

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 Center  
3 at Parham and Hungary Springs Roads, Beginning at 9:00 a.m. Wednesday, December 15, 2004.

4

5 Members Present: Mrs. Lisa D. Ware, C.P.C., Chairperson (Tuckahoe)  
6 Mr. Ernest B. Vanarsdall, C.P.C., Vice Chairperson (Brookland)  
7 Mr. C. W. Archer, C.P.C. (Fairfield)  
8 Mr. E. Ray Jernigan, C.P.C. (Varina)  
9 Mr. John Marshall (Three Chopt)

10

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

13

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

25

26 **Mr. James B. Donati, Jr., the Board of Supervisors Representative, abstains on all cases**  
27 **unless otherwise noted.**

28

29 Mrs. Ware - Good morning, everybody. Welcome to the Planning Commission  
30 meeting for subdivisions and plans of development. I'll turn the meeting over to our Secretary  
31 Mr. Silber.

32

33 Mr. Silber - Good morning. Thank you, Madam Chairman, members of the  
34 Commission. We do have five members of the Planning Commission present this morning, so  
35 we can conduct business. It looks as though Mr. Donati is not here yet and I don't know if he's  
36 going to make it or not. He had a late meeting last night so he may be on his way. With that, we  
37 can move on to the requests for deferrals and withdrawals. Ms. News, can you walk us through  
38 those, please?

39

40 Ms. News - Yes, I can. Good morning, Madam Chairman, members of the  
41 Commission. Staff is aware of three requests for deferrals this morning. The first one is on Page  
42 26 of your agenda and it is located in the Three Chopt district, and the applicant has requested  
43 deferral to your January 26, 2005, meeting.

44

45 **SUBDIVISION (Deferred from the November 17, 2004, Meeting)**

46

Morgan Pointe  
(October 2004 Plan)

**Foster & Miller, P.C. for Andronikos and Evangelia Moudilos and Winterfield Road Development, LLC:** The 29.683-acre site proposed for a subdivision of 20, single-family homes is located on the west line of Pouncey Tract Road, approximately 2,975 feet north of the intersection of Nuckols Road and Pouncey Tract Road on parcel 734-776-1774. The zoning is A-1, Agricultural District. County water and septic tank/drainfield. **(Three Chopt) 20 Lots**

47

48 Mrs. Ware - Is there anyone in the audience in opposition to the deferral of Morgan  
49 Pointe Subdivision (October 2004 Plan) in the Three Chopt District? There's no opposition.  
50 Mr. Marshall.

51

52 Mr. Marshall - Madam Chairman, I move that subdivision Morgan Pointe (October 2004 Plan)  
53 be deferred to the January 26 meeting, by request of the applicant.

54

55 Mr. Vanarsdall - Second.

56

57 Mrs. Ware - The motion was made by Mr. Marshall and seconded by Mr. Vanarsdall.  
58 All in favor say aye...all opposed say nay. The ayes have it. The motion is passed.

59

60 Pursuant to the applicant's request, the Planning Commission deferred subdivision Morgan  
61 Pointe (October 2004 Plan) to its January 26, 2005, meeting.

62

63 Ms. News - The second request is on Page 29 of your agenda, subdivision Majestic  
64 Meadows (September 2004 Plan), in the Varina District, and the applicant has requested deferral  
65 to your January 26, 2005, meeting.

66

67 **SUBDIVISION (Deferred from the November 17, 2004, Meeting)**

68

Majestic Meadows  
(September 2004 Plan)

**Engineering Design Associates for Reginald H. Nelson, IV and Phyllis Marie Nelson:** The 180.94-acre site proposed for a subdivision of 130, single-family homes is located at 9421 Osborne Turnpike at the northeast corner of the intersection of Osborne Turnpike and Kingsland Road on parcel 808-672-3167. The zoning is A-1, Agricultural District. Individual well and septic tank/drainfield. **(Varina) 130 Lots**

69

70 Mrs. Ware - Is there anyone in the audience in opposition to the deferral of Majestic  
71 Meadows Subdivision (September 2004 Plan) in the Varina District? There's no opposition.  
72 Mr. Jernigan.

73 Mr. Jernigan - Madam Chairman, I move to defer subdivision Majestic Meadows  
74 (September 2004 Plan) to January 26, 2005, by the request of the applicant.

75

76 Mr. Vanarsdall - Second.

77

78 Mrs. Ware - The motion was made by Mr. Jernigan and seconded by Mr. Vanarsdall.  
79 All in favor say aye...all opposed say nay. The ayes have it. The motion is passed.

80

81 Pursuant to the applicant's request, the Planning Commission deferred subdivision Majestic  
82 Meadows (September 2004 Plan) to its January 26, 2005, meeting.

83

84 Ms. News - The final request is on Page 42 of your agenda, subdivision Wilton  
85 Parkway (December 2004 Plan), in the Varina District, and the applicant requests deferral to  
86 your January 26, 2005, meeting.

87

## 88 **SUBDIVISION**

89

Wilton Parkway  
(December 2004 Plan)  
New Market Road to  
Osborne Turnpike

**Youngblood, Tyler & Associates, P.C. for Florence C. Garton et al., William R. & R. A. Pumphrey, Ronald B. Kiser, Life Int., Stirel M., Jr. & A. J. Paston, David B. & Barbara L. Kiser, James H., Jr. & V.H. Palmer, Interstate Construction Corp., Ralph H. Wigton, Kermit L., Sr. & B. J. Cephas, Eugene B. & Shirley S. Moyer, Jeffrey T. & J. L. K. White, Susan J. McDonald, Nathan E. & Dawne D. Jones, Glauson Investments Corp., and HHHunt Corp.:** The 20.95-acre site proposed for a public road is located at its eastern terminus on New Market Road (State Route 5), approximately 300 feet north of Battlefield Park Road, to its western terminus, approximately 1100 feet west of the intersection of Osborne Turnpike and Mill Roads on parcels 809-692-4528, 809-691-6235, 809-691-2613, 808-690-7572, 808-690-3884, 808-690-0946, 808-690-1074, 808-690-9385, 805-688-7568, 803-687-7700, 803-686-8177, 803-686-8950, 803-686-7753, 803-686-6854, 803-686-5549, 803-686-4052, 803-686-2162, 803-686-1847, 803-686-9862, 802-686-9466, 802-686-7867, 803-686-2025, 803-686-0426 and 798-683-5459. The zoning is A-1, Agricultural District and R-2A, One-Family Residence District.  
**(Varina) 0 Lots**

90

91 Mrs. Ware - Is there anyone in the audience in opposition to the deferral of Wilton  
92 Parkway (December 2004 Plan) in the Varina District? There's no opposition. Mr. Jernigan.

93

94 Mr. Jernigan - Madam Chairman, I move to defer subdivision Wilton Parkway  
95 (December 2004 Plan) to January 26, 2005, by the request of the applicant.

96

97 Mr. Vanarsdall - Second.

98

99 Mrs. Ware - The motion was made by Mr. Jernigan and seconded by Mr. Vanarsdall.  
100 All in favor say aye...all opposed say nay. The ayes have it. The motion is passed.

101

102 Pursuant to the applicant's request, the Planning Commission deferred subdivision Wilton  
103 Parkway (December 2004 Plan) to its January 26, 2005, meeting.

104

105 Mr. Silber - Are there any other deferrals?

106

107 Ms. News - Staff is not aware of any other deferrals.

108

109 Mr. Silber - Okay. Thank you. Next on the agenda would be those items considered  
110 as expedited or on a consent agenda. These items are plans that have been reviewed by the  
111 County administration. The applicant is comfortable with the conditions that have been placed  
112 on or the annotations made on the plans. The Planning Commission member from that district  
113 have no difficulties with the request, so these have been placed on the Expedited Agenda so that  
114 we don't have to fully hear that request. If there is opposition on those items, on the Expedited  
115 Agenda, they will be pulled off of the agenda and heard in the order in which they are found on  
116 the agenda. Ms. News.

117

118 Ms. News - The staff is aware of 12 requests for the Expedited Agenda this morning.  
119 The first is on page nine of your agenda and it is POD-85-04, Wilton Park, Phase II, located in  
120 the Brookland district.

121

## 122 **PLAN OF DEVELOPMENT**

123

POD-85-04

Wilton Park, Phase II –  
4901 Dickens Road

**Koontz-Bryant, P.C. for Alabama 1031 Property Exc. And  
The Wilton Companies:** 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, 35,000 square  
foot office building. The 6.06-acre site is located at the  
southwest corner of the intersection of Staples Mill Road (U.S.  
Route 33) and Dickens Road, adjacent to I-64 on parcel 774-  
743-7373. The zoning is O-2, Office District. County water and  
sewer. **(Brookland)**

124

125 Mrs. Ware - Is there anyone in the audience in opposition to hearing POD-85-04,  
126 Wilton Park, Phase II, in the Brookland District, on the Expedited Agenda? There's no  
127 opposition. Mr. Vanarsdall.

128

129 Mr. Vanarsdall - I don't want to take this off of the Expedited Agenda, but I have a  
130 question. Is there anybody here representing Wilton?

131

132 Mr. Hinson - Yes, sir.

133 Mr. Vanarsdall - All right. Come up here and let me ask you a question. You are Chris,  
134 aren't you?

135

136 Mr. Hinson - No, sir. My name is Paul Hinson with Koontz-Bryant representing Wilton  
137 Companies.

138

139 Mr. Vanarsdall - We have annotated on the plans about the landscaping that's going to go  
140 around the... But it is my understanding that the present chain link fence will stay there too.

141

142 Mr. Hinson - That's my understanding, sir, and we are going to supplement that with  
143 some evergreen screenings. We will present that plan to the staff for review and approval.

144

145 Mr. Vanarsdall - Okay. Thank you. That's the only question that I have. Madam  
146 Chairman, I move that POD-85-04, Wilton Park, Phase II, on Dickens Road, be approved on the  
147 Expedited Agenda with the annotations on the plans, the standard conditions for developments of  
148 this type, and we have additional conditions Nos. 23 through 36.

149

150 Mr. Marshall - Second.

151

152 Mrs. Ware - The motion was made by Mr. Vanarsdall and seconded by Mr. Marshall.  
153 All in favor say aye...all opposed say nay. The ayes have it. The motion is passed.

