of that proposal?

**1021** Mr. Wilton - We do not have that one. What we could do is write into the plan basically  
**1022** that we are going to be flipping this house and putting the pool right here and the community  
**1023** home, or whatever you want to call it, right here (referring to the rendering). The three-story unit  
**1024** will be moved over there and the pool would be here.

**1025** Mrs. Wade - How far from the property line is that building closest to the north end?

**1026** Mr. Wilton - As far as, what, this right here?

**1027** Mrs. Wade - Yes.

**1028** Mr. Wilton - It was 35 feet here, and we will be able to come off probably another ten  
**1029** feet or so when we put the smaller building there. So, it's going to be 45 to 50 feet off the line.

**1030** Mrs. Wade - So, in R-6, that's the setback required, I guess.

**1031** Mr. Wilton - It's more than the setback. One of the things that did come up in regard to  
**1032** the way these buildings are placed, is that we originally have them at 30 feet, as far as the  
**1033** separation. The BOCA Code has a condition that you have to give at least 30. So, what we did,  
**1034** we increased it, what we have now is according to Code, ½ to 2.4 times code, as far as the  
**1035** separation of buildings. So, again, we are ½ to 2.4 times of what's required of us. So, there  
**1036** shouldn't be a problem with what they alluded to in regard to the fire, after which we changed it.

**1037** Mrs. Wade - Well, we've had the BOCA Code all along, and also problems crop up  
**1038** from time to time.

**1039** Mr. Wilton - There are apartments that do build within 20 feet of each other. We've  
**1040** never proposed to do that, and what we have done is given them even more separation.

**1041** Ms. Dwyer - This R-6 to the north, how wide is that R-6 piece, because most of it is R-4  
**1042** between there and Gay Avenue? Is that right?

**1043** Mr. Wilton - This is A-1.

**1044** Mrs. Wade - Actually, that's the east. That's why I wanted him to turn it around.

**1045** Ms. Dwyer- So, that is the north I'm looking at. Isn't that the R-6 you are talking  
**1046** about?

**1047** Mr. Wilton - It's about 75 to 80 feet wide.

1048 Ms. Dwyer - That really couldn't be developed as an R-6.

1049 Mr. Wilton - By itself you would have a hard time with the A-1 over here, obviously,  
1050 would be different for development.

1051 Ms. Dwyer - My map says R-4.

1052 Mr. Wilton - I thought it was A-1 when I checked. The R-6 can be developed in  
1053 conjunction with additional property or you can actually run a road down there and develop it that  
1054 way. You could have up to 19.5 units per acre. That would be hard to do.

1055 Ms. Dwyer - It's 75 feet wide?

1056 Mr. Wilton - Yes. You will still have enough room to run a road up there and put units  
1057 back in off of it.

1058 Mrs. Wade - That's the Gallagher's and they own all the way back there.

1059 Mr. Wilton - Yes, ma'am.

1060 Ms. Dwyer - I was first under the impression that all of the land between this  
1061 development and Gay Avenue is R-6, but it's just that narrow strip that's 75 feet.

1062 Mr. Wilton - I believe this was all zoned at the same time. But, again, it's been there for  
1063 so long.

1064 Mr. Donati - Could you achieve the same density if you rearranged the buildings and not  
1065 go to three stories on this one?  
1066

1067 Mr. Wilton - No, sir. There's no way that I can utilize the property, because we do have  
1068 this open acreage right here and some useful acreage back in here (referring to the rendering.)  
1069 This is the only way that this piece could be developed.  
1070

1071 Mr. Donati - Is that wetland?  
1072

1073 Mr. Wilton - Yes. Some of it is wetlands and then a portion of it back here is not.  
1074

1075 Mr. Donati - What kind of material is the apartment up the street built out of?  
1076

1077 Mr. Wilton - Up the street, you have, actually, the Honey Tree or Honey Brook  
1078 apartments, I think are....  
1079

1080 Mr. Donati - Back towards Williamsburg Road.  
1081  
1082

1083 Mr. Wilton - They are vinyl with brick foundations. I zoned that piece several years ago  
1084 and they are vinyl with some brick accents on them. What we have is a brick foundation and we  
1085 have vinyl siding.

1086

1087 Mr. Donati - Those are two story, right?

1088

1089 Mr. Wilton - They are three stories at the Honey Brook apartments, which are closer  
1090 than Lakefield Mews, they are three story units there. I mean, we are not doing anything that has  
1091 not been done in the area before.

1092

1093 Mr. Archer - Okay. Are there any further questions of Mr. Wilton? Have much time  
1094 does Mr. Wilton have left.

1095

1096 Mr. Marlles - He has two minutes.

1097

1098 Mr. Archer - You have two minutes left for rebuttal, Mr. Wilton, and at this time we will  
1099 hear from the opposition. If there is a representative who poses the views of the opposition, we  
1100 will here from that person. Of course, we will allow all of you to speak, but just bear in mind that  
1101 you have ten minutes. Let me remind you that, we know Mr. Wilton was up here for a longer  
1102 than ten minutes. The period of time when he is responding to a question that we ask him are not  
1103 counted in his ten minutes. Good morning, ma'am.

1104

1105 Mrs. Gallagher - Good morning. My name is Sandra Gallagher and I live at 4700 Millers  
1106 Lane. We do oppose the three-story apartments. We don't feel that an exception should be  
1107 granted to him. The Glens at Millers Lane Apartments will be built on approximately six and a  
1108 half usable acres because of the wetlands. It's not 24 ½ acres, and I feel that's misleading because  
1109 the other acreage is zoned R-4 and it's located across the street and it's a proposed residential  
1110 complex. Mr. Wilton had a chance to purchase our additional acre, and it's already zoned R-6 as  
1111 you know. He had a contract on this land, pending a feasibility study, and he opted to not  
1112 purchase it, and I feel with this additional acre he could spread his complex out more and possibly  
1113 do it with two story apartments. The BMP, as I understand it, is a problem. It's located off site  
1114 on land zoned R-4 and it would have to be approved by the County Attorney and the Director of  
1115 Public Utilities and apparently he says he has the permission granted by Virginia Power to locate  
1116 in their easement. We were given plans Friday and we saw no play area on the complex. The  
1117 only playgrounds we saw were located across Millers Lane and we feel that would be pretty  
1118 dangerous for children from the complex to be running across that busy road to go to the  
1119 playground. My question is why does he need 144 units? Couldn't he go with less units? Thank  
1120 you for letting me voice my concerns.

1121

1122 Mr. Archer - Thank you, Mrs. Gallagher.

1123

1124 Mrs. Wade - And you all do, in fact, prefer the clubhouse and the pool, instead of the  
1125 three stories, if it were to be three stories, but you would rather not have three stories?

1126

1127 Mrs. Gallagher - Well, our bedroom is located on that side of our house and we just  
1128 preferred not to have a 35-foot tall building 30 feet from our home. If they have to be built, I  
1129 would rather see two-story apartments. It's a small area that they will be built on. I just feel like  
1130 they are too tall to be a real asset to the County in that area.

1131

1132 Ms. Dwyer - So, you are on that strip of R-6 to the north, is that right?

1133

1134 Mrs. Gallagher - Yes, ma'am.

1135

1136 Mr. Archer - Thank you, Mrs. Gallagher.

1137

1138 Ms. Bane - Good morning. My name is Sue Bane and I'm a minister as well as a  
1139 mother of six children. I live on Denison Road, which is just across the field from where he wants  
1140 to build the apartments. I'm here basically to show you the crime report. Again, you all had  
1141 asked last time when we were up here about the Honeybrook and Lakefield Mews apartments.  
1142 So, I went through our neighborhood and collected the money to be able to purchase those other  
1143 three years to show the crime rate and how it is raised with apartment living. The more apartment  
1144 complexes we have, the higher the crime rate is. You can see, even with the newer apartments,  
1145 we have the Laurel Pines Apartments, which were built in 1988. The crime rate, as you look  
1146 down and look on the second page up to 1997, it goes all the way up to 1228 crimes in one year  
1147 in 1997. Whereas in 1989, one year after they were built, it was on 413. If you look in the  
1148 neighborhood, along the middle section, right there where our neighborhood is, that's Lawndale  
1149 Farms neighborhood, you can see that the crime rate is much lower, extremely low compared to  
1150 the crime rate of the apartments. Then you also have the Lawndale Farms Apartments, which is  
1151 the one they are going to be running adjacent with on one site. I believe that's what I understand,  
1152 a three-story there. You can see that their crime rate has continually risen. And, then, Honey  
1153 Brook and Lakefield Mews also has risen consistently with the Lawndale Farms Apartments.

1154

1155 As a neighbor, we stand against apartments because we love our children and we don't like the  
1156 crime rate that affects our children. For instance, a situation that happened right in front of our  
1157 house. A gang came down from the Honey Brook/Lakefield Mews and the reason we know that  
1158 is because we had to hunt their parents down, and they attempted to start a gang in our  
1159 neighborhood, and a couple of boys across our street tried to join with them and our next door  
1160 neighbors came against this and we told them they needed to leave our neighborhood and that we  
1161 weren't going to have it there. They threw rocks at our signs, you can still see the signs there  
1162 dented by rocks. Also they came through there and broke some windows in the back of some  
1163 cars and these people came from the Lakefield Mews area and those are apartment people over  
1164 there. We don't want it in our neighborhood. We care about our neighborhood. If you go  
1165 through it, you will see that people are trying to keep it up. We are trying to start a  
1166 "Neighborhood Watch" on our side to help even more. So, the more units you make, the more  
1167 apartment-minded people are moving in. So, the lower the units, the less are there. So, we are  
1168 asking not to increase the units that he's allowed. Thank you, very much.

1169

1170 Mr. Archer - Thank you, Mrs. Bane. Are there any questions of Mrs. Bane before she  
1171 takes her seat?

1172

1173 Mr. Donati - Ma'am, you do understand that he can build apartments there? We are just  
1174 debating whether it should be two stories or three stories.

1175

1176 Mrs. Bane - Yes, I do, but we just want to limit it down to as few units that we can  
1177 manage to have. We do realize that he can build the apartment, yes, sir.

1178

1179 Mrs. Wade - So, if citizens want a crime report you have to pay to get this from the  
1180 County?

1181

1182 Mrs. Bane - It's \$9.00 a report, for each page that you get, it's \$9.00.

1183

1184 Mrs. Wade - Often the Commission member will get that information.

1185

1186 Mrs. Bane - Oh, really. We will remember that in the future.

1187

1188 Mr. Archer - All right. Are there any further questions? Thank you, ma'am. Is there  
1189 anyone else that would like to speak in opposition? I believe we have a little time left.

1190

1191 Mr. Marlles - Yes, we do, four minutes.

1192

1193 Mr. Archer - All right. Four minutes left.

1194

1195 Mr. Hutchinson - Mr. Chairman, ladies and gentlemen, Mr. Donati. I'm Carlton Hutchinson.  
1196 I live at 3610 Denison Road. Going back, I own the property east of there and 18 months ago  
1197 my wife and I entered into an agreement with Mr. Wilton to buy our property at which time he  
1198 attempted to have it rezoned for three-story apartments and that failed. So, the way I feel about  
1199 it, if three story apartments can't be on my property where I can sell my real estate, why should  
1200 you make an exception and put them right next to me. As far as houses on mine, it's zoned for  
1201 single family, and the papers that come up for that said if you put single family on mine, it had to  
1202 be brick construction and on half acre lots, no less than that. So, I feel like I'd definitely be  
1203 cheated if they allowed it to go right next to me and allow three-story apartments. Another thing,  
1204 as far as sitting back there, you couldn't see those maps so I don't know what's going on. I don't  
1205 know how many houses are supposed to go between the power line and Millers Lane. I don't  
1206 understand that. I know in 1989 they wanted to build apartments there and the drainage... the  
1207 drainage comes directly over on me. If the drainage, you know, is so where no more water comes  
1208 then I can't say anything, but the County has been nice enough, within the last few months, with  
1209 the rain, the road going to my property, they had to come out there twice to fix my road so that  
1210 the water's natural shed wouldn't block me from getting out to the main road. Another thing is  
1211 that traffic light at Millers Lane. As anybody in the neighborhood knows, that is dangerous now.

1212 I'll be out in my yard and it seems like every month or two I will hear a wreck and I go call the  
1213 Police. If you do any development in this area, I know for a fact that that road, Millers Lane,  
1214 there's got to be a traffic light there on that side. Another thing that Henry didn't make clear is  
1215 the piece of land between the power line and my property. What do you intend to do with that?

1216

1217 Mr. Wilton - Leave it R-4.

1218

1219 Mr. Hutchinson - Are you going to build now?

1220

1221 Mr. Wilton - I may build in a couple of years but I don't plan to build right now.

1222

1223 Mr. Hutchinson - I know Henry sent me a proposal to buy a part of mine, which naturally I  
1224 wouldn't want, you know, to sell off the front of my house, my front yard to build there. I'm  
1225 definitely opposed to having the three story because if it's not good enough for mine, why should  
1226 it be good over there. Talking about these playgrounds and all, I don't get exactly where they  
1227 are going to be, apparently they are going to be on the Lyle property. So, I would definitely want  
1228 a fence and a buffer from Gay Avenue to Denison Road, a fence because land use where my  
1229 neighbor has right now has pumpkins, watermelons, cantaloupe, and sweet corn, and with that  
1230 many children in the area, I'm sure it would be a temptation and I wouldn't want the little rug rats  
1231 to be tempted and come over on my property. So, Henry, I would definitely, I want to make it  
1232 clear now, that I would want a chain link fence from Denison all the way to Gay and some kind of  
1233 a buffer. I thank you very much.