154

155 The Planning Commission approved POD-85-04, Wilton Park, Phase II, subject to the standard  
156 conditions attached to these minutes for developments of this type, the annotations on the plans  
157 and the following additional conditions:

158

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

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

168 25. The entrances and drainage facilities on Staples Mill Road (U.S. Route 33) and I-64 shall  
169 be approved by the Virginia Department of Transportation and the County.

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

173 27. The developer shall provide fire hydrants as required by the Department of Public  
174 Utilities and Division of Fire.

175 28. Outside storage shall not be permitted.

176 29. The certification of building permits, occupancy permits and change of occupancy  
177 permits for individual units shall be based on the number of parking spaces required for

- 178 the proposed uses and the amount of parking available according to approved plans.
- 179 30. Any necessary off-site drainage and/or water and sewer easements must be obtained in a  
180 form acceptable to the County Attorney prior to final approval of the construction plans.
- 181 31. Deviations from County standards for pavement, curb or curb and gutter design shall be  
182 approved by the County Engineer prior to final approval of the construction plans by the  
183 Department of Public Works.
- 184 32. Storm water retention, based on the 50-10 concept, shall be incorporated into the  
185 drainage plans.
- 186 33. Insurance Services Office (ISO) calculations must be included with the plans and  
187 contracts and must be approved by the Department of Public Utilities prior to the  
188 issuance of a building permit.
- 189 34. Approval of the construction plans by the Department of Public Works does not establish  
190 the curb and gutter elevations along the Henrico County maintained right-of-way. The  
191 elevations will be set by Henrico County.
- 192 35. Approval of the construction plans by the Department of Public Works does not establish  
193 the curb and gutter elevations along the Virginia Department of Transportation  
194 maintained right-of-way. The elevations will be set by the contractor and approved by  
195 the Virginia Department of Transportation.
- 196 36. The location of all existing and proposed utility and mechanical equipment (including  
197 HVAC units, electric meters, junction and accessory boxes, transformers, and generators)  
198 shall be identified on the landscape plans. All equipment shall be screened by such  
199 measures as determined appropriate by the Director of Planning or the Planning  
200 Commission at the time of plan approval.

201

202 **PLAN OF DEVELOPMENT**

203

POD-86-04

Glenside Woods, Section  
One – Glenside Drive

**Bay Design Group, P.C. for Wilton Development Corporation:** Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct 41, two-story townhouses for sale. The 10.92-acre site is located approximately 1,500 feet west of the intersection of Glenside Drive and Staples Mill Road (U.S. Route 33) on part of parcel 771-748-5588. The zoning is RTHC, Residential Townhouse District (Conditional). County water and sewer. **(Brookland)**

204

205 Ms. News - There is an addendum item on Page 4 of your addendum. It's a revised  
206 recommendation and indicates that staff has received all of the information that has been  
207 requested, and, specifically, the applicant has agreed to provide a fountain in the BMP, construct  
208 a six-foot gray vinyl privacy fence adjacent to the park and ride facility and redesign a section of  
209 Maple Glen Drive to meet the Traffic Engineers comments. With that said, staff recommends  
210 approval.

211 Mrs. Ware - Is there anyone in the audience in opposition to hearing POD-86-04,  
212 Glenside Woods, Section One, in the Brookland District, on the Expedited Agenda? There's no  
213 opposition. Mr. Vanarsdall.

214

215 Mr. Vanarsdall - I move POD-86-04, Glenside Woods, Section One, be recommended for  
216 approval on the Expedited Agenda, and conditions Nos. 23 through 37, the annotations on the  
217 plans and on the addendum, Page 4, it states that: We will have a six-foot gray vinyl privacy  
218 fence instead of an ugly wooden fence that was originally stated. Thank you, Mike Cooper, for  
219 your work on this and Dan, in the audience, I would like to thank him for his cooperation.

220

221 Mr. Marshall - Second.

222

223 Mrs. Ware - The motion was made by Mr. Vanarsdall and seconded by Mr. Marshall.  
224 All in favor say aye...all opposed say nay. The motion passes.

225

226 The Planning Commission approved POD-86-04, Glenside Woods, Section One, subject to the  
227 standard conditions attached to these minutes for developments of this type, the annotations on  
228 the plan and the following additional conditions:

229

230 23. The subdivision plat for Glenside Woods, Section 1 shall be recorded before any building  
231 permits are issued.

232 24. The right-of-way for widening of Glenside Drive and Tatum Boulevard as shown on  
233 approved plans shall be dedicated to the County prior to any occupancy permits being  
234 issued. The right-of-way dedication plat and any other required information shall be  
235 submitted to the County Real Property Agent at least sixty (60) days prior to requesting  
236 occupancy permits.

237 25. The easements for drainage and utilities as shown on approved plans shall be granted to  
238 the County in a form acceptable to the County Attorney prior to any occupancy permits  
239 being issued. The easement plats and any other required information shall be submitted  
240 to the County Real Property Agent at least sixty (60) days prior to requesting occupancy  
241 permits.

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

244 27. The developer shall provide fire hydrants as required by the Department of Public  
245 Utilities and Division of Fire.

246 28. A standard concrete sidewalk shall be provided along the north side of Glenside Drive.

247 29. The proffers approved as a part of zoning case C-53C-00 shall be incorporated in this  
248 approval.

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

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

254 32. The pavement shall be of an SM-2A type and shall be constructed in accordance with  
255 County standard and specifications. The developer shall post a defect bond for all



292 annotations on the plan and the following additional conditions:

293

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

299 24. The entrances and drainage facilities on Staples Mill Road (State Route 33) shall be  
300 approved by the Virginia Department of Transportation and the County.

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

304 26. The developer shall provide fire hydrants as required by the Department of Public  
305 Utilities and Division of Fire.

306 27. The proffers approved as a part of zoning cases C-44C-03, C-42-02 and C-17C-00 shall  
307 be incorporated in this approval.

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

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

313 30. In the event of any traffic backup which blocks the public right-of-way as a result of  
314 congestion caused by the drive-up teller facilities, the owner/occupant shall close the  
315 drive-up teller facilities until a solution can be designed to prevent traffic backup.

316 31. Storm water retention, based on the 50-10 concept, shall be incorporated into the  
317 drainage plans.

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

321 33. Approval of the construction plans by the Department of Public Works does not establish  
322 the curb and gutter elevations along the Virginia Department of Transportation  
323 maintained right-of-way. The elevations will be set by the contractor and approved by  
324 the Virginia Department of Transportation.

325 34. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the  
326 Department of Planning and approved prior to issuance of a certificate of occupancy for  
327 this development.

328 35. The location of all existing and proposed utility and mechanical equipment (including  
329 HVAC units, electric meters, junction and accessory boxes, transformers, and generators)  
330 shall be identified on the landscape plans. All equipment shall be screened by such  
331 measures as determined appropriate by the Director of Planning or the Planning  
332 Commission at the time of plan approval.

333

334 **PLAN OF DEVELOPMENT**

335

POD-90-04

**Jordan Consulting Engineers, P.C. and Dayton**

**December 15, 2004**

SunTrust Bank @ Hickory Park – Hickory Park Drive and Nuckols Road

**Thompson/Bill Anderson, AIA for HHHunt Corporation and SunTrust Real Estate Corporation:** Request for approval of a plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one-story, 4,300 square foot bank with drive-thru facilities. The 1.02-acre site is located on the northwest corner of Nuckols Road and proposed Hickory Park Drive on parcel 747-771-2430. The zoning is O-3C, Business District (Conditional). County water and sewer. **(Three Chopt)**

336

337 Mrs. Ware - Is there anyone in the audience in opposition to hearing POD-90-04,  
338 SunTrust Bank @ Hickory Park, in the Three Chopt District, on the Expedited Agenda? There's  
339 no opposition. Mr. Marshall.

340

341 Mr. Marshall - Madam Chairman, I move that POD-90-04, SunTrust Bank @ Hickory Park, be  
342 approved subject to the annotations on the plans, the standard conditions for developments of  
343 this type and additional conditions Nos. 23 through 33.

344

345 Mr. Vanarsdall - Second.

346

347 Mrs. Ware - The motion was made by Mr. Marshall and seconded by Mr. Vanarsdall.  
348 All in favor say aye...all opposed say nay. The motion passes.

349

350 The Planning Commission approved POD-90-04, SunTrust Bank @ Hickory Park, subject to the  
351 standard conditions attached to these minutes for developments of this type, the annotations on  
352 the plan and the following additional conditions:

353

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

358 24. The right-of-way for widening of Hickory Park Drive as shown on approved plans shall  
359 be dedicated to the County prior to any occupancy permits being issued. The right-of-  
360 way dedication plat and any other required information shall be submitted to the County  
361 Real Property Agent at least sixty (60) days prior to requesting occupancy permits.

362 25. The easements for drainage and utilities as shown on approved plans shall be granted to  
363 the County in a form acceptable to the County Attorney prior to any occupancy permits  
364 being issued. The easement plats and any other required information shall be submitted  
365 to the County Real Property Agent at least sixty (60) days prior to requesting occupancy  
366 permits.

367 26. The developer shall provide fire hydrants as required by the Department of Public  
368 Utilities and Division of Fire.

369 27. The proffers approved as a part of zoning case C-13C-02 shall be incorporated in this  
370 approval.

371 28. Any necessary off-site drainage and/or water and sewer easements must be obtained in a

- 372 form acceptable to the County Attorney prior to final approval of the construction plans.
- 373 29. Deviations from County standards for pavement, curb or curb and gutter design shall be
- 374 approved by the County Engineer prior to final approval of the construction plans by the
- 375 Department of Public Works.
- 376 30. Storm water retention, based on the 50-10 concept, shall be incorporated into the
- 377 drainage plans.
- 378 31. Insurance Services Office (ISO) calculations must be included with the plans and
- 379 contracts and must be approved by the Department of Public Utilities prior to the
- 380 issuance of a building permit.
- 381 32. Approval of the construction plans by the Department of Public Works does not establish
- 382 the curb and gutter elevations along the Henrico County maintained right-of-way. The
- 383 elevations will be set by Henrico County.
- 384 33. The location of all existing and proposed utility and mechanical equipment (including
- 385 HVAC units, electric meters, junction and accessory boxes, transformers, and generators)
- 386 shall be identified on the landscape plans. All equipment shall be screened by such
- 387 measures as determined appropriate by the Director of Planning or the Planning
- 388 Commission at the time of plan approval.