1234

1235 Mr. Donati - Where you speaking of a traffic light, at Miller and Gay or Miller and  
1236 Route 60?

1237

1238 Mr. Hutchinson - Miller and Gay. It is real dangerous there and by living right across the  
1239 field, I know how many is there. My son lives in Honey Brook and there is a lot of traffic that

1255

1256 Mr. Vanarsdall - Do that involve most of you?

1257

1258 Audience - All of us.

1259

1260 Ms. McEarnie - We have a very large Neighborhood Watch Association.

1261

1262 Mr. Vanarsdall - And you haven't seen the final plans, is that what you are saying?

1263

1264 Ms. McEarnie - Not for the current proposal, no, sir.

1265

1266 Mr. Vanarsdall - So, how do you know what we were talking about this morning?

1267

1268 Ms. McEarnie - We have a copy of the proposal that was given out to the people on Altair,  
1269 but only those people. If it had not been passed around the neighborhood we would not have  
1270 known anything about it.

1271

1272 Mr. Vanarsdall - Thank you.

1273

1274 Mr. Archer - Thank you, ma'am. Mr. Wilton, I believe you reserved two minutes for  
1275 rebuttal.

1276

1277 Mr. Wilton - Yes, sir. I have just a couple of comments. Bob Thompson has already  
1278 approved the BMP located on the other side of the property. I have dealt with the Gallaghers.  
1279 We were into negotiations and basically they wanted twice what the assessed value was of their  
1280 property. So, economically, I did not buy their property. It's a question, obviously, what they  
1281 think it's worth and what I think it's worth. In regard to the playground area, there is a  
1282 playground area that will be immediately adjacent to the pool area within the apartment complex.  
1283 I'll be happy to meet the Lawndale Association. In fact, I have already agreed to do that on  
1284 numerous associations, to come in. If they want a playground area over there, we are planning to  
1285 maintain it, the apartment complex will actually own the 8.3 acres. If they don't want a  
1286 playground area I won't put it in. The whole time, we've always said that this is approximately  
1287 17 - 18 acres away from them at this point. The only thing that can be proposed on that 17.2  
1288 acres, that I'm buying, is R-4. I have no plans to do anything else but single family on that  
1289 property, except for putting in a playground if they like it. The three-story apartments are  
1290 hundreds and hundreds and hundreds feet away from these people. I will go ahead..... The three  
1291 story units, Mr. Hutchinson's son lives in one, which is about almost the same distance to my unit.  
1292 So, I guess it's all right for Mr. Hutchinson's family to live in one over there but not across 17  
1293 acres. The property is zoned for 144 units. That's what I'm trying to do. In addition to that, I'm  
1294 also giving open area 8.3 acres to other people. I will agree, right now, to meet with the people.  
1295 I will agree to offer them a playground area. I will agree to talk to Mr. Hutchinson about his  
1296 fence and so on, but I think that's relegated to the time when I'm developing the property against  
1297 him. I'm not planning to do that right now. The only thing I'm trying to do is put up our

1298 apartments and later on do the single family. That's all I'm here to talk about today.

1299

1300 Mr. Vanarsdall - Mr. Wilton, would you entertain the idea of deferring this case so you can  
1301 meet with them before we make any kind of decision on this?

1302

1303 Mr. Wilton - I am under a very tight schedule. If we were going to do that, if I could  
1304 get the two-week extension to the night meeting I would appreciate it.

1305

1306 Mr. Vanarsdall - Would that give you all time, two weeks from now, if we brought it up  
1307 again? That would be our night meeting.

1308

1309 Audience - Oh, yes. The night meeting would be much better.

1310

1311 Mr. Vanarsdall - We would appreciate it if you would do that, Mr. Wilton. So, with that I  
1312 move POD-80-98 be deferred to September 10, at the applicant's request.

1313

1314 Ms. Dwyer - Second.

1315

1316 Mr. Archer - The motion was made by Mr. Vanarsdall and seconded by Ms. Dwyer. All  
1317 in favor say aye...all opposed say nay. The motion passes.

1318

1319 Mr. Wilton - I do have one question. Will that be heard again or will we come in and  
1320 review or how will we handle it? Do we go through the entire case again or how do you want to  
1321 handle it?

1322

1323 Mr. Vanarsdall - I don't know.

1324

1325 Mr. Archer - I suppose, Mr. Vanarsdall, if there's going to be further discussion with the  
1326 neighborhood, we probably better hear it again. I would think, Mr. Wilton, wouldn't you?

1327

1328 Mr. Vanarsdall - I think we will hear it again.

1329

1330 Mr. Wilton - Okay.

1331

1332 Ms. Dwyer - Will you have a revised plan that shows the switching of the pool house  
1333 and the location of the playground in the complex area?

1334

1335 Mr. Wilton - Yes.

1336

1337 Mrs. Wade - Now, will all of you be here in September, because I won't be here and Mr.  
1338 Zehler is in the lobby? Mr. Donati, they may need you too. Will you be here in September?

1339

1340 Mr. Donati - I think so, yes.

1341

1342 Ms. Dwyer - And Mr. Zehler can't vote, so all four us will have to be here.

1343

1344 Mr. Donati - Mr. Chairman, maybe the Assistant Traffic Engineer can get us some traffic  
1345 counts on Gay and Brittles, not Brittles, I'm sorry, Millers Lane.

1346

1347 Mr. Archer - All right. Thank you, Mr. Eure. The Commission will take a 10-minute  
1348 recess.

1349

1350 At the request of the applicant, the Planning Commission deferred POD-80-98, The Glenss at  
1351 Millers Lane Apartments (POD-110-89 Expired), to its meeting on September 10, 1998. Mr.  
1352 Zehler was absent.

1353 **PLAN OF DEVELOPMENT**

**POD-78-98  
Shady Grove United  
Methodist Church  
Pouncey Tract Road**

**TIMMONS for Shady Grove United Methodist Church:**  
Request for approval of a plan of development as required  
by Chapter 24, Section 24-106 of the Henrico County Code  
to construct a one-story 6,415 square foot church. The  
8.61-acre site is located at the southeast corner of Pouncey  
Tract Road (U.S. Route 271) and Shady Grove Road on  
parcels 26-A-20A and 26-A-21A. The zoning is A-1,  
Agricultural District. County water and septic  
tank/drainfield. (Three Chopt)

1354

1355 Mr. Archer - OK, is there anyone here in opposition to POD-78-98, Shady Grove United  
1356 Methodist Church? All right. Mr. Whitney.

1357

1358 Mr. Whitney - Thank you, Mr. Chairman. Good morning, Commission members. I  
1359 would like to point your attention to the addendum. There is an added condition for this plan of  
1360 development. This condition would deal with the applicant obtaining a variance for minimum lot  
1361 width requirements and for side yard; minimum side yard requirements along Pouncey Tract  
1362 Road. They have applied for the variance and it will be heard by the Board of Zoning Appeals on  
1363 September 24. If they do not obtain this variance, then the language and the condition states that  
1364 this plan of development approval shall be void. Also, the applicant has addressed two  
1365 recommended conditions of staff, those being No. 23 and No. 29.

1366

1367 In condition No. 23, they would like wording changed in the last sentence to read "All required  
1368 road improvements shall be completed with the construction of the future sanctuary shown in  
1369 Phase 2 of this project."

1370

1371 In Condition No. 29, the language they have asked staff to recommend the need "for a standard  
1372 concrete sidewalk along the south side of Shady Grove Road and the east side of Pouncey Tract  
1373 Road shall be reviewed and, if determined necessary, constructed with the future sanctuary shown

1374 as Phase 2."

1375

1376 With that, staff can recommend approval of this plan of development and I will take any questions  
1377 you might have.

1378

1379 Mr. Archer - Thank you, Mr. Whitney. Are there any questions from the Commission  
1380 for Mr. Whitney?

1381

1382 Ms. Dwyer - Where is the lot width and minimum side yard requirement not met?

1383

1384 Mr. Whitney - That would be at the parcel at the southeast corner of Shady Grove Road  
1385 and Pouncey Tract. There is an arrow going along the front of that parcel. There is a note at the  
1386 top of that line saying 400 ft. minimum width required.

1387

1388 Ms. Dwyer - And that is the front yard, technically.

1389

1390 Mr. Whitney - That has been determined to be the front yard. Shady Grove Road.

1391

1392 Mrs. Wade - I guess churches have to have a 400 ft. minimum width front yard width.

1393

1394 Mr. Whitney - Churches in an A-1 District require a 400-ft. minimum lot width.

1395

1396 Ms. Dwyer - I know what our definition is for front yards and it makes sense for, I think,  
1397 residential lots, but it doesn't usually make sense, to me anyway, for commercial development and  
1398 developments of this type, and I wonder if we could look into changing that or maybe  
1399 something..does someone else agree with that?

1400

1401 Mr. Zehler - I've had that question in residential, too.

1402

1403 Ms. Dwyer - Well, I just recall a shopping center and the shopping center as anyone can  
1404 imagine, faced the long section of the lot, but the short section was determined to be the front,  
1405 which really was the side, and it caused problems with buffer areas and things, and buffers for the  
1406 side yards were not as large as buffers for the rear yards, so the neighbors weren't as protected, so  
1407 it can have some undesirable consequences. I'll just throw that out.

1408

1409 Mr. Whitney - We run across this quite often and we have to go to the Zoning  
1410 Conformance Officer to get a determination.

1411

1412 Mrs. Dwyer - Or get variances, I guess.

1413

1414 Mr. Whitney - Correct.

1415

1416 Mr. Archer - All right. Are there further questions for Mr. Whitney?

1417

1418 Mrs. Wade - OK. When I thought we were going to be expedited, I didn't have any  
1419 questions, but now that you are here, what is the material, I have seen the rendering. It doesn't  
1420 say whether it is vinyl or wood.

1421

1422 Mr. Whitney - Hardi plank siding with a brick veneer foundation.

1423

1424 Mrs. Wade - What is this long piece that juts out toward this mark?

1425

1426 Mr. Whitney - That is part of the existing parcel that the church has, where the existing  
1427 sanctuary is. I don't know where that came from.

1428

1429 Mrs. Wade - It is just there. Thank you. Did the applicant want to say something here?  
1430 He is shaking his head. With his changes to the proposed conditions, he apparently is satisfied.

1431

1432 Mr. Whitney - The applicant has indicated he is all right with the changes in the conditions  
1433 that I recommended.

1434

1435 Mrs. Wade - All right. Suppose, I am trying to think about this wording on No. 29. It  
1436 may well be, that with future development in that area, that there will be a lot more people  
1437 walking, riding around, and that it would be desirable to have sidewalks wherever possible, so it  
1438 would be reconsidered with that definite possibility in mind that is Phase 2 with the sanctuary.  
1439 So, what is the building now? I was under the impression that at first they weren't building a  
1440 sanctuary, and I look at this and it didn't look that big, so now I am not sure.

1441

1442 Mr. Whitney - This building that they are building would be a sanctuary; however, they  
1443 have in plans a larger sanctuary, but they are not ready to build that at this time. This will meet  
1444 their needs presently and they will have future expansion in mind.

1445

1446 Mrs. Wade - Thank you. I am done, Mr. Chairman. Is there anybody else to speak to  
1447 this?

1448

1449 Mr. Archer - Does anybody else have a question for Mr. Whitney?

1450

1451 Mrs. Wade - OK. I move that plan of development, POD-78-98, Shady Grove United  
1452 Methodist Church, be approved with the annotations on the plan, conditions Nos. 23 through 36,  
1453 36 appearing on the addendum, and I believe that one of the conversations that I had that they  
1454 were going to save a number of the large trees on the site, the revised 23, to add "all road  
1455 requirements to be completed with Phase 2 and the future sanctuary" - whatever the wording was  
1456 that staff made, and 29 also, as Mr. Whitney read to provide for future consideration of the  
1457 sidewalk with Phase 2 also with the sanctuary, the new sanctuary.

1458

1459 Mr. Vanarsdall - Second.

1460

1461 Mr. Archer - The motion has been made by Mrs. Wade and seconded by Mrs. Wade. All  
1462 in favor let it be known by saying aye. All opposed say no. The motion passes.

1463

1464 Mrs. Dwyer - Mrs. Wade, I just had a thought. Since they are building the sanctuary now  
1465 and they will later be building another sanctuary, is there going to be any confusion about the  
1466 meaning of which sanctuary we are talking about?

1467

1468 Mrs. Wade - Do they refer to this new building as a sanctuary. Is it going to be a  
1469 worship room, or a room...

1470

1471 Mr. Whitney - I think she included, she submitted with us the plans that they submitted to  
1472 us that it is going to be a sanctuary, so I think it is clear to everybody that it will be a part of the  
1473 approval.

1474

1475 Mrs. Wade - And actually I was not aware until a few minutes ago of the suggested  
1476 changes.

1477

1478 Mr. Whitney - Nor was I.

1479

1480 Mrs. Wade - Thank you. I mean we have a process for taking care of these things. Let's  
1481 stick to it when we can. Thank you.

1482

1483 The Planning Commission approved POD-78-98, Shady Grove United Methodist Church, subject  
1484 to the annotations on the plans, the standard conditions for developments of this type, and the  
1485 following added conditions:

1486

1487 23. The right-of-way for widening of Shady Grove Road and Pouncey Tract Road (State  
1488 Route 271) as shown on approved plans shall be dedicated to the County prior to any  
1489 occupancy permits being issued. The right-of-way dedication plat and any other required  
1490 information shall be submitted to the County Real Property Agent at least 60 days prior to  
1491 requesting occupancy permits. All required road improvements shall be completed with  
1492 the construction of the future sanctuary shown as Phase II of this project.

1493 24. The easements for drainage and utilities as shown on approved plans shall be granted to  
1494 the County in a form acceptable to the County Attorney prior to any occupancy permits  
1495 being issued.

1496 25. The entrances and drainage facilities on State Route 271 shall be approved by the Virginia  
1497 Department of Transportation and the County.