389

390 **PLAN OF DEVELOPMENT**

391

POD-87-04  
Hunton Station -  
Mill Road

**Foster & Miller, P.C. for Attack Properties, Inc.:** Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct 44 zero lot line homes. The 8.97-acre site is located approximately 660 feet west of the intersection of Mill Road and Old Washington Highway on parcels 771-774-2195 and 3745. The zoning is R-5AC, General Residence District (Conditional). County water and sewer. **(Brookland)**

392

393 Ms. News - There is an addendum item on this case on Page 5 of your addendum.

394 There is a revision to condition No. 31 to add wording requiring the engineer to certify the road

395 standards to be constructed in accordance with County standards.

396

397 Mrs. Ware - Is there anyone in the audience in opposition to hearing POD-87-04,

398 Hunton Station, in the Brookland District, on the Expedited Agenda? There's no opposition.

399 Mr. Vanarsdall.

400 Mr. Vanarsdall - I move that POD-87-04, Hunton Station, Mill Road, be approved subject  
401 to the annotations on the plans, the standard conditions for developments of this type and  
402 additional conditions Nos. 23 through 36 with No. 31 being revised as shown on the addendum.

403

404 Mr. Marshall - Second.

405

406 Mrs. Ware - The motion was made by Mr. Vanarsdall and seconded by Mr. Marshall.  
407 All in favor say aye...all opposed say nay. The motion passes.

408

409 The Planning Commission approved POD-87-04, Hunton Station, subject to the standard  
410 conditions attached to these minutes for developments of this type, the annotations on the plan  
411 and the following additional conditions:

412

413 23. The subdivision plat for Hunton Station shall be recorded before any building permits are  
414 issued.

415 24. The right-of-way for widening of Mill Road as shown on approved plans shall be  
416 dedicated to the County prior to any occupancy permits being issued. The right-of-way  
417 dedication plat and any other required information shall be submitted to the County Real  
418 Property Agent at least sixty (60) days prior to requesting occupancy permits.

419 25. The easements for drainage and utilities as shown on approved plans shall be granted to  
420 the County in a form acceptable to the County Attorney prior to any occupancy permits  
421 being issued. The easement plats and any other required information shall be submitted  
422 to the County Real Property Agent at least sixty (60) days prior to requesting occupancy  
423 permits.

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

426 27. The developer shall provide fire hydrants as required by the Department of Public  
427 Utilities and Division of Fire.

428 28. The proffers approved as a part of zoning case C-66C-03 shall be incorporated in this  
429 approval.

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

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

435 31. The pavement shall be of an SM-2A type and shall be constructed in accordance with  
436 County standard and specifications. The developer shall post a defect bond for all  
437 pavement with the Department of Planning - the exact type, amount and implementation  
438 shall be determined by the Director of Planning, to protect the interest of the members of  
439 the Homeowners Association. The bond shall become effective as of the date that the  
440 Homeowners Association assumes responsibility for the common areas.

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

444 33. Approval of the construction plans by the Department of Public Works does not establish

445 the curb and gutter elevations along the Henrico County maintained right-of-way. The  
446 elevations will be set by Henrico County.  
447 34. Roof edge ornamental features that extend over the zero lot line, and which are permitted  
448 by Section 24-95(i)(1), must be authorized in the covenants.  
449 35. Eight-foot easements for construction, drainage, and maintenance access for abutting lots  
450 shall be provided and shown on the POD plans.  
451 36. Building permit request for individual dwellings shall each include two (2) copies of a  
452 layout plan sheet as approved with the plan of development. The developer may utilize  
453 alternate building types providing that each may be located within the building footprint  
454 shown on the approved plan. Any deviation in building footprint or infrastructure shall  
455 require submission and approval of an administrative site plan. Prior to the issuance of the  
456 last Certificate of Occupancy, a professional engineer must certify that the roads have  
457 been designed and constructed in accordance with County standards.

458

459 **SUBDIVISION**

460

Hunters Knoll  
(December 2004 Plan)  
- Bradbury Road

**Foster & Miller, P.C. for Hill Family, LLC, Deaton Land Trust and WWLP Development, LLC:** The 64.4-acre site proposed for a subdivision of 35 single-family homes is located along the east line of Bradbury Road, approximately 0.8 mile south of Darbytown Road on parcels 838-685-7540, 840-685-2264 and 839-685-2971. The zoning is A-1, Agricultural District. Individual well and septic tank/drainfield. **(Varina) 35 Lots**

461

462 Ms. News - There is an addendum item on this case on Page 7 of your addendum.  
463 There has been a revised plan included in the packet which shows the stub street as requested by  
464 staff and agreed to by the engineer, including a revised lot orientation and some additional  
465 environmental information. A revised recommendation for approval and an added condition No.  
466 16.

467

468 Mrs. Ware - Is there anyone in the audience in opposition to hearing subdivision  
469 Hunters Knoll (December 2004 Plan), in the Varina District, on the Expedited Agenda? There's  
470 no opposition. Mr. Jernigan.

471

472 Mr. Jernigan - Madam Chairman, I move to approve subdivision Hunters Knoll on the  
473 Expedited Agenda, subject to the standard conditions for subdivisions not served by public  
474 utilities and the following additional conditions Nos. 11 through 15 and on the addendum No. 16  
475 and approval by staff.

476

477 Mr. Vanarsdall - Second.

478

479 Mrs. Ware - The motion was made by Mr. Jernigan and seconded by Mr. Vanarsdall.  
480 All in favor say aye...all opposed say nay. The motion passes.

481

482 The Planning Commission granted conditional approval to subdivision Hunters Knoll (December  
483 2004 Plan), subject to the standard conditions attached to these minutes for subdivision not  
484 served by public utilities, the annotations on the plan and the following additional conditions:

485

486 11. The limits and elevation of the 100-year frequency flood shall be conspicuously noted on  
487 the plat and construction plans and labeled "Limits of 100-year floodplain." Dedicate  
488 floodplain as a "Variable Width Drainage & Utilities Easement."

489 12. The detailed plant list and specifications for the landscaping to be provided within the 25-  
490 foot-wide planting strip easement along Bradbury Road shall be submitted to the  
491 Department of Planning for review and approval prior to recordation of the plat.

492 13. A County standard sidewalk shall be constructed along the east side of Bradbury Road.

493 14. Any future building lot containing a BMP, sediment basin or trap and located within the  
494 buildable area for a principal structure or accessory structure, may be developed with  
495 engineered fill. All material shall be deposited and compacted in accordance with the  
496 Virginia Uniform Statewide Building Code and geotechnical guidelines established by a  
497 professional engineer. A detailed engineering report shall be submitted for the review and  
498 approval by the Building Official prior to the issuance of a building permit on the affected  
499 lot. A copy of the report and recommendations shall be furnished to the Directors of  
500 Planning and Public Works.

501 15. The developer shall provide signage, the wording and location as deemed appropriate by  
502 the Director of Public Works, which addresses the possible future extension of any stub  
503 street.

504 16. Prior to requesting final approval, the engineer shall furnish the Planning Staff a plan  
505 showing a dwelling situated on Lots 13 and 14 to determine if the lot design is adequate  
506 to meet the requirements of Chapter 24, of the Henrico County Code.

507

508 **SUBDIVISION - RECONSIDERATION**

509

Meadow Oaks  
(October 2004 Plan)

**Foster & Miller, P.C. for Michael J. Pastore and Michaels Enterprises:** The 32.8-acre site proposed for a subdivision of 25, single-family homes is located at the southwest corner of Meadow and Drybridge Roads on parcel 836-717-2759. The zoning is A-1, Agricultural District. Public water and septic tank/drainfield. **(Varina) 25 Lots**

510

511 Ms. News - This subdivision, Meadow Oaks, is a reconsideration of the October 2004  
512 Plan to eliminate one of the conditions. All other conditions remain in effect.

513

514 Mrs. Ware - Is there anyone in the audience in opposition to hearing subdivision  
515 Meadow Oaks (October 2004 Plan), in the Varina District, on the Expedited Agenda? There's  
516 no opposition. Mr. Jernigan.

517 Mr. Jernigan - Madam Chairman, I move to approve the reconsideration of Meadow  
518 Oaks subdivision on the Expedited Agenda, subject to the standard conditions for subdivisions  
519 served by public water and not public sewer and the following additional conditions Nos. 12 and  
520 13 and deleting condition No. 14.

521

522 Mr. Vanarsdall - Second.

523

524 Mrs. Ware - The motion was made by Mr. Jernigan and seconded by Mr. Vanarsdall.

525 All in favor say aye...all opposed say nay. The motion passes.

526

527 The Planning Commission approved the reconsideration of subdivision Meadow Oaks (October  
528 2004 Plan), subject to the standard conditions attached to these minutes for subdivision served  
529 by public water and not served by public sewer, the annotations on the plan and the following  
530 original additional conditions and deleting original condition No. 14.

531

532 12. The detailed plant list and specifications for the landscaping to be provided within the 25-  
533 foot-wide planting strip easement along Drybridge Road shall be submitted to the  
534 Department of Planning for review and approval prior to recordation of the plat.

535 13. The plan must be redesigned to provide at least the one-acre minimum lot area on lots 22  
536 through 25 as required and as regulated by Chapter 24, of the Henrico County Code.

537 14. ~~DELETED CONDITION: The entire Pastore parcel shall be included in the subdivision  
538 unless a split was recorded prior to September 10, 2004.~~

539

#### 540 **SUBDIVISION**

541

Elko Woods  
(December 2004 Plan)  
White Oak Road

**Engineering Design Associates for Robert J. Beatty, Jr. and  
Kelly/Davis, Inc.:** The 52.27-acre site proposed for a  
subdivision of 5, single-family homes is located along the east  
line of White Oak Road, approximately 500 feet south of  
Williamsburg Road (U.S. Route 60) on parcel 857-712-8214.  
The zoning is A-1, Agricultural District. Individual well and  
septic tank/drainfield. **(Varina) 5 Lots**

542

543 Mrs. Ware - Is there anyone in the audience in opposition to hearing subdivision Elko  
544 Woods (December 2004 Plan), in the Varina District, on the Expedited Agenda? There's no  
545 opposition. Mr. Jernigan.