1498 26. A notice of completion form, certifying that the requirements of the Virginia Department  
1499 of Transportation entrances permit have been completed, shall be submitted to the  
1500 Planning Office prior to any occupancy permits being issued.

1501 27. The required building setback shall be measured from the proposed right-of-way line.

1502

1503

1504 28. The developer shall provide fire hydrants as required by the Department of Public Utilities in its approval of the utility plans and contracts.

1505

1506 29. The need for a standard concrete sidewalk along the south side of Shady Grove Road and the east side of Pouncey Tract Road shall be reviewed, and if determined necessary, constructed with the future sanctuary shown as Phase II of this project.

1507

1508

1509 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.

1510

1511

1512 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.

1513

1514

1515 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.

1516

1517

1518 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.

1519

1520

1521 34. 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.

1522

1523

1524 35. 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.

1525

1526

1527

1528 36. This approval is base on the applicant obtaining a variance by the Board of Zoning Appeals for minimum lot width and minimum side yard requirements. The variance approval shall be obtained prior to final approval of the construction plans. If the variance is denied, this plan of development approval shall be void.

1529

1530

1531

1532

### 1533 SUBDIVISION

1534

Courtland at  
Wyndham Townhouses  
(August 1998 Plan)

**Youngblood, Tyler & Associates, P.C. for C. Richard Dobson Builders, Inc.:** The 13.57-acre site is located on the northwest corner of Nuckols Road and Wyndham Park Drive on part of parcel 9-A-19-C and 9-A-20. The zoning is RTHC, Residential Townhouse District (Conditional). County water and sewer.  
**(Three Chopt) 75 Lots**

1535

1536 Mr. Archer - Is anyone here in opposition to Courtland at Wyndham Townhouses? No

1537 opposition. Mr. Whitney.

1538

1539 Mr. Whitney - Thank you, Mr. Chairman. The reason for this conditional subdivision is  
1540 that the applicant has come in to reconfigure the lots in this area. There was a previous  
1541 conditional approval on this. There was a reduction in the number of lots, and I believe new  
1542 owners are involved with this project and that is the reason for the changes. With that, staff can  
1543 recommend approval of this plan, and I will take any questions you may have.

1544

1545 Mrs. Wade - And that is the revised plan? A revised plan?

1546

1547 Mr. Whitney - Yes, a revised plan here which would point to the annotations on the staff  
1548 plan. They addressed some of the comments that staff had at the Staff/Developer Conference.

1549

1550 Mrs. Wade - Is the applicant in agreement, as far as you know?

1551

1552 Mr. Whitney - As far as I know, the applicant is in agreement and Mr. Cochran is shaking  
1553 his head up and down.

1554

1555 Mr. Archer - Are there any other questions by the Commission? Do you need to hear  
1556 from the applicant, Mrs. Wade? All right.

1557

1558 Mrs. Wade - I move that Courtland Subdivision at Wyndham Townhouses (August 1998  
1559 Plan), that is the revised plan, be approved, subject to the annotations on the revised staff plan,  
1560 the original staff plan, and added condition No. 13 be approved.

1561

1562 Ms. Dwyer - Second.

1563

1564 Mr. Archer - We have a motion by Mrs. Wade and a second by Ms. Dwyer. All in favor  
1565 say aye. All opposed say no. The motion passes.

1566

1567 The Planning Commission approved Subdivision Courtland at Wyndham (August 1998 Plan),  
1568 subject to the annotations on the plans, the standard conditions for developments of this type, and  
1569 added condition No. 13 shown below:

1570

1571 13. Any necessary off-site drainage easements must be obtained prior to final approval of the  
1572 construction plans by the Department of Public Works.

1573

#### 1574 **PLAN OF DEVELOPMENT**

1575

POD-79-98  
Prudential Overall  
Supply

**Youngblood, Tyler & Associates, P.C. for Prudential Overall  
Supply and Central Coast Construction:** 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 30,206 square foot  
cleanroom manufacturing plant. The 2.92-acre site is located along

the south line of Eastpark Court approximately 1,450 feet from its intersection with Airport Drive (State Route 156) on part of parcel 155-9-A-4. The zoning is M-1, Light Industrial District and ASO (Airport Safety Overlay District). County water and sewer. **(Varina)**

1576

1577 Mr. Archer - Is there anyone here in opposition to POD-79-98, Prudential Overall  
1578 Supply? Ms. News.

1579

1580 Ms. News - This development backs up directly to the I-64 on-ramp at South Airport  
1581 Drive. Staff's original concern was the visibility of the loading areas from the Interstate. A site  
1582 visit revealed that there is a relatively thick grove of trees within the right of way and the applicant  
1583 has also indicated that landscaping would be added within the 15 foot strip of right of way and as  
1584 much of the existing vegetation shall be saved in that area as possible to provide further screening.  
1585 All minimum code requirements have been met and applicant has agreed to staff's annotations.  
1586 Staff, therefore, recommends approval of this project.

1587

1588 Mr. Archer - Are there any questions by Ms. News by Commissioners?

1589

1590 Mr. Zehler - I would like to hear from the applicant, Mr. Chairman.

1591

1592 Mr. Youngblood - Good morning. I am Dick Youngblood, with Youngblood, Tyler and  
1593 Associates and I have Scott Agee here who is with Central Coast Construction and is the design  
1594 build consultant for this facility, and they have built several of these facilities for the chip  
1595 manufacturers. Do you have any questions?

1596

1597 Mr. Zehler - I have a picture. Is this the quality of construction we are going to get on  
1598 this site?

1599

1600 Mr. Youngblood - Mr. Agee should answer that.

1601

1602 Mr. Agee - My name is Scott Agee. I am President of Central Coast Construction.  
1603 We design and build all of the facilities for Prudential Overall Supply. It goes back generations,  
1604 about 30 years. The photograph that Mr. Zehler has in his hand is a completed, almost identical  
1605 facility that we completed two years ago in Round Rock, Texas, and it is a neighboring town of  
1606 Austin, which is now called the Silicon Prairie.

1607

1608 That is a tilt-up construction, tilt-up concrete wall, steel deck roof, single-ply roof. That particular  
1609 building is a little over 20,000 feet and this one would be larger at 30,000 feet primarily due to the  
1610 additional warehousing operation in the back third which is for what they call their consumable  
1611 division. Let me explain that. This company, Prudential Overall Supply, processes the clean room  
1612 bunny suits that White Oak Semiconductor, Motorola, and other facilities like that, with the  
1613 hoods, the smocks and the gloves and the booties that the employees of places like White Oak  
1614 operate; in fact, they are a supplier to White Oak, and so they launder these clean room garments

1615 within a clean room itself. It would be about a 7000 or 9000 square foot clean room inside the  
1616 shell, and going back to the warehouse, a portion of that work, some of which is called  
1617 consumable throw-away - things like wipers, things used to wipe particular matter off of work  
1618 surfaces and that sort of thing.

1619

1620 Mr. Zehler - Are there going to be any deviations from this picture as far as this building  
1621 compared to your building?

1622

1623 Mr. Agee - A couple of minor deviations. The front entry, actually that will be the  
1624 same. There are a couple of pre-cap panels that will be thicker that actually stand out from the  
1625 front entrance corner. That part will be identical. The paint scheme proposed, Mr. Zehler has  
1626 some color chips, perhaps you will want to pass, or perhaps you may want to put them on the  
1627 photo camera over here, that color scheme is proposed to be the same.

1628

1629 In fact, a part of that is textured paint in Texas, and that - we had originally proposed a smooth  
1630 paint here, but the client has asked that we keep the textured paint to give a little more texture to  
1631 the surface. One change that is different, well, first of all, as far as the dimensions of the building,  
1632 that building there is 154 feet wide on the street frontage. This one proposed is 180. That one is  
1633 130 feet deep. This one is proposed to be 164 feet deep, I believe, so it is just slightly larger.

1634

1635 Because that building faced to the west, we had additional facade of country panel and four-foot  
1636 thick canopy over the front windows. We are not proposing to do that here because the front of  
1637 the building faces to the north, so that isn't any need for the shading of the windows for the offices  
1638 along that outside wall. Otherwise, it is essentially the same. The rear, we don't have a photo of  
1639 the rear, but it would be exactly the same as far as a couple of the metal canopies over the rear  
1640 loading and unloading areas.

1641

1642 Mr. Zehler - Based on the contour of the land and the existing trees, will it be visible  
1643 from the interstate?

1644

1645 Mr. Agee - The elevation of this site is just about level with the level of the interstate.  
1646 The interstate is actually slightly sloping downward as it overpasses Airport Drive and it is  
1647 coming downward as it comes to the west. Right at this site it is almost equal. There is a fairly  
1648 thick buffer of existing trees and I have some photographs of that from the on-ramp off of Airport  
1649 Drive and from the freeway, as well, and the buffer we are proposing on site, in fact, we have a  
1650 little discrepancy, this plan shows 15, our architectural plan shows 10, but in either event, we  
1651 intend to plant evergreens and pines in that buffer zone to give a year round visible screen for that  
1652 site. In fact, we even wrap it around the West Side a little bit to a degree where the BMP is. We  
1653 are willing to do that as well. Our client doesn't want it visible from the freeway either and we  
1654 will be hiring a landscape architect to prepare that plan, and that will be coming before the  
1655 Commission. Well, we will be getting him on board in the next couple of weeks and hopefully  
1656 that will be ready for the next meeting, probably not the next meeting, but anyway that will be  
1657 coming before you as well as Liberty property which fronts to the front of the park, who is selling

1658 this to our client, and we have met with them, and they are concerned as well about the screen, so  
1659 we are all three on the same page as far as providing adequate screen along the south side.

1660

1661 Mr. Zehler - How about preservation of the existing trees?

1662

1663 Mr. Agee - My thinking on that is that within that buffer on the property, that any  
1664 significant size trees, say six to eight inches in girth, say 3 feet above the ground, would be  
1665 retained, and any smaller ones taken out and fill that in with evergreens. That's open for  
1666 discussion as to what level of the size of existing trees ought to be retained.

1667

1668 Mr. Zehler - And I understand that Liberty Properties has no problem with the quality of  
1669 construction.

1670

1671 Mr. Agee - That is true. In fact, I just received a letter from Amy Dundon, who is  
1672 representing Liberty. In fact, she is here today. We met for the second time yesterday. They  
1673 have reviewed the same plans that you have had and have approved the site plans and the colors  
1674 and they want to see a line of site study for us to prove that our point of height and the roof  
1675 screen does, in fact, screen the roof entirely, and we will be doing that, and if there is anything not  
1676 fully covered, we will raise up the screen accordingly.

1677

1678 Mr. Zehler - Can you share that letter with the Commission?

1679

1680 Mr. Agee - Certainly. Do you want to pass it around or put it under the camera?  
1681 Let me just make a comment, when we got started with the project in June, I, just by chance,  
1682 searched the web to see if there might be anything, and I found the web site and I am a little bit  
1683 embarrassed to say, you guys are far ahead of any California county or city that I have come  
1684 across and dealt with. This was extremely helpful; I am being entirely serious here. The amount  
1685 of information we were able to get very quickly was very invaluable. The staff responded within  
1686 24 hours to some of our inquiries, in fact, one gentlemen, I shared with him where I was staying,  
1687 and he faxed me a map of how to get to my hotel. I told him I am used to a level of regulations to  
1688 deal with, but I am not used to that kind of service. I share that as a commendation to the  
1689 County and Ms. Gardner. You folks are doing well. I wish other cities and counties hopefully  
1690 will follow suit.

1691

1692 Mr. Zehler - I have no further questions.

1693

1694 Mr. Archer - Does anyone else have a question for Mr. Agee?

1695

1696 Ms. Dwyer - I just have a question about the color. Is this a paint applied to the surface  
1697 or is this an integrated color?

1698

1699 Mr. Agee - Paint applied.

1700

1701 Mr. Archer - Thank you, sir.

1702

1703 Mr. Zehler - With that, Mr. Chairman, I move POD-79-98, Prudential Overall Supply,  
1704 be approved, subject to the standard conditions for the development, annotations on the plans,  
1705 and the additional conditions Nos. 23 through 28.

1706

1707 Mr. Vanarsdall - Second.

1708

1709 Mr. Archer - We have a motion by Mr. Zehler and a second by Mr. Vanarsdall. All in  
1710 favor let it be known by saying aye. All opposed say no. The motion passes.

1711

1712 The Planning Commission approved POD-79-98, Prudential Overall Supply, subject to the  
1713 standard conditions for developments of this type, the annotations on the plans, and the following  
1714 additional conditions:

1715

1716 23. The easements for drainage and utilities as shown on approved plans shall be granted to  
1717 the County in a form acceptable to the County Attorney prior to any occupancy permits  
1718 being issued.

1719 24. The developer shall provide fire hydrants as required by the Department of Public Utilities  
1720 in its approval of the utility plans and contracts.

1721 25. Any necessary off-site drainage easements must be obtained in a form acceptable to the  
1722 County Attorney prior to final approval of the construction plans by the Department of  
1723 Public Works.

1724 26. Deviations from County standards for pavement, curb or curb and gutter design shall be  
1725 approved by the County Engineer prior to final approval of the construction plans by the  
1726 Department of Public Works.

1727 27. Insurance Services Office (ISO) calculations must be included with the utilities plans and  
1728 contracts and must be approved by the Department of Public Utilities prior to the issuance  
1729 of a building permit.

1730 28. Approval of the construction plans by the Department of Public Works does not establish  
1731 the curb and gutter elevations along the Henrico County maintained right-of-way. The  
1732 elevations will be set by Henrico County.

1733

#### 1734 LANDSCAPE AND LIGHTING PLAN

LP/POD-81-97  
Glenwood Crossing  
Shopping Center

**Shipp & Wilson for Clarke Jones, Jr.:** 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 2.9-acre site is  
located on the southeast corner of Laburnum Avenue on  
Mechanicsville Turnpike on parcels 118-19-3-1A and 6. The zoning is  
B-2, Business District. **(Fairfield)**

1735

1736 Mr. Archer - Is anyone here in opposition to LP/POD-81-97, Glenwood Crossing Shopping  
1737 Center? No opposition. Ms. News.

1738

1739 Ms. News - The applicant has worked with staff to revise the plans to address staff  
1740 comments. Plantings to meet the 25 foot transitional buffer requirement are provided along Harris  
1741 Avenue and part of Rescue Avenue, and a six foot chain-link fence is shown in the center of the planted  
1742 areas to meet the requirement of the POD. Dumpster screens which have been revised from the  
1743 originally approved location on the POD have been shown on the revised handouts. The only staff  
1744 recommendation which the applicant did not agree with due to monetary considerations was the  
1745 recommendation for some shrub planting at the entrances or the front of the parking area along  
1746 Laburnum and Mechanicsville Turnpike, due to the prominence of this intersection and general  
1747 congestion of the area. Shrub plantings, however, are not required to meet the minimum requirements  
1748 of the ordinance and, therefore, staff recommends approval of the plan.

1749

1750 Mr. Archer - OK. Are there any questions of Ms. News by the Commission?

1751

1752 Mrs. Wade - Where is it that they didn't want to put the shrubs?

1753

1754 Ms. News - We requested some shrub plantings along the main roads, Laburnum and  
1755 Mechanicsville Turnpike, to buffer the parking spaces which are along the frontage of the site on both  
1756 sides, or at the entrances, to the facility. They are many entrances along here, but due to the monetary  
1757 considerations, because of the transitional buffer requirements, the amount of plantings required  
1758 elsewhere on the site...

1759

1760 Ms. Dwyer - It looks like some additional plantings here right at the corner.

1761

1762 Ms. News - Yes. Just around their sign. They do have some right at the corner there.

1763

1764 Mr. Archer - You said they did have some there. Is that correct?

1765

1766 Ms. News - They are still showing some plantings right at the corner around where their  
1767 proposed sign location is.

1768

1769 Mrs. Wade - Because the other corners at this intersection, as I recall, are not exactly garden  
1770 spots and some of that that used to be at the Burger King got taken out at some point.

1771

1772 Mr. Archer - OK. Are there any further questions? I don't need to hear from the  
1773 applicant unless someone else does. Ms. News, I think it was a nice enhancement to get the  
1774 buffer changed the way you did. I appreciate that. I would not have thought of that but I am glad  
1775 that you did. This site is a very nice departure from what it used to be when it was just concrete  
1776 with grass growing up through it. I think it is a real enhancement for this particular parcel. I wish  
1777 we could have gotten some additional shrubbery, but we do have some on the corner, so with  
1778 that, I move approval of LP/POD-81-97, subject to the annotations on the plans and the standard  
1779 conditions for landscape and lighting plans.

1780

1781 Mr. Vanarsdall - Second.

1782

1783 Mr. Archer - We have a motion by Archer and a second by Mr. Vanarsdall. All in favor  
1784 say aye. All opposed say no. The motion passes.

1785

1786 The Planning Commission approved LP/POD-81-97, Glenwood Crossing Shopping Center,  
1787 subject to the annotations on the plans and the standard conditions for landscape and lighting  
1788 plans.

1789

## 1790 SUBDIVISION

1791

Gaskins Centre  
(August 1998 Plan)

**E. D. Lewis & Associates for Gaskins Centre, L.C.:** The 10.1-acre site is located at the northeast corner of Gaskins Road and Derbyshire Road on part of parcel 99-A-12. The zoning R-3C, One-Family Residence District (Conditional) and R-5C, General Residence District (Conditional). County water and sewer.  
**(Tuckahoe) 23 Lots**

1792

1793 Mr. Archer - Is there anyone here in opposition to subdivision Gaskins Centre, August 1998  
1794 Plan? Mr. Wilhite.

1795

1796 Mr. Wilhite - This is the first phase of the Gaskins Centre development. This is 23 lots, single-  
1797 family detached homes for senior citizens. The site plans you have in your packet are in  
1798 conformance with conceptual plan that was submitted with zoning case C-32C-98. In addition,  
1799 there is a third rendering which is being handed out to you right now to go along with the other  
1800 two in your packet. The architectural design for the homes in this development meet Planning  
1801 Commission approval per proffer and the three architectural designs, architectural styles, are  
1802 being offered within the subdivision. We do have a letter from Gumenick Properties stating that  
1803 there will be a change in the mix of materials with these three home designs. They will be brick  
1804 and siding, EIFS and siding, cultured stone and siding, and cultured stone, EIFS and siding  
1805 combinations. The exterior trim will be painted wood and/or formed EIFS and roofing will be  
1806 asphalt shingles. On page 2 of your addendum, there is a corrected condition #12. This deals  
1807 with the 25 foot wide buffer along Gaskins and Derbyshire Roads, because of the wording of the  
1808 proffered condition with the zoning case, any additional supplemental landscaping within that 25  
1809 foot buffer requires Planning Commission approval, and therefore, a supplemental landscaping  
1810 plan would have to come back before the Planning Commission. With that, staff can recommend  
1811 approval of this development.

1812

1813 Mr. Archer - All right. Thank you, Mr. Wilhite. Are there questions by the Commission?

1814

1815 Ms. Dwyer - Mr. Wilhite, there is a note on the plan that we received that says "dedicate  
1816 along Derbyshire."

1817

1818 Mr. Wilhite - Yes.  
1819  
1820 Ms. Dwyer - What were you referring there?  
1821  
1822 Mr. Wilhite - Part of the frontage has already been dedicated and there is some remaining  
1823 area that had not. Public Works had requested dedication to match what had already been  
1824 dedicated to the County.  
1825  
1826 Ms. Dwyer - Then I am certain that the 25-foot buffer is in addition to the dedicated?  
1827  
1828 Mr. Wilhite - Yes. Staff annotated the plan for the 25-foot buffer was outside of that  
1829 road dedication.  
1830  
1831 Ms. Dwyer - And this is supposed to be, not really a landscape area, but a buffer where  
1832 the natural vegetation occurs.  
1833  
1834 Mr. Wilhite - Buffer with the natural vegetation would be sufficient. There was wording  
1835 in the proffered conditions dealing with any sight distance along Gaskins Road and, in this  
1836 particular case, the developer has shown the 25 foot buffer completely outside of the sight  
1837 distance easement. Also, there is a proffered condition that deals with the removal of any dead  
1838 landscaping and replacing of that landscaping would require Planning Commission approval;  
1839 hence, the change in the wording for condition #12.  
1840  
1841 Ms. Dwyer - Well, this was to be an undisturbed buffer, was my understanding.  
1842  
1843 Mr. Wilhite - Yes, ma'am.  
1844  
1845 Ms. Dwyer - There is a 65-foot setback for buildings off of Gaskins in accordance with  
1846 the proffer, I believe.  
1847  
1848 Mr. Wilhite - The rear yard setback is supposed to be in addition to the 25 foot buffer.  
1849  
1850 Ms. Dwyer - OK, and that is 65.  
1851  
1852 Mr. Wilhite - The buffer is not noted from the property line but from the buffer line.  
1853  
1854 Ms. Dwyer - Is that going to cause a problem for the buildable area for lot 3, in  
1855 particular, maybe lots 1, 2 and 3? I am just a little concerned about the flag lots.  
1856  
1857 Mr. Wilhite - I briefly looked at it and I think we did have enough room. I did check that  
1858 when I was reviewing it.  
1859  
1860 Ms. Dwyer - You checked the buildable area?

1861

1862 Mr. Wilhite - That narrows it down a bit, but the houses still should fit on there.

1863

1864 Ms. Dwyer - So, we are not having any sideways houses on these flag lots, in other  
1865 words?

1866

1867 Mr. Wilhite - Hopefully, not. We haven't seen a layout submitted.

1868

1869 Ms. Dwyer - If you have, we do have a recent one in our district. It is rather unusual.

1870 OK. I think that is all I have to say.

1871

1872 Mrs. Wade - What did you say about the stones?

1873

1874 Mr. Wilhite - There are three different architectural designs – we will have them mixed  
1875 with different types of designs for the homes. We will have them mixed with different types of  
1876 building materials; brick, siding, EIFS, and cultured stone will all be used in this development.

1877

1878 Mrs. Wade - Cultured stone.

1879

1880 Ms. Dwyer - Were these elevations for the houses submitted for our information?

1881

1882 Mr. Wilhite - The Planning Commission has to approve the architectural design of the  
1883 buildings. What I am saying is that from the letters, the materials themselves will change a little  
1884 from house to house, but designs will be the same.

1885

1886 Mr. Archer - OK. Anything further Ms. Dwyer? Do you want to hear from the  
1887 applicant?

1888

1889 Ms. Dwyer - No. I move the approval of subdivision for Gaskins Centre, August 1998  
1890 Plan, subject to annotations on the plans and standard conditions for subdivisions of this type and  
1891 including additional condition #12 and 13 as they appear in our addendum to the agenda.

1892

1893 Mr. Vanarsdall - Second.

1894

1895 Mr. Archer - We have a motion by Ms. Dwyer and a second by Mr. Vanarsdall. All in  
1896 favor say aye. All opposed say no. The motion passes.

1897

1898 The Planning Commission approved subdivision Gaskins Centre, August, 1998 Plan, subject to  
1899 the annotations on the plans, the standard conditions for subdivisions of this type and added  
1900 additional conditions Nos. 12 and 13 as shown below:

1901

1902 12. The detailed plant list and specifications for any supplemental landscaping to be provided  
1903 within the 25-foot-wide buffer along Gaskins Road and Derbyshire Road shall be submitted to

1904 the Planning Office for review and Planning Commission approval prior to recordation of the  
1905 plat.  
1906 13. Prior to requesting the final approval, a draft of the covenants and deed restrictions for the  
1907 maintenance of the common area by a homeowners association shall be submitted to the  
1908 Planning Office for review. Such covenants and restrictions shall be in form and substance  
1909 satisfactory to the County Attorney and shall be recorded prior to recordation of the  
1910 subdivision plat.

#### 1911 LANDSCAPE PLAN

LP/POD-87-97  
Regal Cinemas  
Addition at Virginia  
Center Commons

**Balzer & Associates:** 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 8.9-acre site is located on JEB Stuart Parkway and relocated Telegraph Road, 2,150 feet east of Brook Road (U.S. Route 1) on part of parcel 24-A-9F and part of 9B. The zoning is B-3C, Business District (Conditional). **(Fairfield)**

1912

1913 Mr. Archer - Is there anyone here in opposition to LP/POD-87-97, Regal Cinemas  
1914 Addition at Virginia Center Commons? No opposition. Ms. News.

1915

1916 Ms. News - This approval includes parking lot landscaping, landscaping of the BMP,  
1917 and approval of the dumpster location and screen which is constructed with split-face block to  
1918 match the building. The 10 foot proffered landscape strip along J.E.B. Stuart Parkway is met by a  
1919 60 foot tree-save area which will be supplemented in a couple of openings and which will be  
1920 cleared of under brush and dead materials. Staff, with the applicant's agreement, will annotate the  
1921 note which says "to remove all trees under two inches in diameter" in that tree-save area, as it is  
1922 preferable to save the young under-growth trees. Staff recommend approval of the landscape  
1923 plan.

1924

1925 Mr. Archer - Are there questions of Ms. News? I don't seem to have any. Well, as you  
1926 will recall, we picked this apart pretty thoroughly a few months ago and I think we've gotten  
1927 everything done to everyone's satisfaction, so with that, I move approval of LP/POD-87-97,  
1928 Regal Cinemas Addition at Virginia Center Commons, subject to the annotations on the plans and  
1929 the standard conditions for landscape plans.

1930

1931 Ms. Dwyer - Second.

1932

1933 Mr. Archer - Motion by Archer and second by Ms. Dwyer. All in favor say aye. All  
1934 opposed say no. The motion passes.

1935

1936 The Planning Commission approved LP/POD-87-97, Regal Cinemas Addition at Virginia Center  
1937 Commons, subject to the annotations on the plans and the standard conditions for landscape  
1938 plans.

1939

**1940 LANDSCAPE & LIGHTING PLAN**

LP/POD-18-97

Rite Aid at Staples  
Mill and Parham Roads

**Gerstenmaier Design Studio 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 3.846-acre site is located on the southwest corner of Staples Mill Road and Parham Road on parcel 61-A-38, 38A, 42 and 43. The zoning is B-2C, Business District (Conditional). **(Brookland)**

1941

1942 Mr. Archer - Is there opposition to LP/POD-18-97, Rite Aid at Staples Mill and Parham

1943 Roads? Ms. News.

1944

1945 Ms. News - Staff has worked very closely to address landscape and lighting issues for  
1946 this site. A 25-foot proffered and transitional buffer exists between the property line adjacent to  
1947 the BMP and the adjacent R-3 property. Landscaping was supplemented to meet this requirement  
1948 and screen views of the BMP from Parham and Hooper Roads. Additional landscaping was also  
1949 added along the frontage of Parham and Staples Mill Road beyond the minimum requirements of  
1950 the Code at the staff's request. The Police recommended additional lighting to what was  
1951 proposed due to concerns over low levels of light adjacent to the building. The applicant has  
1952 added a building mounted dual shoebox fixture in the area of the drive-through and two additional  
1953 poles at each end corner of the front of the building which satisfies the concerns of the Police.  
1954 The lighting as submitted meets additional proffered conditions. Staff can recommend approval  
1955 of the revised plan.

1956

1957 Mr. Archer - Are there any questions of Ms. News from the Commission?

1958

1959 Mr. Vanarsdall - You did work out the lighting thing?

1960

1961 Ms. News - Yes, sir. We have added light poles and they are going to resubmit  
1962 photometrics to make sure that we are OK, but it appears to the Police and staff from looking at it  
1963 that we will be in good shape.