546

547 Mr. Jernigan - Madam Chairman, I move to approve Elko Woods (December 2004 Plan)  
548 on the Expedited Agenda, subject to the annotations on the plan, the standard conditions for  
549 subdivisions not served by public utilities and the following additional conditions Nos. 11  
550 through 13.

551

552 Mr. Vanarsdall - Second.

553

554 Mrs. Ware - The motion was made by Mr. Jernigan and seconded by Mr. Vanarsdall.

555 All in favor say aye...all opposed say nay. The motion passes.

556

557 Mr. Marshall - Please note my abstention.

558

559 Mrs. Ware - So, noted.

560

561 The Planning Commission granted conditional approval to subdivision Elko Woods (December  
562 2004 Plan), subject to the standard conditions attached to these minutes for subdivision not  
563 served by public utilities, the annotations on the plan and following additional conditions:

564

565 11. The limits and elevation of the 100-year frequency flood shall be conspicuously noted on  
566 the plat and construction plans and labeled "Limits of 100-year floodplain." Dedicate  
567 floodplain as a "Variable Width Drainage & Utilities Easement."

568 12. Prior to requesting recordation, the developer shall furnish a letter from Dominion Virginia  
569 Power stating that this proposed development does not conflict with its facilities.

570 13. Each lot pair, lots 1-2 and 3-4, shall provide a single shared driveway connecting to White  
571 Oak Road and the lot 5 access connection location shall be approved by the Traffic  
572 Engineer at time of final approval.

573

#### 574 **SUBDIVISION**

575

Countryside Glen  
(December 2004 Plan)  
Countryside Lane

**G. Stuart Grattan, P.E. for David H. & Carol E. Taylor and  
CGS Properties, LLC:** The 11.69-acre site proposed for a  
subdivision of 14, single-family homes is located on the western  
line of Countryside Lane, approximately 850 feet north of  
Higginbotham Place on parcels 753-736-4737 and 1110, 753-  
735-2386 and 0082 and part of 0627 and 3752. The zoning is R-  
1, One-Family Residence District and R-2, One-Family  
Residence District. County water and sewer. **(Tuckahoe) 14  
Lots**

576

577 Ms. News - There is an addendum item on Page 8. This is to revise condition No. 14.  
578 The engineer has agreed to staff's recommendations to provide additional setbacks. The  
579 condition has been revised to require a 40-foot setback to Countryside Lane in lieu of the 50-foot  
580 requested and to orient the dwellings toward those two roads and staff can recommend approval.

581

582 Mrs. Ware - Is there anyone in the audience in opposition to hearing subdivision  
583 Countryside Glen (December 2004 Plan), in the Tuckahoe District, on the Expedited Agenda?  
584 There's no opposition. There being no opposition, then I move that subdivision Countryside  
585 Glen be approved subject to the annotations on the plan, the standard conditions for subdivisions  
586 served by public utilities and additional conditions Nos. 12 through 16, with No. 14 being  
587 revised.

588 Mr. Vanarsdall - Second.

589

590 Mrs. Ware - The motion was made by Mrs. Ware and seconded by Mr. Vanarsdall. All  
591 in favor say aye...all opposed say nay. The motion passes.

592

593 The Planning Commission granted conditional approval to subdivision Countryside Glen  
594 (December 2004 Plan), subject to the standard conditions attached to these minutes for

595 subdivision served by public utilities, the annotations on the plan and following additional  
596 conditions:

597

598 12. Any necessary offsite drainage easements must be obtained prior to approval of the  
599 construction plan by the Department of Public Works.

600 13. Any future building lot containing a BMP, sediment basin or trap and located within the  
601 buildable area for a principal structure or accessory structure, may be developed with  
602 engineered fill. All material shall be deposited and compacted in accordance with the  
603 Virginia Uniform Statewide Building Code and geotechnical guidelines established by a  
604 professional engineer. A detailed engineering report shall be submitted for the review and  
605 approval by the Building Official prior to the issuance of a building permit on the affected  
606 lot. A copy of the report and recommendations shall be furnished to the Directors of  
607 Planning and Public Works.

608 14. The dwelling on Lot 2 shall provide a 40-foot setback from and shall front on Countryside  
609 Lane and the dwelling on Lot 3 shall provide a 40-foot setback from and shall front on  
610 Road B.

611 15. Any lot, in previously inundated areas, to be filled within the buildable area for a principal  
612 structure or accessory structure shall be developed with engineered fill. All material shall be  
613 deposited and compacted in accordance with the Virginia Uniform Statewide Building  
614 Code and report shall be submitted for review and approval by the Building Official prior to  
615 issuance of a building permit on any lot with engineered fill. A copy of the report and  
616 recommendation shall be furnished to the Directors of Planning and Public Works.

617 16. The clearing of healthy trees measuring six or more inches in diameter on any lot shall be  
618 limited to areas required to accommodate dwellings, driveways, sidewalks, open yard areas,  
619 utility lines and any other areas typically required for construction of dwellings, unless  
620 otherwise approved by the Director of Planning.

621

## 622 **SUBDIVISION**

623

Lawford  
(December 2004 Plan)  
Mountain Road

**Wingate & Kestner and Richard L. Harris, Jr. for Curnow  
Development, Inc.:** The 4.69-acre site proposed for a  
subdivision of 15 single-family homes is located along the west  
line of Mountain Road, approximately 200 feet north of  
Nicewood Road on parcels 778-763-7030, 4419 and 6007. The  
zoning is R-4, One-Family Residence District. County water and  
sewer. **(Fairfield) 15 Lots**

624

625 Mrs. Ware - Is there anyone in the audience in opposition to hearing subdivision  
626 Lawford (December 2004 Plan), in the Fairfield District, on the Expedited Agenda? There's no  
627 opposition. Mr. Archer.

628

629 Mr. Archer - Madam Chair, I move approval of subdivision Lawford subject to the staff  
630 recommendation, the annotations on the plan, the standard conditions for subdivisions served by  
631 public utilities, and the additional condition No. 12.

632

633 Mr. Vanarsdall - Second.

634

635 Mrs. Ware - The motion was made by Mr. Archer and seconded by Mr. Vanarsdall.

636 All in favor say aye...all opposed say nay. The motion passes.

637

638 The Planning Commission granted conditional approval to subdivision Lawford (December 2004  
639 Plan), subject to the standard conditions attached to these minutes for subdivision served by  
640 public utilities, the annotations on the plan and following additional condition:

641

642 12. The detailed plant list and specifications for the landscaping to be provided within the 25-  
643 foot-wide planting strip easement along Mountain Road shall be submitted to the

644 Department of Planning for review and approval prior to recordation of the plat.

645

646 **SUBDIVISION**

647

Meadow Place  
(December 2004 Plan)  
Meadow Road

**Wingate & Kestner for Curnow Development, Inc.:** The 6.70-  
acre site proposed for a subdivision of 3 single-family homes is  
located on the north line of Meadow Road, approximately 1,850  
feet west of the intersection of Meadow Road and Drybridge  
Road on parcel 835-718-5889. The zoning is A-1, Agricultural  
District. Individual well and septic tank/drainfield. **(Varina) 3  
Lots**

648

649 Mrs. Ware - Is there anyone in the audience in opposition to hearing subdivision  
650 Meadow Place (December 2004 Plan), in the Varina District, on the Expedited Agenda? There's  
651 no opposition. Mr. Jernigan.

652

653 Mr. Jernigan - Madam Chairman, I move approval of subdivision Meadow Place  
654 (December 2004 Plan) on the Expedited Agenda, subject to the annotations on the plan, the  
655 standard conditions for subdivisions not served by public utilities, and the additional conditions  
656 Nos. 11, 12 and 13.

657

658 Mr. Vanarsdall - Second.

659

660 Mrs. Ware - The motion was made by Mr. Jernigan and seconded by Mr. Vanarsdall.

661 All in favor say aye...all opposed say nay. The motion passes.

662 The Planning Commission granted conditional approval to subdivision Meadow Place  
663 (December 2004 Plan), subject to the standard conditions attached to these minutes for  
664 subdivision not served by public utilities, the annotations on the plan and following additional  
665 conditions:

666

667 11. Each lot shall contain at least one acre.

668 12. The detailed plant list and specifications for the landscaping to be provided within the 25-  
669 foot-wide planting strip easement along future Meadow Road shall be submitted to the  
670 Department of Planning for review and approval prior to recordation of the plat.

671 13. Any necessary offsite drainage easements must be obtained prior to approval of the  
672 construction plan by the Department of Public Works.

673

674 Ms. News - Our final request is on Page 40 of your agenda and it is located in the  
675 Varina District, subdivision Windsor Place (December 2004 Plan). There is an addendum item  
676 on Page 9 of the addendum with the revised recommendation for approval. The applicant has  
677 provided the sufficient flood plain information requested by the Department of Public Works and  
678 staff can recommend approval.

679

680 **SUBDIVISION**

681

Windsor Place  
(December 2004 Plan)  
Windsor Road

**Wingate & Kestner for Riley B. Lowe, Arthur P. Dean,  
Robert L. Jenkins and Rogers Cheanault, Inc.:** The 78-acre  
site proposed for a subdivision of 43 single-family homes is  
located approximately 2,000 feet east of White Oak Road and on  
the north line of Windsor Road on parcels 860-709-5622, 858-  
709-1205 (part) and 859-707-3530. The zoning is A-1,  
Agricultural District. Individual well and septic tank/drainfield.  
**(Varina) 43 44 Lots**

682

683 Mr. Silber - Ms. News, has the number of lots changed from 43 to 44?

684

685 Ms. News - Yes, that's correct, and I also failed to mention that they are also  
686 providing a stub road, as requested.

687

688 Mr. Silber - Okay.

689

690 Mrs. Ware - Is there anyone in the audience in opposition to hearing subdivision  
691 Windsor Place (December 2004 Plan), in the Varina District, on the Expedited Agenda? There's  
692 no opposition. Mr. Jernigan.

693

694 Mr. Jernigan - Madam Chairman, I move approval of subdivision Windsor Place  
695 (December 2004 Plan) on the Expedited Agenda, subject to the standard conditions for  
696 subdivisions not served by public utilities, and the additional conditions Nos. 11 through 15 and  
697 staff's approval on the addendum.