1964

1965 Mr. Vanarsdall - Thank you.

1966

1967 Mr. Archer - Any further questions? Do you wish to hear from the applicant, Mr.  
1968 Vanarsdall?

1969

1970 Mr. Vanarsdall - No, I don't need to. I move approval of LP/POD-18-97, Rite Aid Staples  
1971 Mill and Parham Road, with the standard conditions and annotations on the plans and the  
1972 recommendations of staff.

1973

1974 Mr. Zehler - Second.

1975

1976 Mr. Archer - Motion by Mr. Vanarsdall, and second by Mr. Zehler. All in favor say aye.  
1977 All opposed say no. The motion passes.

1978

1979 The Planning Commission approved LP/POD-18-97, Rite Aid at Staples Mill and Parham Roads,  
1980 subject to the annotations on the plans, standard conditions for landscape and lighting plans and  
1981 recommendations by staff as noted above.

1982

**1983 PLAN OF DEVELOPMENT & TRANSITIONAL BUFFER DEVIATION**

**1984 (Deferred from the July 28, 1998, Meeting)**

1985

POD-58-98

Downtown Short Pump  
(POD-15-95 Revised  
and POD-52-96 Rev.)

**Balzer & Associates for Short Pump Investors, L.P., Bee-Fit Inc., Richmond Ice Forum – West, C & N Dining LLC, and Menin Development Company 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, 55,534 square foot, 14-screen, movie theatre, a two-story, 57,616 square foot retail/restaurant building, a one-story, 5,351 square foot retail building and a one-story 5,886 square foot retail building in an existing shopping center. The 21.9-acre site is located along the north line of W. Broad Street (U.S. Route 250) and the west line of Pouncey Tract Road (State Route 271) on parcels 36-A-19D, 19G, 19H, 19J, 21, 22, 22N and 24. The zoning is B-2C, Business District (Conditional), M-1, Light Industrial District and WBSO (West Broad Street Overlay District). County water and sewer. **(Three Chopt)**

1986

1987 Mr. Archer - Is anyone here in opposition to POD-58-98, Downtown Short Pump? Mr.  
1988 Wilhite.

1989

1990 Mr. Wilhite - Thank you, Mr. Chairman. This case has been deferred for two months  
1991 now and the foremost issue has been how much parking would need to be provided for this  
1992 development. The zoning case that covered the B-2 portion of the site, C-16C-97, requires this  
1993 development to be a shopping center in conjunction with an existing fitness center, skating rink,  
1994 and Burger King on the adjacent M-1 property. Due to the mix of uses proposed here, a skating  
1995 rink, fitness center, the restaurant and now a 14-screen movie theater, staff had concern from the  
1996 beginning about whether or not shopping center calculations would work for this type of  
1997 development. Basically we looked at – applied shopping center calculations to the entire  
1998 development - or looked at applying parking requirements to specific uses and came up with a  
1999 wide range of spaces to be required here; the range would be anywhere from 850 to 2,000 spaces.  
2000 Staff looked at a number of parking studies supplied by the developer, and other interested  
2001 parties. We had also contacted the American Planning Association and talked to adjacent  
2002 jurisdictions to the County about how they would handle this type of development. In looking at  
2003 all of that, staff came to the conclusion that the theaters themselves should be parked, standing

2004 alone by themselves, based on one space for every 4 seats, and that the rest of the development  
2005 we could apply the shopping center calculations to. With that requirement, the applicant went  
2006 back and did revisions to the site plan and he has supplied us two alternatives which appear in  
2007 your packet. In addition, the changes to these alternate site plans from the original one proposed,  
2008 the applicant has purchased the outparcel to the south of the Burger King. This site originally  
2009 had an approved POD for Spaghetti Warehouse on it, which was a 9,000 square foot building,  
2010 and he is proposing a new outbuilding of roughly 5,300 to 5,800 square feet at that location. He  
2011 has also added an outbuilding along Broad Street of 5,300 square feet. He has also added parking  
2012 along the side and back of Skate Nation and the Family Fitness Center, primarily these spaces  
2013 would be used for employee parking for those two businesses. The difference between the two  
2014 alternative site plans that you have in your packet is one shows parking over the existing BMP  
2015 along Poncey Tract Road and the other alternative does not. With the alternative that had the  
2016 parking over the BMP, there is additional square footage in a second story of the restaurant-retail  
2017 buildings in front of Regal Cinemas. Staff, looking into applying parking regulations that we had  
2018 asked the applicant to meet, the applicant had requested a deviation from the 35 foot buffer  
2019 requirement along Poncey Tract Road, as called for by the West Broad Street Overlay District.  
2020 This request was made to the Director of Planning and that request was denied. So, 18 spaces  
2021 that show up in front of the building on the old Spaghetti Warehouse site would have to be  
2022 removed as far as what that does to the alternatives. Alternative A, which originally had the  
2023 parking shown over the BMP would not be able to meet parking requirements for the square  
2024 footage they wanted to build at that location, and Alternative B, with the annotation that has been  
2025 handed out to you are on, that would put them right at the very minimum as far as parking  
2026 requirements based on square footage that they want to construct out there. In addition, another  
2027 problem has come up, based on the calculations they provided us, they show the square footage  
2028 for the existing Skate Nation and American Family Fitness to be 101,862 square feet. However,  
2029 the parking calculation is based on 96,332 square feet, and I am not sure exactly where the  
2030 problem is here. I have gone to our tax records and our tax records show that these two buildings  
2031 comprise roughly 98,700 square feet, so there is a problem with the square footage that has to be  
2032 worked out. Also, these layouts are only layout changes. The final engineering for these two  
2033 designs has not been worked out and that would be something that would have to be worked out  
2034 prior to signature of the plans. Also, Virginia Department of Transportation comments have not  
2035 yet been received. They are in a process of doing a study of the location here. I am aware that  
2036 they anticipate a traffic light being located at the Poncey Tract Road entrance and have requested  
2037 the developer to participate in the cost of that installation. That is a condition on the agenda. The  
2038 developer is also asking for a transitional buffer deviation along the western property line at  
2039 Broad Street Road. There is a remaining parcel that is zoned A-1. This is vacant land. The land  
2040 use plan shows this area as being mixed-use development. Transitional Buffer 25 is required next  
2041 to A-1 zoned property. The applicant is requesting a deviation down to six feet. Staff can support  
2042 this deviation request and we recommend that supplemental landscaping be provided in this area.  
2043 The proffers associated with the zoning case deal with the architecture of the buildings and more  
2044 importantly, the proffer requires that the building be primarily brick or split-face block unless the  
2045 Planning Commission specifically approves some other type of materials. In this particular case,  
2046 the developer is proposing the building primarily as EIFS, especially the cinema and two-story

2047 restaurant retail building; he does show some stone on those buildings. The outbuildings being  
2048 proposed with the alternative layouts are still primarily EIFS, however, they do show some brick  
2049 base to both of those buildings. Staff is recommending also that there be a stub connection to the  
2050 property to the north. It is being recommended by the Traffic Engineer, as well as a stub  
2051 connection to the property to the west that would connect that property to Pouncey Tract Road.  
2052 The developer has indicated that they are agreeable to those two annotations. I understand that,  
2053 from talking to the applicant this morning, that he is willing to look at going ahead and covering  
2054 the BMP with parking area and reducing the square footage down in order to try and get this  
2055 project approved today. I will let the applicant address that further. I will be happy to answer  
2056 any questions that you might have.

2057

2058 Mr. Archer - You made reference to some square footages. What were they?

2059

2060 Mr. Wilhite - Their chart shows 101,862 square feet for the Skate Nation and American  
2061 Family Fitness. The parking they show adjacent to that is based on 96,332 square feet, which is  
2062 what was the original approval. There may have been some building permits in the meantime that  
2063 increased that square footage. I checked the tax records and it does show more than what was  
2064 originally approved, but not quite 101,000 square feet. I attempted to talk to Building  
2065 Inspections this morning and they did not have any records available at that time. It would be  
2066 necessary to pull the building permits out of storage and check to see what the exact total for the  
2067 square footage is, but that does affect how much additional square footage they can add to the  
2068 shopping center and alternative B, unless that discrepancy is worked out, alternative B would still  
2069 need some additional parking spaces.

2070

2071 Mr. Archer - Thank you.

2072

2073 Mrs. Wade - They basically would have to cut down some more if the square footage  
2074 exists in those buildings?

2075

2076 Mr. Wilhite - Yes, ma'am.

2077

2078 Mrs. Wade - What does this do to the status of P-8-97, the request for suspended hours  
2079 which seems to me is coming up again.

2080

2081 Mr. Wilhite - I understand that has been deferred and I am not sure how those changes,  
2082 they do show 1300 square feet of outdoor dining, which is factored into their retail restaurant  
2083 square footage, and if they do want outdoor dining, they would have to go back to the Planning  
2084 Commission and Board for a Provisional Use Permit. That annotation is covered on the original  
2085 site plan.

2086

2087 Mrs. Wade - It was deferred then; when is it due to come up, I was thinking it was...

2088

2089 Mr. Wilhite - I don't have that information.

2090

2091 Mrs. Wade - September. It came to me. I think you pretty well covered everything, Mr.  
2092 Wilhite. There have been a lot of meetings and a lot of discussions as late as yesterday on this  
2093 issue. Does anybody else have any questions. Perhaps the applicant can clarify some of these for  
2094 us.

2095

2096 Mr. Theobold - Ladies and gentlemen and Mr. Chairman, my name is Jim Theobold, and I  
2097 am here on behalf of Menin Development Company. There are a number of folks here with me  
2098 who can answer some of the questions, all of the questions posed during Mr. Wilhite's  
2099 presentation. As he indicated, at his request for a plan of development for a mixed-use shopping  
2100 center, to be known as Downtown Short Pump, to be located at the northwest quadrant of  
2101 Pouncy Tract and Broad Street. The majority of the site, it is already developed, it is zoned  
2102 unconditional M-1, with the balance being B-2C, and the proposed shopping center includes 14  
2103 screens Regal Cinemas Theater with state of the art stadium style seating that has not yet been  
2104 done in the Richmond area, along with some high-end boutique-type retail and sit-down  
2105 restaurants. The existing uses on the balance of the site, as indicated, include Skate Nation,  
2106 American Family Fitness, Burger King, and there is an additional restaurant proposed on the site  
2107 that is owned by the Restaurant Company which is the local Arby's Franchisee. I think the design  
2108 of this center incorporates some very different aesthetics design elements and if you like, Mrs.  
2109 Wade, Mr. Shady is here to walk the Commission through the materials and the thinking in terms  
2110 of how that all relates to others. If you don't want to go into that part, you don't have to.

2111

2112 Mrs. Wade - We are going to have to consider that if we deviate from the ...

2113

2114 Mr. Theobold - Lets have Mr. Shady walk you through some of the planning elements that  
2115 went into those designs.

2116

2117 Mrs. Wade - Because the proffer does say mostly brick...

2118

2119 Mr. Theobold - Brick or split-face unless you agree otherwise.

2120

2121 Mr. Shady - Good morning. I am Jack Shady, president of Freeman and Morgan,  
2122 Architects. I don't know how many of you are familiar with the work that we have done around  
2123 this area, but we have been involved with West Park Shopping Center, Universal Ford, Park Side  
2124 Marketplace, Laburnum Park, and in Chesterfield we have done the Bellegrade Plantation. We  
2125 were asked by Menin Development to take a look at this project to develop a high-end design  
2126 concept that would be pedestrian oriented. We recognize the fact that we have a theater that  
2127 would generate people in and out during the day and during the evening, and we wanted to be  
2128 able to present a venue they could use while they were going to the theater, waiting for tickets,  
2129 waiting and entertaining after the movies, so we studied a great deal of varying projects and tried  
2130 to come up with something that would allow them to consider walking as they go to restaurants  
2131 or shops integrating site detail, such as paving, pavers, planning, planters, we have a plaza that we  
2132 have designed on the Broad Street side that will allow for sitting and create a people place.

2133 Something that we would all enjoy going to and making an evening of a single stop rather than  
2134 having to move on. I know one of the proffered concerns has to do with the brick or the split  
2135 face. I would personally try to stay away from the split-face block because I think it looks like  
2136 some of the nicer warehouses that I have designed, but I try, from the same point of detailing, not  
2137 to get into the split-face block area. I'd rather stay into the EIFS where I detail it and create more  
2138 interest in subtlety. The use of the brick, we looked at doing the brick on the outparcel buildings  
2139 because there was a relationship back to the bank, and the other structure at the intersection of  
2140 Pouncey Tract and West Broad Street, and then rather than integrating brick back into the theater  
2141 structure, one of the aspects of the theater design is keeping the building clean. People have a  
2142 tendency to lean on it, while they are standing and waiting, and the theater likes to use a glazed-  
2143 face permanent tile and what we are proposing there is to take that tile finish and integrate it into  
2144 the base of our retail restaurant building, and from a quality standpoint it has a unique look. It  
2145 does maintain very well and it gives us a distinctive look that we are trying to integrate into the  
2146 overall design. As we cultivated the design, we looked at varying color variations and I  
2147 appreciate the time Mrs. Wade has spent with us and kind of channeled us into a West Broad  
2148 Street Corridor look. We have studied roofs, roofing colors, and I have an earlier rendition that is  
2149 colored here and I will share that with you just briefly. The standing seen roof is a deep rich  
2150 green color and the EIFS where it is used is a two-tone subtle cream and light cream.

2151

2152 Mrs. Wade - Actually, Mr. Wilhite, will you hold that up there for just a minute. This is  
2153 so you can see... I think you might get a better view.

2154

2155 Mr. Shady - You will notice we have integrated the colored awnings into the façade,  
2156 colored store fronts and the texture we have created in the building uses tapered columns, exterior  
2157 sconces that are shown there, the red circular shape on the colonnade.