698

699 Mr. Vanarsdall - Second.

700

701 Mrs. Ware - The motion was made by Mr. Jernigan and seconded by Mr. Vanarsdall.

702 All in favor say aye...all opposed say nay. The motion passes.

703

704 The Planning Commission granted conditional approval to subdivision Windsor Place  
705 (December 2004 Plan), subject to the standard conditions attached to these minutes for  
706 subdivision not served by public utilities, the annotations on the plan and following additional  
707 conditions:

708

709 11. Each lot shall contain at least 43,560, exclusive of the flood plain areas.

710 12. The limits and elevation of the 100-year frequency flood shall be conspicuously noted on  
711 the plat and construction plans and labeled "Limits of 100-year floodplain." Dedicate  
712 floodplain as a "Variable Width Drainage & Utilities Easement."

713 13. The detailed plant list and specifications for the landscaping to be provided within the 25-  
714 foot-wide planting strip easement along Windsor Road shall be submitted to the  
715 Department of Planning for review and approval prior to recordation of the plat.

716 14. Any future building lot containing a BMP, sediment basin or trap and located within the  
717 buildable area for a principal structure or accessory structure, may be developed with  
718 engineered fill. All material shall be deposited and compacted in accordance with the  
719 Virginia Uniform Statewide Building Code and geotechnical guidelines established by a  
720 professional engineer. A detailed engineering report shall be submitted for the review and  
721 approval by the Building Official prior to the issuance of a building permit on the affected  
722 lot. A copy of the report and recommendations shall be furnished to the Directors of  
723 Planning and Public Works.

724 15. Any necessary offsite drainage easements must be obtained prior to approval of the  
725 construction plan by the Department of Public Works.

726

727 Mr. Vanarsdall - Madam Chairman, before we go any farther, I have an important  
728 acknowledge to make this morning. I came in and saw Mr. Carlton Wilton, back on the right,  
729 who used to come to the meetings very frequently. It got so that he didn't have a good enough  
730 attorney, or anybody, and he would handle his own cases. He finally out grew that and turned it  
731 over to Hank. And he told me this morning that he went to see a man this week who started the  
732 Planning Commission for Henrico County. The man is 92 years old now. We didn't have a  
733 Planning Commission, we had a Board of Zoning Appeals, the BZA. I didn't know until this  
734 morning that Carlton was that old but we are glad to have you here, Carlton.

735

736 Mr. Silber - Thank you, Mr. Vanarsdall. Next on the agenda is the request for  
737 extensions of conditional approval. There is only one on the agenda and it does not require  
738 Planning Commission action. It's just for informational purposes. Mr. Wilhite, do you have  
739 anything that you need to inform the Commission on this?

740

741 Mr. Wilhite - The one being extended by the Director of Planning is Claytonshire  
742 located in the Brookland magisterial district. It was originally for 20 lots. The first section of 18  
743 lots was just recently recorded and there are only two remaining lots and the Director of



775 building. While the exterior building materials match the rest of the shopping center, staff is  
776 concerned with the proposed flat roof. As you may know, all of the outparcels for the shopping  
777 center use some variation of a pitched, standing seam, metal roof, copper in color. Due to its  
778 location at a prominent corner of the shopping center, and because all of the other buildings  
779 along Nuckols Road in the shopping center have the same, staff has asked the applicant to  
780 provide a roof of similar design and materials for the bank. At this time, staff has received no  
781 commitment from the applicant to do so.

782

783 Generally speaking, there is much concern from the adjacent neighborhood regarding the  
784 development of this shopping center, particularly as the shopping center nears its completion  
785 based on impervious covered limitations. There are some neighbors here today who will  
786 probably speak to that. And, staff would agree with some of those concerns, particularly  
787 regarding the parking issues within the shopping center. However, this project does match what  
788 was shown on the conceptual master plan and the site plans satisfies all proffer requirements and  
789 County Code requirements as does the retail building design. With a redesigned roof for the  
790 Bank of America building, staff could recommend approval of this project. The applicant's  
791 representative and their engineer are here today to answer any questions that you may have, and  
792 I am happy to answer any questions as well.

793

794 Mrs. Ware - Are there any questions for Mr. Cooper from the Commission at this time?

795

796 Mr. Vanarsdall - Bank of America must not have wanted much publicity out of this. It just  
797 says retail bank. They must have all of the business that they need.

798

799 Mrs. Ware - Okay, no questions. We would like to hear from the opposition since  
800 there is opposition. Good morning, Mr. Theobald.

801

802 Mr. Theobald - Good morning, Madam Chairman, members of the Commission, my name  
803 is Jim Theobald. Through this morning on behalf of Twin Hickory LLC, we agree that we need  
804 to work on the roof treatment, and Mr. Williams, the representative for Twin Hickory LLC has  
805 committed to do that. I took a little drive after the Board meeting last night and most of the roofs  
806 do have some sort of a slight pitch element. So, if it is acceptable to you all, we would be happy  
807 to defer the notation of the architecturals to further administrative approval down the road. But,  
808 we will be satisfying your concerns in that regard. And, then I would just say that Mr. Marshall  
809 facilitated a meeting with all the property owners in that shopping center in order to discuss the  
810 parking and open-space issues and I think we know where that is all likely to head but as Mr.  
811 Cooper indicated that this request does meet all County requirements. In fact, it actually has  
812 excess parking by reducing the bank space to about half the size of the previously proposed retail  
813 building that we even picked up additional parking spaces. And while parking is certainly not  
814 easy in that shopping center, I believe that, as we go forward, there is at least in discussion as to  
815 how that might be ameliorated. I'd be happy to answer any questions.

816 Mrs. Ware - Are there any questions for Mr. Theobald from the Commission at this  
817 time? There are none. Thank you.

818

819 Mr. Theobald - Thank you.

820

821 Mrs. Ware - At this time, we would like to hear from the opposition.

822

823 Mr. Wade - Thank you and good morning. My name is Chet Wade and I'm here  
824 representing the Wyndham Forest Homeowners Association where I am a member of the  
825 Association Board and the Board Secretary. Wyndham Forest as you may well know is a  
826 community of about 350 homes, east of the town center of Twin Hickory. The two main  
827 entrances to our community are across Nuckols Road from the shopping center. Because of the  
828 proximity of the town center, Wyndham Forest residents have a strong interest in the  
829 development and maintenance of that facility. The initial plans approved by the County were for  
830 a well planned and nicely developed village center with a significant amount of green space.  
831 This was not to be your typical suburban strip center.

832

833 The plan of development before you today raises several concerns with the Wyndham Forest  
834 community. Our biggest concern is that this is a continuation of a piecemeal development of the  
835 Town Center at Twin Hickory. Each parcel has been developed without real consideration for an  
836 overall coordinated design. Today's proposal, along with another anticipated from the Goddard  
837 School, would consume virtually all of the permitted 65% impervious cover limit. Yet, there is a  
838 significant vacant parcel remaining which leads to the possible of significant pressure in the  
839 future to exceed that impervious cover limit to allow for development. This is something we  
840 found countered at what the community was promised.

841

842 Today's proposal would shoehorn in two buildings on about 1.6 acres in the northeast corner of  
843 the center. While the proposed number of parking spaces may exceed the County requirements,  
844 it is likely in our minds that this design would only exacerbate the current parking and traffic  
845 problems that resulted from the addition of the Bottoms Up Pizza and Bruster's Ice Cream in the  
846 nearby building. While there may be sufficient parking in theory for these two businesses, that  
847 does not match with reality. If you come visit the center on a busy summer night you would  
848 realize the parking and traffic problems that exist there.

849

850 The layout of the new retail building indicates the addition of at least one more restaurant. If it  
851 is, as rumored, a Starbucks, it will add another high-traffic attraction to this corner of the center.  
852 And, while Starbucks does most of its business in the morning, countered to the Bottoms Ups  
853 and Bruster's cycle, the Starbucks corporate philosophy has been to add new menu items and  
854 make other changes that will increase the store traffic throughout the day. The location of the  
855 bank parking does not make it conducive for uses and overflow from the new retail building, nor  
856 for the Bottoms Up and Bruster's patrons. Furthermore, the idea of putting a trash receptacle for  
857 the bank along Nuckols Road, even if it is screened, appears to be counter to good design in our  
858 minds. Most businesses prefer to have these structures in an out of the way location, not in one  
859 of the most visible spots on the property.

860

861 Finally, we are disappointed that Bank of America had initially chosen not to match the  
862 architectural standards of the rest of the town center. We are pleased today to hear Mr. Theobald  
863 say that the building designers and owners will conform to the raised seam metal roofing. Not  
864 only is that standard in the Twin Hickory Town Center, but you may remember that's a proffer  
865 in the Ukrop's development that was before this Board (sic) early this year. Given these  
866 concerns, the Wyndham Forest Homeowners Association request the following revisions be  
867 made in the plan of development. 1. Only that one building should be constructed on the parcel  
868 at the northeast corner of the center. Assuming that it is the bank, the site plan should be  
869 redrawn to remove the trash receptacle away from Nuckols Road. And the parking reconfigured  
870 so that it can be used as an overflow for the Bottoms Up and Bruster's businesses. This change  
871 would also permit more green space on this particular site. We suggest, second, that the new  
872 retail building should be relocated across the shopping center access road to the vacant parcel to  
873 the southwest. This would help relieve the parking and traffic congestion and reduce potential  
874 pressure in the future to overdevelop the center. While the property owner and building  
875 developer may argue that this is not economic, they should also be well aware of the proffer  
876 conditions that governs development of this shopping center and the potential effects and  
877 restrictions of those conditions.

878

879 We believe these changes would provide for a better overall design of the shopping center and  
880 promote the economic vitality of the retail community in our part of Henrico County. I  
881 appreciate your time and your consideration of our concerns.

882

883 Mrs. Ware- Thank you. Are there any questions for Mr. Wade? I would like to  
884 mentioned that this shopping center has been a concern for quite a few years as far as the ways  
885 it's being developed. And I believe the impervious covers is proffered in the regional zoning  
886 case.

887

888 Mr. Wade - Yes.

889

890 Mrs. Ware - Which would, I guess, force the developer to come back to the Planning  
891 Commission for a proffer change should they consider doing that. It does raise a lot of concerns  
892 for the future of the development of what's left of this shopping center and the impact.

893

894 Mr. Wade - There is, as you may be aware of, a very sizeable vacant lot, as I recall,  
895 left there and by the time we are done with the Goddard School all of a sudden we have a big lot  
896 and a developer comes in and say "Gee you've got to let me change the proffers because you've  
897 got to let me develop it" and we don't want that kind of pressure put on the County or the  
898 residents.

899

900 Mr. Marshall - But, it's not going to be pressure, as you may have heard Mr. Cooper say,  
901 we deferred this case last time because we had a meeting, I had a meeting with all, I think it was  
902 seven different property owners. You are right. This place is a mess. And, the reason why it is a  
903 mess is because the developer decided to start selling off pieces of this land to individual  
904 landowners instead of trying to do a coordinated development. So, what you have is seven  
905 different people with economic interest that want their piece of the pie. It may be poetic justice

906 but Realty Corp., that owns the development, they are going to be the ones left with the football  
907 field that can't be developed. They are the ones that sold off all of the rest of it. And, now, you  
908 are exactly right, with this POD these landowners, which you are proposing is fine but what it  
909 would involve would be that this landowner of this piece given up the economic development of  
910 half of his parcel for the benefit of a parking lot for a different landowner's parcel that owns the  
911 land under the Bottoms Up and Bruster's. He's not going to (unintelligible) that.

912

913 Mr. Wade - You can always ask.

914

915 Mr. Marshall - Well, right. Realty Corp. is the one that is holding this hole in the donut, grass  
916 field, and once the Goddard School POD, which has been filed in this one, that's it. The  
917 impervious cover is done and they can't do anything to develop that. They just have a piece of  
918 land that they are just going to have to write off, I guess, as a park because they chose instead of  
919 spreading the open space around the development and developing it more in a common sense  
920 way, they are going to be stuck with that piece of land. And you need not worry about them  
921 coming in for an impervious cover reduction. That would involve a new zoning case, public  
922 hearing and so forth. But, in my opinion they have made their bed and they are going to lay in it.  
923 And I am left to deal with what I have, which I don't like what I have to deal with, but by law if  
924 they meet the requirements and it's within the development scheme that was approved, then they  
925 have a right to put these buildings there. And there is little that we can do about it legally. We  
926 can do the architectural as you said. We are going to defer the architectural decision on that.  
927 They will have the footprint to put their building there, but they are going to put the metal seam  
928 raised roof instead of a flat roof there because that is consistent with what's there. But, I  
929 sympathize with you.

930

931 Mr. Wade - As a side note. We have become the banking center of Henrico County by  
932 the time we are done here. We will have five banks at that intersection.

933

934 Mr. Marshall - It's all those people living over there.

935

936 Mr. Wade - They think we have a lot more money than we do. I've got to tell them. I  
937 don't want to disappoint them. But, I appreciate your time and your interest.

938

939 Mr. Archer - Mr. Wade, are you generally satisfied with the condition that the  
940 architectural will be reviewed? Will that pretty much satisfy you?

941

942 Mr. Wade - That does satisfy us. We worked very hard with the Ukrop's development  
943 in trying to get a consistent look architecturally. All of us have surveyed that area and virtually  
944 every retail building up there have a consistent look and that's what is required under the  
945 Ukrop's proffers. And, so if we go in that direction, you know, the idea of brick and the raised  
946 metal seam, that's a nice unified look for that area and I think that's a good suggestion and we  
947 would be happy with that.

948

949 Mr. Marshall - One good thing about the bank is that their hours lend themselves to be closed  
950 when hopefully some of the Bottoms Up and Bruster's people can use their parking lot.

951

952 Mr. Wade - I think that is a good thing.

953

954 Mr. Marshall - And to me that was much better than when they first came in and wanted two new  
955 retail buildings which would have been open all at the same time.

956

957 Mr. Wade - And we want retail to be successful there. We patronize those facilities  
958 and these are our neighbors and we that to be successful.

959

960 Mr. Marshall - If you want to go on a Saturday night, you can't get in there.

961

962 Mr. Wade - Absolutely, not.

963

964 Mr. Marshall - I've been through there.

965

966 Mr. Wade - And I have to confess we now don't go on a Saturday night just because of  
967 that reason.

968

969 Mr. Marshall - I don't either.

970

971 Mr. Wade - As much as I, unfortunately, like pizza too much it's becoming an issue in  
972 the neighborhood. Thank you.

973

974 Mr. Marshall - I understand.

975

976 Mr. Silber - Mr. Marshall, another aspect or concern of staff is that instead of leaving  
977 this hole in the donut, if you will, or this parcel of land in the middle of the shopping center is  
978 simply vacant, and undevelopable, staff position is we believe, and we have advocated this  
979 throughout the process, that the developer should be providing us with a master plan as to how  
980 he is going to layout the shopping center. And it continues to be put off. Here we are, at sort of  
981 the eleventh hour, approving the last POD, if you will, before any potential proffer change may  
982 be required. I really think that it is important that the developer provide us with a master plan  
983 that even shows how this vacant piece of property in the middle of the shopping center is going  
984 to be utilized. If it is going to be a focal point, a pedestrian oriented place to gather, then I would  
985 like to see how that is going to be utilized in that fashion. So, I think we have been pushing for  
986 that all the way through the process.

987

988 Mr. Marshall - The problem has been they sold all the parcels off, so you aren't dealing with the  
989 developer, you are dealing with seven different landowners.

990

991 Mrs. Ware - But, he owns that last piece.

992 Mr. Marshall - As far as the master plan, you are talking about just, now we are down to getting a  
993 master plan for this one little piece that's left.

994

995 Mr. Silber - Well, I still think....

996

997 Mr. Marshall - And I understand that, and I agree with you.

998

999 Mr. Silber - Each step of the way you have to hold somebody accountable for how the  
1000 ultimate development of that property is going to look. And I still think, even at this stage, there  
1001 is some consideration, and if you feel comfortable approving the POD it may be, if nothing else,  
1002 holding the remaining property owner responsible for how that piece is going to be developed, to  
1003 the satisfaction of the County.

1004

1005 Mr. Marshall - But, he's not the same landowner.

1006

1007 Mrs. Ware - No, but didn't you say Realty Corp. was the original developer that owns  
1008 the last parcel....

1009

1010 Mr. Marshall - Right. But, they are not on this case.

1011

1012 Mr. Silber - They are not on this agenda and they may not be here today.

1013

1014 Mr. Marshall - I understand, and I think that it's smart that it's going to be open space and they  
1015 have to show how it is going to be used.

1016

1017 Mr. Silber - If nothing else, maybe for the record, we should simply state that the  
1018 County continues to have this concern. The person that needs to hear our concern may not even  
1019 be here today, but I think each of the Commission members needs to recognize that you are  
1020 likely to see a proffer amendment come through here in the coming months. Staff has been  
1021 concerned about this from the very beginning, and it's sort of falling on deaf ears and here we  
1022 are and we continue to say we would like to see how this is going to be dealt with. I don't  
1023 disagree with you that the applicant today is not the one that holds the remaining piece, but our  
1024 concern still remains.

1025

1026 Mr. Marshall - And that's why I had that meeting to try to get them to do something, but profit  
1027 won out. All right, Madam Chairman.... How do I do this, Mr. Silber, about the architecturals  
1028 coming back?

1029

1030 Mr. Silber - I think you can make a motion to approve the plan of development,  
1031 excluding the architecturals. Do you want the architecturals to come back to the Planning  
1032 Commission or do you want those to be reviewed and approved administratively?

1033

1034 Mr. Marshall - I think if they can satisfy Mr. Cooper.

1035

1036 Mrs. Ware - Oh, I'm sorry, would you like to... I'm sorry she raised her hand.

1037 Ms. Zuercher -I don't want to be redundant, but I do want to just state for the record, what I  
1038 came here to say. Good morning, Madam Chairwoman, it's very good to see you, members of  
1039 the Commission, Mr. Silber, Mr. Marshall. I'm Lucy Zuercher and I'm a Twin Hickory resident  
1040 who resides at 5109 Doran Hill Court. Since November 2001 I've spoken on behalf of a group  
1041 of Twin Hickory residents with a strong interest in the way our community is developing. I do  
1042 not represent our developer controlled homeowners association and in no way represent Twin  
1043 Hickory residents as an entire group. However, I do represent a number of active citizens who  
1044 have bought homes in this community intending to raise their children and reside here for 15 or  
1045 20 years.

1046

1047 I fully support all of Mr. Wade's observations and recommendations, the roof on Bank of  
1048 America, the additional parking. Unfortunately, even his concerns about Starbucks, which we  
1049 have requested, with the assumption that it would not place stress on the parking situation during  
1050 the same times as the restaurants. I'm sure Mr. Wade is correct in that Starbucks is looking to  
1051 expand their menu choices and become more of a daytime business, which is a strong concern  
1052 and places additional stress on the parking, as possible will the second tenant in that other  
1053 building. It wouldn't just be Starbucks, it would be a second tenant, which could be another fast  
1054 food, you know, a Subway shop for all we know.

1055

1056 I have received emails from many residents in Twin Hickory concerns this ongoing saga of the  
1057 Twin Hickory Town Center development. And, I would like to share some brief excerpts from  
1058 about a dozen of these emails with you to give you a sense of how the citizens, however adjacent  
1059 to these businesses and who patronize these businesses feel about the town center. Please bare  
1060 with me because these people care deeply about their neighborhood, and we are grateful that Mr.  
1061 Wade could take time off of work, but a lot of these people cannot be present at these hearings.

1062

1063 From Isabel Saddler in Scotts Glen, I am very disappointed in the development of the Town  
1064 Center, while the benches and bike racks are welcomed, the regular maintenance and attention to  
1065 overall appearance is disappointing, at best. The parking situation is deplorable and I have seen  
1066 two near hits of children leaving Bruster's. I am also strongly opposed to having a Firestone or  
1067 any auto repair shop on the property, which as you in the imagination for the Food Lion hill.  
1068 From Tom Shaw in Scotts Glen, I had a chance to speak to the owner of Bruster's and he said  
1069 that they are having a real problem that their customers have no place to park. They are forced  
1070 to park at the Food Lion or Millers Mart and walk over to the store. The Bottoms Up Pizza  
1071 customers are taking up parking spaces for up to two hours. He indicated to me that he has been  
1072 very frustrated with the situation and that he has been trying to get a few short-term parking  
1073 spaces in front of their store.