2158

2159 Mrs. Wade - Of course, it may not be as much two-story as...

2160

2161 Mr. Shady - That is right. I think your submittals are more brick, that just happens to  
2162 be a good representation of the colors of the palate that we'd like to come up with. One of the  
2163 most important aspects of retail design, in my opinion, is the signage, and the developer asked me  
2164 to integrate signs into the façade so they are backbit details of the building, rather than taking the  
2165 usual, customary signs and applying to the building, so that is going to be an important feature of  
2166 the overall design. Generally, we find when we do retail work, our buildings typically are very  
2167 clean and require the sign detail to fulfill the overall retail scheme, so this will give us the  
2168 opportunity to do that again. That is the Broad Street side and that is the curved colonnade, you  
2169 are looking into the area to access the second floor; you'd actually go through that colonnade to  
2170 the lobby and take the elevator to the second floor. It also allows a nice sitting area, and from a  
2171 standpoint of what we do with the landscaping between the back of the façade and the face of the  
2172 curb, that will encapsulate that area so when you are sitting there you won't feel like you are  
2173 walled in, but you will definitely have the sense that you are captured by greenery.

2174

2175 Mrs. Wade - How far is this from Broad Street?

2176

2177 Mr. Shady - What is that? Must be 150 to 200 feet. It is a considerable distance back  
2178 from the setback line.

2179

2180 Mrs. Wade - The outparcel, it won't be between this and Broad?

2181

2182 Mr. Shady - That is correct.

2183

2184 Mrs. Wade - But 35 feet for the landscape plan.

2185

2186 Mr. Shady - Getting back to the outparcel structure, all of the scale we used in  
2187 developing these elevations from sidewalk elevations to say the top of the awnings or the top of  
2188 the parapets, we reproduced on the outparcel; what we did there though was to take the brick  
2189 detailing and allow it to extend on up to the underside of the awning, and in doing so, it is a  
2190 sizeable building and I think we have created here something that allows us to have a little bit  
2191 more fun with the building, the shopping centers I mentioned when I first got here are all done  
2192 with brick either painted or unpainted. This one just allows us to have a little bit more finesse in  
2193 the detailing, a little bit more playful design.

2194

2195 Ms. Dwyer - Is any of the tiling material used in that portion of the building?

2196

2197 Mr. Shady - Yes, ma'am. In that representation there, that green base material that you  
2198 see is tile facing.

2199

2200 Ms. Dwyer - It looked like it was Dryvit under that.

2201

2202 Mr. Shady - That is not correct. That is not correct. There is Dryvit, see above the  
2203 columns, that is an EIFS material but the base is definitely going to tile, because I don't feel  
2204 Dryvit at the grade is good overall at the maintenance.

2205

2206 Ms. Dwyer - Are the columns Dryvit also?

2207

2208 Mr. Shady - No. They are a type of fiberglass, Tuscan design.

2209

2210 Mrs. Wade - Do you have a drawing of the front?

2211

2212 Mr. Shady - Yes, ma'am. I do. Again, this has a tendency to represent more second  
2213 floor, but I think it gives you a feeling for the theater.

2214

2215 Mrs. Wade - You may have to eliminate some of the second floor to meet the parking.  
2216 Parking is required. Tiles are more around the entranceway.

2217

2218 Mr. Shady - Mrs. Wade, I believe in your handout, to illustrate to the other members,  
2219 this elevation here represents the second floor area.

2220

2221 Mrs. Wade - Hold it up so they can see the two outparcels. One on Broad and one on  
2222 Pouncey Tract are the top two roads. And that is brick up to the top of the windows.

2223

2224 Ms. Dwyer - Are these the outparcels?

2225

2226 Mr. Shady - The Broad Street elevation is in tact, and as we are limited on the second  
2227 floor, and we continue to develop these elevations, (unintelligible)

2228

2229 Mrs. Wade - And I explained just a minute ago about the - we refer to the proffers here  
2230 - you see that next to the M-1 there is a big section of B-2 because some was rezoned for  
2231 business for other reasons, and it was supposed to become a coordinated - architecturally with  
2232 what was already there.

2233

2234 Mr. Shady - As I said before, the main charge I was given was to develop a distinctive  
2235 high-end building and I would appreciate your cooperation in letting us deviate from the brick and  
2236 substitute it with the glazed tile on this. I think it could be very effective. One of my concerns is  
2237 with the theater requirement; I really don't like to mix the brick and the tile together. They don't  
2238 seem like they complement each other very well, and if I could use the tile it would be a better  
2239 overall design.

2240

2241 Mrs. Wade - But it will be that mostly.

2242

2243 Mr. Shady - Yes, in varying colors and plains. I have a few more visual aids that I  
2244 showed you from another project that defines some appearances and perspective of awnings, I  
2245 don't know if you want to pass those down as an example of what we were trying to accomplish  
2246 here. This is what we have done earlier; things that we have looked at, and as you can see from  
2247 the coloration, we have been able to bring it back to what I think is more a representation of what  
2248 the West Broad Street Corridor should be.

2249

2250 Ms. Dwyer - What percent of the building would be tile and what percent would be  
2251 EIFS?

2252

2253 Mr. Shady - I will tell you that it is probably 15% or maybe 20% tile.

2254

2255 Mrs. Wade - Well the major portion is not tile.

2256

2257 Mr. Shady - The upper bands extend the elevation and of course the metal roof and, of  
2258 course, that will easily take care of the screening requirements of the mechanical equipment. I  
2259 have worked closely with the theater's architectural firm and explained to them the necessity for a

2260 parapet on the back side of their building, and their appearance will be the same all the way  
2261 around, and, of course, this is called for in the ordinance.

2262

2263 Ms. Wade - Would it be accurate to describe this whole area complex as more of an  
2264 entertainment center than anything else?

2265

2266 Mr. Shady - Well, I think with the shops and the, and I know the developer has had  
2267 strong interest from some very surprising high-end retailers that I think will change the  
2268 complexion and makeup, certainly along the Broad Street Corridor.

2269

2270 Mrs. Wade - There is a lot of competition apparently for this high-end.

2271

2272 Mr. Shady - Yes it is. It is a very popular area.

2273

2274 Mrs. Wade - All right. Thank you.

2275

2276 Ms. Dwyer - I'm assuming they meet minimum landscape requirements. Is there any  
2277 additional landscaped area provided in this development?

2278

2279 Mr. Shady - Most definitely. In addition to the required landscaping, part of the  
2280 streetscape would be to put large potted plants along the front of the building and as well as in  
2281 that plaza. So, from my standpoint, around the building, we will maximize all opportunities to  
2282 have detailed landscaping, which, again, lends itself to the comfort of the building.

2283

2284 Ms. Dwyer - I think that will be really attractive in and around the building, I guess I'm  
2285 thinking about the expanse of the parking lot.

2286

2287 Mr. Theobald - Specifically, I won't address that because it's not my area, but I know in  
2288 the meetings we have had and the conversations we have had, that's a major concern that we  
2289 soften that parking.

2290

2291 Ms. Dwyer - I don't see a lot of space for landscaping in the parking lot.

2292

2293 Mrs. Wade - We came to two conclusions, some of the discussion about this, is that  
2294 perhaps they are trying to get to many square feet on here given the parking they need and the  
2295 fact that our landscape ordinance perhaps is not adequate in some cases to require what we might  
2296 like to see.

2297

2298 Ms. Dwyer - For such a high-end development, I would think that landscaping in the  
2299 parking lot area, given the amount of parking, would be desirable to....

2300

2301 Mrs. Wade - You are right. The parking is intense, which is why we are happy that the  
2302 Planning Director did not agree to the deviation from the overlay district on the Pouncey Tract

2303 side. But, we are still dealing with this old M-1 for the most part. And you may have to readjust  
2304 some more if they find out that something is wrong with the square footage here.

2305

2306 Mr. Theobald - Well, as we discussed. In order to maintain my professional relationship  
2307 with the Board, I will be back to you to inform you of any adjustments I make as the final design  
2308 is put together. It's important for me to come back here six months from now and be able to say  
2309 we did what we say we would.

2310

2311 Mrs. Wade - My impression, in some ways, was that they would be as well advise to  
2312 devote as much as their area of the parking for the customers as to try to continue to squeeze in  
2313 more retail and more outparcel and so forth, but that's just my impression. Thank you.

2314

2315 Mr. Theobald - This plan does include over 1,300 parking spaces. As you know, we really  
2316 received the word from Mr. Marlls last night about 4:30 p.m. or 5:00 p.m. about the buffer  
2317 deviation issue. What we intend to do is basically pick the alternative that you have been  
2318 presented that shows the covering of the BMP down by the American Family, which provides us  
2319 some 76 additional spaces. We lost about 18 spaces based on the ruling by Mr. Marlls and that  
2320 will be made up out of the second story space that we were showing on that alternative. So, we  
2321 will comply with the County's requirements having just being apprised of that fact last night. We  
2322 don't have that plan revised to you this morning, but it's a simple matter to the extent that we  
2323 need square footage to come out to meet the parking requirements, it will come out of that  
2324 proposed second story space. The plan does show that we have parked the theatre on a stand  
2325 alone basis, in addition to meeting the shopping center requirements for the balance of this  
2326 theatre. I think importantly we have provided you with a lot of data for your file on parking  
2327 studies, produced by Randy Kemp, who is here today to answer any questions you might have, in  
2328 order to substantiate that not only does this parking that we have provided meet the enhance  
2329 standards that the County has asked us to meet, but that it actually works in the real world, as a  
2330 matter of fact. Mr. Kemp basically developed his studies by counting the parking demands of the  
2331 existing users on site, looking at the Regal Cinemas operation at Virginia Center, being provided  
2332 with data from Regal on their operations, nationwide, and coordinated along with the owners of  
2333 American Family Fitness and Skate Nation, their seasonal peaks and hourly peaks and weekday  
2334 peaks to produce a study for you that shows that this parking, in fact, does work. In fact, our  
2335 study showed that it worked based on shopping center standards before the County advised us  
2336 that we will be held to a higher standard in having to park the theatre on a stand alone basis.

2337

2338 So, I will submit that our POD does meet all of the County parking requirements and that we  
2339 have met the specific requirements in your code under Section 24-101 that pertains to community  
2340 shopping centers. This 12 acre site is within the community shopping center range of acreage.  
2341 Our use is consistent with the County's land use plan as it is in a sea of extensive and proposed  
2342 retail uses. The proposed use for this site is consistent with those permitted in the B-2 districts  
2343 and the M-1 districts as well as the proffered conditions applicable to the case. These uses are we  
2344 believe are reasonably justified and that there are no theatres in the general vicinity. The closest  
2345 being Lohmanns Plaza. And, I would submit the expanded need for retail opportunity as evident

2346 not only by your studies as published, but in terms of growth of this part of the County, but also  
2347 based on some of your recent approvals of significant developments along Broad Street.  
2348 Improvements have been made to Broad Street and further improvements are planned for  
2349 Pouncey Tract Road to facilitate the traffic consistent with the County's land use plan and existing  
2350 uses in the area. I believe this plan demonstrates a very upscale modern center that's in keeping  
2351 with a coordinated and harmonious design that should be very user and pedestrian friendly. The  
2352 site has been zoned a long, long, time. I don't know how old the M-1 has been there. It may  
2353 have preceded conditional zoning.

2354

2355 But, I do think the plan that is before you today represents quality development for the  
2356 community level shopping center and the recreational opportunities that are there. I believe we  
2357 have met all of the administrative requirements required by your Code and I would respectfully  
2358 ask that you approve this plan of development. I would add that you are aware of some concerns  
2359 that one of our neighbors, The Restaurant Company, had with regard to our parking. We have  
2360 worked constructively, I think, with Mr. Axelle, the representative, in trying to resolve those  
2361 issues and I am happy to report to you that we have done so and he is prepared to acknowledge  
2362 that, that they do not oppose our plan of development. I'll be happy to answer any questions. I  
2363 would want to clarify one condition before I get away here. The wording under conditions No.  
2364 35 that says: Prior to the issuance of a certificate of occupancy, the developer shall construct the  
2365 joint access with the property to the west. I think that should read "to the property to the west."  
2366 We are happy to do that, we just wanted to clarify that we had no construction obligation on their  
2367 property or contribution for anything that might occur beyond our property line. With that, I'd be  
2368 happy to answer any questions. Mr. Scherzer is here from Balzer to answer any engineering type  
2369 questions. I'm told that there is a discrepancy in some of his count on that one category as  
2370 generated by a proposed or possibly existing mezzanine that Skate Nation may have constructed  
2371 along the way. And that while we had shown a worst case scenario as a square footage, and  
2372 apparently the numbers for required parking spaces that we got from the County early on, were  
2373 apparently based on what they were showing as approved PODs and there seems to be a third  
2374 number in between as shown by the assessors record. The moral of that story is, when staff  
2375 confirms what that number is, we are obligated to meet the parking standards as put forth by staff.  
2376 We will do so, and, again, these extra 76 spaces that we accomplished by putting a cover over  
2377 that BMP, gives us additional latitude and we are able to make up the space out of that second  
2378 floor space, which sounds like it's going to be reduced a bit.

2379

2380 Mrs. Wade - I was going to ask you about the stub to the west there. They are  
2381 agreeable to that as well as the stub to the north.

2382

2383 Mr. Theobald - Yes, ma'am.

2384

2385 Mrs. Wade - They have always indicated that they'd be willing to work with the bank if  
2386 it wants connection.

2387

2388 Mr. Theobald - As you know, but then again maybe you don't know, we offered cross  
2389 access to the bank at one point and they declined our request. If that's something they want to  
2390 look at again, then we will be sure and talk to them. Nobody knows exactly what VDOT has in  
2391 stored for everybody out there by way of median and etc.