1074

1075 From Liz and John Peers in Wyndham Forest, Mr. Wade's neighborhood, my family and I have  
1076 not even been to Bruster's because I think it is unsafe with no where to eat the ice cream. I as a  
1077 resident user of the Town Center I demand that it be much more family and pedestrian friendly.  
1078 I can't see it becoming a drive-thru quick stop shopping center where pedestrians, bike riders,  
1079 and families are in the way of the cars. I urge the County Planners to keep their original  
1080 impervious cover at 65% and not succum to the developer's plan to increase it.

1081 From JoAnn and Tom Boston in Scott's Glen. Where is the nice community park-like setting? If

1082 these businesses want to draw the community to them, they need to make it a desirable area to  
1083 hang out in. We walk to Bruster's, Food Lion, McDonald's, we even walk the dog to the Vet  
1084 right there. It would be nice to be able to sit down with family and friends and enjoy the  
1085 surroundings (emphasizing the need for some park on that vacant property).

1086

1087 From Mike and Carolyn Walters in Harvest Glen. A particular concern to us is the Bruster's  
1088 location and the debacle of putting an ice cream store with no indoor or outdoor sitting on the  
1089 corner of a major traffic lane through the parking lot. It is just a matter of time before someone  
1090 gets hit by a car.

1091

1092 From Mary Ellen Oxidon in Scotts Glen. I must tell you that my family and I do not go to  
1093 Bruster's for the simple reason that there is no place to sit. I would love to see the benches and  
1094 sitting area we were promised, and I would also love to see some speed bumps or grooves cut  
1095 into the pavement to slow the drivers down.

1096

1097 From Holly Cash in Park Meadows. The Town Center has not developed as anticipated. There  
1098 is no Town Center feeling about it at all. It is a strip center like any other. Currently, the center  
1099 is not inviting and does not encourage lingering. The last opportunity to create a town center  
1100 feel, is the Food Lion hill and the lot adjacent to Bottoms Up and McDonald's. The  
1101 development of these remaining properties will determine the ultimate fate of the center.

1102

1103 And, from Pam Crowder in Heartstone. I can only hope the County will finally do what was  
1104 promised and hold these developers to their word.

1105

1106 Please consider these comments as represented opinions from the people with the strongest  
1107 interest in how our immediate community develops. This is straight customer feedback for the  
1108 numerous builders and developers of the Town Center as well as for County Planning. From the  
1109 citizens who will live with the decisions made in this case. Thank you all, and thanks to Mr.  
1110 Cooper and the staff for all their hard work pulling this Town Center together and especially for  
1111 their attention to the architectural design of the various buildings.

1112

1113 Mrs. Ware - Thank you, Ms. Zuercher. Are there any questions? I suggest you save  
1114 all those comments for if this comes back.

1115

1116 Ms. Zuercher -I have a file on Twin Hickory.

1117

1118 Mrs. Ware - Okay. Thank you.

1119

1120 Mr. Marshall - Madam Chairman, I'm going to, because I have to, move approval of POD-47-04,  
1121 Retail Bank & Building – Town Center @ Twin Hickory, subject to the annotations on the plan,  
1122 the standard conditions for developments of this type, along with conditions Nos. 9 and 11  
1123 amended and Nos. 23 through 34 and also that the architecturals I guess would come back to the  
1124 Commission on Jan. 26.

1125

1126 Mr. Vanarsdall - Do you want it to come back to us or to the staff?

1127  
1128 Mr. Marshall - Come back to us.  
1129  
1130 Mr. Vanarsdall - Was that the end of the motion?  
1131  
1132 Mr. Marshall - Yes, that was the end of the motion.  
1133  
1134 Mr. Vanarsdall - I'll second it.  
1135  
1136 Mrs. Ware - The motion was made by Mr. Marshall and seconded by Mr. Vanarsdall.  
1137 All in favor say aye...all opposed say nay. The motion passes.  
1138  
1139 Mr. Marshall - And also in the record that we are going to be looking at Realty Corp. to do  
1140 something nice with that hole in the donut.  
1141  
1142 Mrs. Ware - Do you mean the park?  
1143  
1144 Mr. Marshall - The park.  
1145  
1146 Mr. Jernigan - Is there anybody here from Realty Corp.?  
1147  
1148 Mr. Marshall - I don't believe so. They don't own the land.  
1149  
1150 The Planning Commission approved POD-47-04, Retail Building & Bank – Town Center @  
1151 Twin Hickory, subject to the annotations on the plans, the standard conditions attached to these  
1152 minutes for developments of this type, and the following additional conditions. The Planning  
1153 Commission deferred the architecturals for this case until its January 26, 2005, meeting.  
1154  
1155 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Department of  
1156 Planning for review and Planning Commission approval prior to the issuance of any  
1157 occupancy permits.  
1158 11. **AMENDED** - Prior to the installation of the site lighting equipment, a plan including  
1159 depictions of light spread and intensity diagrams, and fixture and specifications and  
1160 mounting height details shall be submitted for Department of Planning review and  
1161 Planning Commission approval.  
1162 23. The easements for drainage and utilities as shown on approved plans shall be granted to  
1163 the County in a form acceptable to the County Attorney prior to any occupancy permits  
1164 being issued. The easement plats and any other required information shall be submitted  
1165 to the County Real Property Agent at least sixty (60) days prior to requesting occupancy  
1166 permits.  
1167 24. The developer shall provide fire hydrants as required by the Department of Public  
1168 Utilities and Division of Fire.  
1169 25. A standard concrete sidewalk shall be provided along the south side of Old Nuckols  
1170 Road.  
1171 26. The proffers approved as a part of zoning cases C-19C-94, C-56C-94, C-49C-96 and C-

- 1172 68C-99 shall be incorporated in this approval.
- 1173 27. No merchandise shall be displayed or stand outside of the buildings or on sidewalks.
- 1174 28. Any necessary off-site drainage and/or water and sewer easements must be obtained in a form acceptable to the County Attorney prior to final approval of the construction plans.
- 1175
- 1176 29. The ground area covered by all buildings shall not exceed in the aggregate 25 percent of the total site area.
- 1177
- 1178 30. 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.
- 1179
- 1180
- 1181 31. Insurance Services Office (ISO) calculations must be included with the plans and contracts and must be approved by the Department of Public Utilities prior to the issuance of a building permit.
- 1182
- 1183
- 1184 32. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the Department of Planning and approved prior to issuance of a certificate of occupancy for this development.
- 1185
- 1186
- 1187 33. The location of all existing and proposed utility and mechanical equipment (including HVAC units, electric meters, junction and accessory boxes, transformers, and generators) shall be identified on the landscape plans. All equipment shall be screened by such measures as determined appropriate by the Director of Planning or the Planning Commission at the time of plan approval.
- 1188
- 1189
- 1190
- 1191
- 1192 34. In the event of any traffic backup which blocks the public right-of-way as a result of congestion caused by the drive-up teller facilities, the owner/occupant shall close the drive-up teller facilities until a solution can be designed to prevent traffic backup.
- 1193
- 1194
- 1195

1196 **PLAN OF DEVELOPMENT**

1197

POD-81-04 Hickory Park Office Condos Nuckols Road and Hickory Park Drive	<b>Youngblood, Tyler &amp; Associates, P.C. for HHHunt Corporation:</b> Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct 15, one and two-story office buildings totaling approximately 165,000 square feet. The 17.64-acre site is located on the west side of Nuckols Road, approximately 1,500 feet southeast of the intersection of Nuckols Road and Twin Hickory Road on part of parcel 747-771-2430. The zoning is O-3C, Office District (Conditional). County water and sewer. <b>(Three Chopt)</b>
---	---

1198

1199 Mrs. Ware - Is there anyone in the audience in opposition to POD-81-04, Hickory Park Office Condos in the Three Chopt District. There is no opposition. Good morning, Mr. Kennedy.

1200

1201

1202

1203 Mr. Kennedy -Good morning, Madam Chairman and Commission. Hickory Park Condos consist of 15 buildings. There are actually four sections for this. If you look at your monitor, Section A, which is actually, here (referring to monitor) consist of six buildings. Those six buildings are primarily medical office condos. Section B consist of seven buildings and there is

1207 an outparcel building which is a SunTrust which was previously approved on the Expedited  
1208 Agenda this morning. Then you have Sections C and D which are across Hickory Park Drive  
1209 here, and those are a one-story office building and a two-story office building along with two  
1210 other outparcels which are eventually proposed for future bank use, as well. I guess you would  
1211 say, a glut of bank uses in the Twin Hickory area.

1212

1213 Mr. Marshall - Three more banks.

1214

1215 Mr. Kennedy - Yes, three more banks. As far as the building architecture, the applicant has  
1216 revised the architecture, has provided brick on all four sides of the building and consistent with  
1217 staff's recommendations. The actual square foot of the building has been increased slightly to  
1218 169,000 total square feet. It is still significantly less than what we actually anticipated at the  
1219 time of zoning. Otherwise, the plan does satisfy all of the Planning concerns and is ready for  
1220 approval. I should mention that there is a vehicular connection to the YMCA to kind of connect  
1221 this. And there are pedestrian sidewalks throughout the development and sidewalks on all sides  
1222 of Hickory Park Drive and Nuckols Road. In addition, traffic signalization improvements and  
1223 traffic improvements will be provided on Hickory Park Drive and Nuckols Road in conjunction  
1224 with this development.

1225

1226 Mrs. Ware - Are there any questions for Mr. Kennedy?

1227

1228 Mr. Marshall - Nope. Madam Chairman, I move that POD-81-04, Hickory Park Office Condos,  
1229 be approved subject to the annotations on the plans, the standard conditions for developments of  
1230 this type and additional conditions Nos. 23 through 34.

1231

1232 Mr. Vanarsdall - Second.

1233

1234 Mrs. Ware - The motion was made by Mr. Marshall and seconded by Mr. Vanarsdall.  
1235 All in favor say aye...all opposed say nay. The motion passes.

1236

1237 Mr. Marshall - Madam Chairman, there is an added condition on page 1 of the Addendum. So,  
1238 I'm going to have to go back and recommend approval of POD-81-04, Hickory Park Office  
1239 Condos, subject to the annotations on the plans, the standard conditions for developments of this  
1240 type, along with added conditions Nos. 23 – 35, which No. 35 was added on the addendum.