2392

2393 Mr. Archer - Are there any further questions of Mr. Theobald by the Commission?

2394

2395 Mrs. Wade - And you also intend to beautify the BMP that will be left there.

2396

2397 Mr. Theobald - Yes. That BMP is not a handsome example of BMPs in the County and we  
2398 certainly got that message loud and clear, not only from you, Mrs. Wade, but Mr. Kaechele  
2399 yesterday in a meeting. This is really an opportunity to correct some of those items. This BMP  
2400 will now be in essence decked in landscaping surrounding it and so we will be significantly  
2401 enhancing some of those existing features that were developed by others but nonetheless we will  
2402 have an obligation to go back and correct.

2403

2404 Ms. Dwyer - How will this BMP be decked as you stated?

2405

2406 Mr. Theobald - Well, I'm told, and I'm slipping into engineering here, so someone will  
2407 certainly stop me if I go to far out there. It's sort of a concrete planking type of system where the  
2408 BMP will continue to exist underneath but it's basically like a concrete cover that we put over it.  
2409 It sort of like an at grade one-story parking deck, if you will.

2410

2411 Ms. Dwyer - That might be a good idea in some other locations. Off site coverage?

2412

2413 Mr. Theobald - Site coverage can't be more than 75% by ordinance and so we are clearly  
2414 under that. I'm not sure exactly what the site coverage is but I it's probably close to that.

2415

2416 Mrs. Wade - Parking and traffic are certainly going to be interesting in this area in the  
2417 future, although you are meeting the minimum requirements here.

2418

2419 Mr. Theobald - Actually, that was the subject of some today. In West Towers and

2430 spaces in order to meet.

2431

2432 Mrs. Wade - But you do have a lot of high traffic generators here. Hopefully, they will  
2433 come and park in one spot and then walk around everything. You do have sidewalks and internal  
2434 pedestrian trails.

2435

2436 Mr. Theobald - Well, we do. There are pedestrian access ways and if you would recall  
2437 from.... I know you received in your eight doing parking studies in this matter, but nonetheless I  
2438 think they all acknowledge, at least, the concept that these facilities do have different usage  
2439 patterns, different seasonal patterns. The theatres are most populated during the summer months  
2440 as well as Thanksgiving and Christmas.

2441

2442 Mrs. Wade - When everybody is going to Wal-Mart.

2443

2444 Mr. Theobald - The health club is not as busy in the summer and the health club is not busy  
2445 on Saturday nights and all of that was confirmed by the owners of those facilities. So, we believe  
2446 that this works in the real world in terms of the times of day, the days of the week and the  
2447 seasons. Every place where there is a theatre or shopping center it's going to be crowded.

2448

2449 Mrs. Wade - And if, as predicted, other developments occur in the area, we all are going  
2450 to have to go to a lot of movies. Okay. Thank you. Does anybody else have any questions?

2451

2452 Mr. Archer - All right, Mrs. Wade. Are you ready for a motion?

2453

2454 Mrs. Wade - I need to say several things here. I move that POD-58-98, the latest  
2455 revised addition, be approved, that is with the northern BMP covered and converted into parking  
2456 spaces, be approved subject now to a number of things, the annotations on the plan. We should  
2457 perhaps bring back Nos. 9 and 11 amended. Nos. 23 through 36 with No. 35 amended to change  
2458 to say "access to the property to the west." They have agreed that they will beautify the  
2459 remaining BMP. They need to work with VDOT, well, that's included in No. 36 basically, on any  
2460 other additional requirements that VDOT may have regarding the roads which are both State  
2461 roads and the potential light there. As I said, I'm glad the Planning Director supported the Broad  
2462 Street Overlay, into which a lot of work went, and when Broad Street got widened we realized there  
2463 would be a lot of pressure for development out there and we want it to be as attractive and safe as  
2464 we could and implement the quality that we hope to achieve in that area. And they are going to  
2465 do the stub to the north and west hopefully to improve the circulation in the general area. We will  
2466 have to double check or to figure about how many square feet we really have and adjust the  
2467 parking, accordingly, I hope that will be necessary because I know it's been hard to get at this  
2468 point. Now, about the building. They said it begins with the other uses around there to look  
2469 more like an entertainment center and the buildings on the two streets will have considerable brick  
2470 construction so the building that (unintelligible) that are there already are kind of different, the  
2471 ones in the back, although this is a little unorthodox by local standards, I don't have that much  
2472 problem with it. I do think it will be done in a good quality way. So, I would move, as I said

2473 before, that POD-58-98 be approved.

2474

2475 Ms. Dwyer - Second.

2476

2477 Mr. Archer - The motion was made by Mrs. Wade and seconded by Ms. Dwyer. All in  
2478 favor say aye...all oppose say nay. The motion passes.

2479

2480 The Planning Commission approved POD-58-98, Downtown Short Pump (POD-15-95 Revised),  
2481 subject to the standard conditions attached to these minutes, the annotations on the plans and the  
2482 following additional conditions. Mr. Donati was absent.

2483

2484 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for  
2485 review and Planning Commission approval prior to the issuance of any occupancy permits.

2486 11. **AMENDED** - Prior to the installation of the site lighting equipment, a plan including  
2487 depictions of light spread and intensity diagrams and fixture mounting height details shall  
2488 be submitted for Planning Office review and Planning Commission approval

2489 23. The easements for drainage and utilities as shown on approved plans shall be granted to  
2490 the County in a form acceptable to the County Attorney prior to any occupancy permits  
2491 being issued.

2492 24. The entrances and drainage facilities on W. Broad Street (U.S. Route 250) shall be  
2493 approved by the Virginia Department of Transportation and the County.

2494 25. A notice of completion form, certifying that the requirements of the Virginia Department  
2495 of Transportation entrances permit have been completed, shall be submitted to the  
2496 Planning Office prior to any occupancy permits being issued.

2497 26. The developer shall provide fire hydrants as required by the Department of Public Utilities  
2498 in its approval of the utility plans and contracts.

2499 27. A standard concrete sidewalk shall be provided along the west side of Pouncey Tract  
2500 Road.

2501 28. Outside storage shall not be permitted.

2502 29. The developer shall install an adequate restaurant ventilating and exhaust system to  
2503 minimize smoke, odors, and grease vapors. The plans and specifications shall be included  
2504 with the building permit application for review and approval. If, in the opinion of the  
2505 County, the type system provided is not effective, the Commission retains the rights to  
2506 review and direct the type of system to be used.

2507 30. Any necessary off-site drainage easements must be obtained in a form acceptable to the  
2508 County Attorney prior to final approval of the construction plans by the Department of  
2509 Public Works.

2510 31. Deviations from County standards for pavement, curb or curb and gutter design shall be  
2511 approved by the County Engineer prior to final approval of the construction plans by the  
2512 Department of Public Works

2513 32. Insurance Services Office (ISO) calculations must be included with the utilities plans and  
2514 contracts and must be approved by the Department of Public Utilities prior to the issuance  
2515 of a building permit.

- 2516 33. The ground area covered by all the buildings shall not exceed in the aggregate 25 percent  
 2517 of the total site area.  
 2518 34. No merchandise shall be displayed or stored outside of the building(s) or on sidewalk(s).  
 2519 35. Prior to the issuance of a certificate of occupancy the developer shall construct the joint  
 2520 access ~~with~~ to the property to the west of this development as shown on the approved  
 2521 plan.  
 2522 36. The developer shall share in the cost of any future signalization of the entrance from this  
 2523 development onto Pouncey Tract Road.  
 2524

**2525 PLAN OF DEVELOPMENT**

2526

POD-54-98

First Mennonite Church  
 Additions

**Hulcher & Associates for Trustees of First Mennonite Church:**  
 Request for approval of a plan of development as required by  
 Chapter 24, Section 24-106 of the Henrico County Code to  
 construct two one-story additions to an existing church totalling  
 8,500 square feet. The 1.8-acre site is located at 2350 Staples Mill  
 Road (U.S. Route 33) on parcel 103-A-62. The zoning is R-5,  
 General Residence District. County water and sewer (**Brookland**)

2527

2528 Mr. Archer - Is there anyone in the audience in opposition to POD-54-98, First  
 2529 Mennonite Church Additions? No opposition. Ms. News.

2530

2531 Ms. News - The plan being distributed now, labeled revised plan No. 2, has resolved  
 2532 concerns of staff. The single access drive satisfies the concerns of the traffic engineer and the  
 2533 BMP has been redesigned to meet Public Works criteria. The size has been reduced from the first  
 2534 revised plan and staff believes there is sufficient area to provide landscape screening from Staples  
 2535 Mill Road. A variance was granted by the BZA in June of 1997 for existing nonconforming  
 2536 sideyard setbacks, for the elimination of some parking lot islands, and for the reduction of parking  
 2537 setbacks. The church additions match the predominantly brick existing church building. Staff can  
 2538 recommend approval of the revised plan No. 2.

2539

2540 Mr. Archer - Thank you. Are there any questions of Ms. News by the Commission.

2541

2542 Mr. Vanarsdall - Ms. News, we talked about landscaping the BMP, and I saw Mr. Hulcher  
 2543 this morning and he assured me that he will landscape it very well.

2544

2545 Ms. News - That's what we need.

2546

2547 Mr. Vanarsdall - Thank you, for remaining him of it.

2548

2549 Mr. Archer - Thank you, Mr. Vanarsdall. Do you need to hear from the applicant, Mr.  
 2550 Vanarsdall?

2551

2552 Mr. Vanarsdall - No sir.  
2553  
2554 Mr. Archer - All right.  
2555  
2556 Mr. Vanarsdall - I move POD-54-98, First Mennonite Church Additions be approved with  
2557 the standard conditions, the annotations on the plan and conditions Nos. 23 through 31 and that  
2558 the BMP will be landscaped very nicely.  
2559  
2560 Mr. Zehler - Second.  
2561  
2562 Mr. Archer - The motion was made by Mr. Vanarsdall and seconded by Mr. Zehler. All  
2563 in favor say aye...all oppose say nay. The motion passes.  
2564  
2565 The Planning Commission approved POD-54-98, First Mennonite Church Additions, subject to  
2566 the standard conditions attached to these minutes the annotations on the plan, and the following  
2567 additional conditions:  
2568  
2569 23. The easements for drainage and utilities as shown on approved plans shall be granted to  
2570 the County in a form acceptable to the County Attorney prior to any occupancy permits  
2571 being issued.  
2572 24. The entrances and drainage facilities on Staples Mill Road (State Route 33) shall be  
2573 approved by the Virginia Department of Transportation and the County.  
2574 25. A notice of completion form, certifying that the requirements of the Virginia Department  
2575 of Transportation entrances permit have been completed, shall be submitted to the  
2576 Planning Office prior to any occupancy permits being issued.  
2577 26. The developer shall provide fire hydrants as required by the Department of Public Utilities  
2578 in its approval of the utility plans and contracts.  
2579 27. Any necessary off-site drainage easements must be obtained in a form acceptable to the  
2580 County Attorney prior to final approval of the construction plans by the Department of  
2581 Public Works.  
2582 28. Deviations from County standards for pavement, curb or curb and gutter design shall be  
2583 approved by the County Engineer prior to final approval of the construction plans by the  
2584 Department of Public Works.  
2585 29. Insurance Services Office (ISO) calculations must be included with the utilities plans and  
2586 contracts and must be approved by the Department of Public Utilities prior to the issuance  
2587 of a building permit.  
2588 30. Approval of the construction plans by the Department of Public Works does not establish  
2589 the curb and gutter elevations along the Virginia Department of Transportation maintained  
2590 right-of-way. The elevations will be set by the contractor and approved by the Virginia  
2591 Department of Transportation.  
2592 31. Evidence of an access easement and maintenance agreement must be submitted to the  
2593 Planning Office and approved prior to the issuance of a certificate of occupancy for this  
2594 development.

2595

**2596 LIGHTING PLAN**

2597

LP/POD-92-97

Eastshore at

Wyndham

**McKinney Company:** Request for approval of a lighting plan as required by Chapter 24, Section 24-106 of the Henrico County Code.

The 19.12-acre site is located on Nuckols Road and proposed Wyndham Forest Drive on part of parcels 10-A-20N and 18-A-22B.

The zoning is O/SC, Office/Service (Conditional). **(Three Chopt)**

2598

2599 Mr. Archer - Is there anyone in the audience in opposition to LP/POD-92-97, Eastshore  
2600 at Wyndham, lighting plan? No opposition. Mr. Strauss.

2601

2602 Mr. Strauss - Thank you, Mr. Chairman. Staff can recommend approval of the lighting  
2603 plan that's annotated. We have worked out the conflicts with the applicant. The applicant is in  
2604 agreement with these changes and I'd be happy to answer any questions you may have.

2605

2606 Mr. Archer - Are there any questions of Mr. Strauss? No questions. Mrs. Wade.

2607

2608 Mrs. Wade - I move the lighting plan, LP/POD-92-97, Eastshore at Wyndham, be  
2609 approved subject to the annotations and the standard conditions.

2610

2611 Mr. Vanarsdall - Second.

2612

2613 Mr. Archer - The motion was made by Mrs. Wade and seconded by Mr. Vanarsdall. All  
2614 in favor say aye...all oppose say nay. The motion passes.

2615

2616 The Planning Commission approved the lighting plan for LP/POD-92-97, Eastshore at Wyndham,  
2617 subject to the standard conditions attached to these minutes and the annotations on the plan. Mr.  
2618 Donati was absent.

2619

**2620 LANDSCAPE & LIGHTING PLAN**

2621

LP/POD-68-96

Walgreens –W. Broad

Street

**TIMMONS:** 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 1.45-acre site is located on the northwest corner of Hungary Spring Road and West Broad Street (U.S. Route 250) on parcels 70-10-B-5A, 5, 6 and 7. The zoning is B-3, Business District. **(Brookland)**

2622

2623

2624 Mr. Archer - Is there anyone in the audience in opposition to LP/POD-68-96, Walgreens  
2625 – W. Broad Street, landscape and lighting plan? No opposition. Mr. Strauss.

2626

2627 Mr. Strauss - Thank you, Mr. Chairman. Staff requested a meeting with the applicant in  
2628 order to resolve conflicts between the lighting and landscape plan. Staff also requested a  
2629 photometric plan which showed the correct light pole location relative to the proposed  
2630 landscaping. The applicant proposed a number of revisions to the landscape plan which are  
2631 represented on the staff annotations as shown on the plans that we are distributing. Staff is  
2632 satisfied that the conflict is resolved and can recommend approval of the plan as annotated. I'd be  
2633 happy to answer any questions you may have, and we have Mrs. Phyllis Baker who has flown up  
2634 here from Fort Lauderdale, ahead of the hurricane, to be with us this morning and she can answer  
2635 any additional questions you may have.

2636

2637 Mr. Archer - All right. Are there any questions of Mr. Strauss by the Commission?

2638

2639 Mr. Vanarsdall - I don't need to hear from the applicant, Mr. Chairman.

2640

2641 Mr. Zehler - She flew all the way from Fort Lauderdale.

2642

2643 Mr. Vanarsdall - We have Mrs. Phyllis Baker there from Fort Lauderdale and she loves to  
2644 come up here.

2645

2646 Mr. Archer - Okay, Mr. Vanarsdall.

2647

2648 Mr. Vanarsdall - I recommend LP/POD-68-96, Walgreens W. Broad Street, be approved  
2649 with the annotations on the plan and the standard conditions and the recommendations from the  
2650 staff.

2651

2652 Mr. Zehler - Second.

2653

2654 Mr. Archer - The motion was made by Mr. Vanarsdall and seconded by Mr. Zehler. All  
2655 in favor say aye...all oppose say nay. The motion passes.

2656

2657 The Planning Commission approved the landscape and lighting plan for LP/POD-68-96,  
2658 Walgreens – W. Broad Street, subject to the standard conditions attached to these minutes and  
2659 the annotations on the plan. Mr. Donati was absent.

2660

## 2661 LIGHTING PLAN

LP/POD-5-98

Mountaineer  
Properties

Retail Center

**Beamon & Associates, P.C.:** Request for approval of a lighting plan as required by Chapter 24, Section 24-106 of the Henrico County Code. The 2.0-acre site is located on the east line of Homeview Drive, approximately 650 feet north of West Broad Street (U.S. Route 250) on parcel 59-A-12C. The zoning is B-3C, Business District (Conditional). (**Brookland**)

2662

2663 Mr. Archer - Is there anyone in the audience in opposition to LP/POD-5-98,  
2664 Mountaineer Properties Retail Center, lighting plan? No opposition. Mr. Strauss.

2665

2666 Mr. Strauss - Thank you, Mr. Chairman. Staff can recommend approval of the lighting  
2667 plan as annotated in your packet this morning. Staff discussed the lighting plan in depth with the  
2668 applicant last week. The Police Community Services recommended an increase in light level near  
2669 the back of the building which the applicant has informed staff that they intend to do through the  
2670 use of wall packs. The wall packs proposed, there are two in that rear area there, that would  
2671 bring the light level up to a three-foot candle. They are shielded wall packs. I know there has  
2672 been some concern about the visibility of this project from the Virginia Home for Boys, so the  
2673 applicant did assure them that these wall packs are indeed shielded. With that, we can  
2674 recommend approval as annotated.

2675

2676 Mr. Archer - All right. Are there any questions of Mr. Strauss by the Commission?

2677

2678 Mr. Vanarsdall - I have no questions and no applicant. I recommend LP/POD-5-98,  
2679 Mountaineer Properties Retail Center, be approved with the standard conditions, the annotations  
2680 on the plan and the recommendations from the staff.

2681

2682 Mrs. Wade - Second.

2683

2684 Mr. Archer - The motion was made by Mr. Vanarsdall and seconded by Mrs. Wade. All  
2685 in favor say aye...all oppose say nay. The motion passes.

2686

2687 The Planning Commission approved the lighting plan for LP/POD-5-98, Mountaineer Properties  
2688 Retail Center, subject to the standard conditions attached to these minutes and the annotations on  
2689 the plan. Mr. Donati was absent.

2690

#### 2691 **APPROVAL OF MINUTES: June 30, 1998, Minutes**

2692

2693 Mr. Vanarsdall - I move we approve the minutes, June 30, 1998.

2694

2695 Mr. Zehler - Mr. Chairman, I would like to defer those minutes because I never did  
2696 receive a copy.

2697

2698 Mrs. Wade - You didn't get a copy?

2699

2700 Mr. Vanarsdall - How come that always happen to you, Mr. Zehler?

2701

2702 Mr. Zehler - "Z" last.

2703

2704 Ms. Dwyer - I think he just lose them.

2705

2706 Mrs. Wade - I think so too. We've had so many minutes lately and we are catching up,  
2707 this is June.  
2708

2709 Ms. Dwyer - Yes, this is great. May I just give my corrections?  
2710

2711 Mrs. Wade - Ms. Carver, has been working really hard on them.  
2712

2713 Mr. Archer - I have a few corrections too.  
2714

2715 Mr. Zehler - I'll tell you what, why don't we just pass this on to next month and you can  
2716 call in your corrections.  
2717

2718 Ms. Dwyer - Okay, I'll call mine in. My excuse is that I was on vacation last week.  
2719

2720 Mr. Archer - All right. We will defer these until next month.  
2721

2722 Mrs. Wade - Now, when we go on line we will have to get these things done promptly.  
2723

2724 Mr. Archer - Let's move to the next item.  
2725

2726 The Planning Commission deferred the June 30, 1998, minutes to its September 27, 1998,  
2727 meeting. Mr. Donati was absent.  
2728

2729 **APPROVAL OF CALENDAR: 1998 P. C. and Rezoning Calendar**  
2730

2731 Mr. Marrles - Mr. Chairman, I believe the Commission has received a copy of the  
2732 calendar for the Planning Commission, including the Rezoning calendar for approval.  
2733

2734 Mr. Archer - Mr. Secretary, if I might mention. I have discussed this with the Vice  
2735 Chairman, and I also discussed it with Mr. Thornton, the possibility of the Planning Commission  
2736 having a day off, like the Board does. Mr. Thornton apparently went right to work on it so there  
2737 is some discussion going on about us possibly having a day off during the month of, I think,  
2738 August of next year, unless the Commissioners don't want a day off.  
2739

2740 Mr. Zehler - Is this with or without pay?  
2741

2742 Mr. Archer - Don't bring that up. Well, it's under discussion. I thought I'd mention it.  
2743

2744 Mr. Vanarsdall - The whole month?  
2745

2746 Mr. Archer - No. Well we could ask for it.  
2747

2748 Mrs. Wade - They have more control over there business then we do, basically.

2749  
2750 Mr. Zehler - What meeting are you talking about?  
2751  
2752 Mr. Archer - Probably the POD meeting for the month of August.  
2753  
2754 Mr. Vanarsdall - Well, I certainly wouldn't object to that.  
2755  
2756 Mr. Zehler - The only problem with that is that you double your load for the next  
2757 month.  
2758  
2759 Mr. Marlles - I see a thumbs up by the staff and the audience.  
2760  
2761 Mr. Archer - Well, we took staff into consideration also. It would lighten the load for  
2762 everybody, it's in the middle of vacation season.  
2763  
2764 Ms. Dwyer - Hurricane season.  
2765  
2766 Mr. Archer - But, it's just under consideration right now. I don't think that would  
2767 preclude us from adopting the calendar. We could always amend it at some point in time, but I  
2768 just thought I called it to the Commission's attention.  
2769  
2770 Mr. Vanarsdall - All right. Is it on the second burner, is that what you are saying?  
2771  
2772 Mr. Archer - Yes. But, anyway, as I said, we can amend the calendar at that point in  
2773 time if we have to. So, I guess now we will need a motion for approval.  
2774  
2775 Mr. Vanarsdall - Well, I would like to suggest a change. I would like to suggest a change in  
2776 April of 1999. The APA convention is going to be moved to the latter part of the month. This is  
2777 the first time that I can remember that it's going to be from the 24<sup>th</sup> to 28<sup>th</sup> of April. That means  
2778 there will be a conflict with the April 27, 1999 meeting, unless nobody is going. I plan to go, if  
2779 the Lord's willing, and I'm still living.  
2780  
2781 Mr. Zehler - Is this 1999 or 1998 we are approving?  
2782  
2783 Mr. Archer - 1999.  
2784  
2785 Mr. Vanarsdall - If we could move it to the 20<sup>th</sup>, that would be nice, if you don't think that  
2786 would be a problem. It's now stated for April 27, 1999.  
2787  
2788 Mr. Zehler - How close will that move us up to our Rezoning meeting?  
2789  
2790 Ms. Dwyer - From Thursday to Tuesday.  
2791

2792 Mr. Vanarsdall - It would be done like we do for Christmas.  
2793

2794 Mr. Archer - The zoning meeting is April 15, 1999.  
2795

2796 Ms. Dwyer - If people are going to be going, I guess we would need to.  
2797

2798 Mr. Vanarsdall - Is there anybody else going to Seattle?  
2799

2800 Mr. Archer - I'm considering it.  
2801

2802 Mrs. Wade - I haven't decided.  
2803

2804 Mr. Zehler - My wife has already said that she would be interested.  
2805

2806 Ms. Dwyer - Will there be enough money for all of us to go?  
2807

2808 Mr. Vanarsdall - Well, if the Commission don't think we should do it, let's drop it.  
2809

2810 Ms. Dwyer - I think we should. Go ahead and make a motion.  
2811

2812 Mr. Marrles - Staff is recommending on the 20<sup>th</sup>. We would also have to move our filing  
2813 deadline up as well.  
2814

2815 Mr. Archer - Do we have to do it today?  
2816

2817 Ms. Dwyer - Let's go ahead and do it because other people may plan on it.  
2818

2819 Mr. Zehler - Do you want to move the Rezoning up a week?  
2820

2821 Mr. Vanarsdall - Well, it wouldn't be any different then the way we do if for Christmas?  
2822

2823 Ms. Dwyer - Sometimes we have that two week period between March 23 and April 15.  
2824 So, if we move the zoning back to April 8 then we would still have a week between the March  
2825 POD and the April Rezoning meeting. Does someone have a calendar? Anyway, if we move the  
2826 April 15<sup>th</sup> back to April 8<sup>th</sup> we would still have more than a week between those two meetings.  
2827 That might even it out a little bit.  
2828

2829 Mr. Silber - My only concern is that the zoning hearing always follows the Board  
2830 meeting. I think we can change it but it sometimes complicates things.  
2831

2832 Ms. Dwyer - Let's just move the 27<sup>th</sup> to the 20<sup>th</sup> then.  
2833

2834 Mr. Zehler - That will be fine. We will just have to work hard that month.

2835

2836 Ms. Dwyer - All right. I move that we adopt the 1999 meeting schedule as presented  
2837 with the change of the POD meeting for April 27<sup>th</sup>. We moved that to April 20, 1999.

2838

2839 Mr. Vanarsdall - Are you going to throw in about August?

2840

2841 Ms. Dwyer - No.

2842

2843 Mr. Archer - We have got to sort of wait until that happens.

2844

2845 Mr. Vanarsdall - Okay. I'll second.

2846

2847 Mr. Archer - The motion was made by Ms. Dwyer and seconded by Mr. Vanarsdall to  
2848 approve the 1999 Planning Calendar with the proposed amendment. All those in favor say  
2849 aye...all oppose say nay. The motion passes.

2850

2851 The Planning Commission approved the 1999 Planning Commission and Rezoning Calendar,  
2852 amending the April 27<sup>th</sup> meeting date to April 20, 1999. Mr. Donati was absent.

2853

2854 **APPROVAL OF Revised Planning Commission Rules & Regulations**

2855

2856 Mr. Marles - Mr. Chairman, some time ago staff sent to the Commission a copy of a  
2857 proposed amendment to the Commission's rules and regulations. I believe Mr. O'Kelly is going  
2858 to summarize that.

2859

2860 Mr. O'Kelly - Mr. Chairman and members of the Commission, at your July 30 meeting  
2861 the staff routed to you a draft of proposed change to the Commission's rules and regulations  
2862 primarily for the expedited agenda. We suggested at that time if you had additional comments or  
2863 recommendations to contact the staff and we would incorporate those into the final rules and  
2864 regulations. At this point we had not received, at least from the Planning Commission, any

2878

2879 Mrs. Wade - So where did you say the change is, did you tell us?

2880

2881 Mr. O'Kelly - I'm not familiar with all of the changes. I was just made aware of those  
2882 this morning. I really haven't seen them. So, it should be deferred to September 10.

2883

2884 Ms. Dwyer - Okay. Let's defer it. Do we need a motion on that?

2885

2886 Mr. Archer - Yes. I think that would be the best way to do it.

2887

2888 Ms. Dwyer - I move that we defer consideration of amendments for the Rules and  
2889 Regulations to our September 10, 1998 meeting.

2890

2891 Mr. Zehler - Second.

2892

2893 Mr. Archer - The motion was made by Ms. Dwyer and seconded by Mr. Zehler. All in  
2894 favor say aye...all oppose say nay. The motion passes.

2895

2896 The Planning Commission deferred the Revised Planning Commission Rules & Regulations to its  
2897 September 10, 1998, meeting. Mr. Donati was absent.

2898

2899 Ms. Dwyer - I move to adjourn.

2900

2901 Mr. Zehler - Second.

2902

2903 On a motion by Ms. Dwyer and seconded by Mr. Zehler, the Planning Commission adjourned its  
2904 meeting at 12:45 p.m.

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

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John R. Marlles, AICP Secretary