1241

1242 Mr. Vanarsdall - Second.

1243

1244 Mrs. Ware - The motion was made by Mr. Marshall and seconded by Mr. Vanarsdall.  
1245 All in favor say aye...all opposed say nay. The motion passes.

1246

1247 Mr. Marshall - You didn't mention that, Mr. Kennedy.

1248

1249 Mr. Kennedy - I'm sorry, I apologize.

1250

1251 The Planning Commission approved POD-81-04, subject to the annotations on the plans, the

1252 standard conditions attached to these minutes for developments of this type, and the following  
1253 additional conditions:

1254

1255 23. The right-of-way for widening of Nuckols Road as shown on approved plans shall be  
1256 dedicated to the County prior to any occupancy permits being issued. The right-of-way  
1257 dedication plat and any other required information shall be submitted to the County Real  
1258 Property Agent at least sixty (60) days prior to requesting occupancy permits.

1259 24. The right-of-way for widening of Hickory Park Drive as shown on approved plans shall  
1260 be dedicated to the County prior to any occupancy permits being issued. The right-of-  
1261 way dedication plat and any other required information shall be submitted to the County  
1262 Real Property Agent at least sixty (60) days prior to requesting occupancy permits.

1263 25. The easements for drainage and utilities as shown on approved plans shall be granted to  
1264 the County in a form acceptable to the County Attorney prior to any occupancy permits  
1265 being issued. The easement plats and any other required information shall be submitted  
1266 to the County Real Property Agent at least sixty (60) days prior to requesting occupancy  
1267 permits.

1268 26. The developer shall provide fire hydrants as required by the Department of Public  
1269 Utilities and Division of Fire.

1270 27. The proffers approved as a part of zoning case C-13C-02 shall be incorporated in this  
1271 approval.

1272 28. The certification of building permits, occupancy permits and change of occupancy  
1273 permits for individual units shall be based on the number of parking spaces required for  
1274 the proposed uses and the amount of parking available according to approved plans.

1275 29. Any necessary off-site drainage and/or water and sewer easements must be obtained in a  
1276 form acceptable to the County Attorney prior to final approval of the construction plans.

1277 30. Deviations from County standards for pavement, curb or curb and gutter design shall be  
1278 approved by the County Engineer prior to final approval of the construction plans by the  
1279 Department of Public Works.

1280 31. Storm water retention, based on the 50-10 concept, shall be incorporated into the  
1281 drainage plans.

1282 32. Insurance Services Office (ISO) calculations must be included with the plans and  
1283 contracts and must be approved by the Department of Public Utilities prior to the  
1284 issuance of a building permit.

1285 33. Approval of the construction plans by the Department of Public Works does not establish  
1286 the curb and gutter elevations along the Henrico County maintained right-of-way. The  
1287 elevations will be set by Henrico County.

1288 34. The location of all existing and proposed utility and mechanical equipment (including  
1289 HVAC units, electric meters, junction and accessory boxes, transformers, and generators)  
1290 shall be identified on the landscape plans. All equipment shall be screened by such  
1291 measures as determined appropriate by the Director of Planning or the Planning  
1292 Commission at the time of plan approval.

1293 35. A public sidewalk shall be provided along both sides of Hickory Park Drive where it  
1294 abuts the property.

1295

1296 **PLAN OF DEVELOPMENT & ALTERNATIVE FENCE HEIGHT PLAN**

1297

POD-83-04  
Fieldcrest Townhouse  
Apartments –  
3711 Delmont Street

**Townes Site Engineering for Fieldcrest Apartment Limited Partnership:** Request for approval of a plan of development and alternative fence height plan, as required by Chapter 24, Sections 24-106 and 24-95(L)(6) of the Henrico County Code, to construct 29, two-story, townhouse apartment units and a six-foot, decorative wrought iron fence in the front yard. The 2.57-acre site is located on the east line of Delmont Street, approximately 192 feet north of E. Ladies Mile Road on parcels 793-737-6038, 7746, 7829 and 7328. The zoning is R-5, General Residence District. County water and sewer. **(Fairfield)**

1298

1299 Mrs. Ware - Is there anyone in the audience in opposition to POD-83-04, Fieldcrest  
1300 Townhouse Apartments, in the Fairfield District? There is no opposition. Good morning, Ms.  
1301 Goggin.

1302

1303 Ms. Goggin - Good morning. The project is for 29, two-story townhouse style  
1304 apartments and it is located on Delmont Street across from Delmont Village Apartments, which  
1305 was recently approved by the Planning Commission at its October meeting. The Developer,  
1306 Doug Lyons, proposes brick with vinyl accents for the apartment buildings, a brick clubhouse,  
1307 mail pickup area and a tot lot within the project. Additional details for the tot lot will be  
1308 submitted with the landscape plan. Mary Robershaw, an adjacent property owner, contacted  
1309 staff about this development and has expressed her concerns to staff and the developer about  
1310 protecting an existing family cemetery adjacent to the northeast corner of the project. The  
1311 developer has assured Mrs. Robershaw and staff that the cemetery would not be trespassed on  
1312 during construction.

1313

1314 The Departments of Police, Parks & Recreation and Planning has suggested and requested a  
1315 perimeter fence to stop foot traffic that currently cuts through the site and to further protect the  
1316 cemetery from disturbance. A six-foot wrought fence is proposed and the developer has stated  
1317 that they will work with the County staff to coordinate style and material with the project across  
1318 the street for cohesiveness in the area. Because the fence exceeds three and a half feet in the  
1319 front yard, the Planning Commission will need to make a separate motion to permit a six-foot  
1320 fence in the front yard. Staff can recommend approval subject to the annotations on the plans,  
1321 the standard conditions for developments of this type, conditions Nos. 23 through 33 in the  
1322 agenda and revised conditions Nos. 9 and 11 in the addendum. The applicant and the engineer  
1323 are here if the Commission have any questions for them, as is Mr. and Mrs. Robershaw and I  
1324 would be happy to answer any questions this Commission may have.

1325

1326 Mrs. Ware - Are there any questions from the Commission at this time? No questions.  
1327 Thank you. Mr. Archer, do you care to hear from the applicant?

1328

1329 Mr. Archer - No, I don't believe we need to. I would like to compliment the applicant  
1330 for working so closely with staff. I understand they were very, very, nice to get along with, and  
1331 we appreciate that. With that, I will first move to approve the alternative fence height plan.

1332

1333 Mr. Vanarsdall - Second.

1334

1335 Mrs. Ware - The motion was made by Mr. Archer and seconded by Mr. Vanarsdall. All  
1336 in favor say aye...all opposed say nay. The motion for the alternative fence height passes.

1337

1338 Mr. Archer - And now I move for approval of POD-83-04, Fieldcrest Townhouses,  
1339 subject to the annotations on the plan, the standard conditions for developments of this type and  
1340 additional conditions Nos. 23 through 33 and note on the addendum that we in effect have  
1341 removed 9 and 11 amended.

1342

1343 Mr. Vanarsdall - Second.

1344

1345 Mrs. Ware - The motion was made by Mr. Archer and seconded by Mr. Vanarsdall. All  
1346 in favor say aye...all opposed say nay. The motion passes.

1347

1348 The Planning Commission approved the plan of development and alternative fence height plan  
1349 for POD-83-04, Fieldcrest Townhouse Apartments, subject to the annotations on the plans, the  
1350 standard conditions attached to these minutes for developments of this type, and the following  
1351 additional conditions:

1352

1353 23. The right-of-way for widening of Delmont Street as shown on approved plans shall be  
1354 dedicated to the County prior to any occupancy permits being issued. The right-of-way  
1355 dedication plat and any other required information shall be submitted to the County Real  
1356 Property Agent at least sixty (60) days prior to requesting occupancy permits.

1357 24. The easements for drainage and utilities as shown on approved plans shall be granted to  
1358 the County in a form acceptable to the County Attorney prior to any occupancy permits  
1359 being issued. The easement plats and any other required information shall be submitted  
1360 to the County Real Property Agent at least sixty (60) days prior to requesting occupancy  
1361 permits.

1362 25. The developer shall provide fire hydrants as required by the Department of Public  
1363 Utilities and Division of Fire.

1364 26. Outside storage shall not be permitted.

1365 27. Any necessary off-site drainage and/or water and sewer easements must be obtained in a  
1366 form acceptable to the County Attorney prior to final approval of the construction plans.

1367 28. Deviations from County standards for pavement, curb or curb and gutter design shall be  
1368 approved by the County Engineer prior to final approval of the construction plans by the  
1369 Department of Public Works.

1370 29. Insurance Services Office (ISO) calculations must be included with the plans and  
1371 contracts and must be approved by the Department of Public Utilities prior to the  
1372 issuance of a building permit.

1373 30. Approval of the construction plans by the Department of Public Works does not establish  
1374 the curb and gutter elevations along the Henrico County maintained right-of-way. The  
1375 elevations will be set by Henrico County.

1376 31. The location of all existing and proposed utility and mechanical equipment (including

1377 HVAC units, electric meters, junction and accessory boxes, transformers, and generators)  
1378 shall be identified on the landscape plans. All equipment shall be screened by such  
1379 measures as determined appropriate by the Director of Planning or the Planning  
1380 Commission at the time of plan approval.

1381 32. The unit house numbers shall be visible from the parking areas and drives.

1382 33. The names of streets, drives, courts and parking areas shall be approved by the Richmond  
1383 Regional Planning District Commission and such names shall be included on the  
1384 construction plans prior to their approval. The standard street name signs shall be ordered  
1385 from the County and installed prior to any occupancy permit approval.

1386

1387 **PLAN OF DEVELOPMENT & PHASE TWO MASTER PLAN**

1388

POD-84-04

Highwoods Plaza – Buildings  
D, E, F and G  
Sadler Road

**McKinney & Company for Highwoods Realty LP, 4501 and  
4521 Highwoods Parkway, LLC, and 4600 Cox Road II,  
LLC:** Request for approval of a plan of development and phase  
two master plan, as required by Chapter 24, Section 24-106 of  
the Henrico County Code, to construct two, 151,776 square foot,  
six-story office buildings for a total of ~~303,532~~ **303,552** square  
feet, and two five-story (six level) parking decks; and a master  
plan for one, 75,888 square foot, three-story office building, and  
one, ~~50,599~~ **50,592** square foot, two-story office building for a  
total of ~~126,482~~ **126-480** square feet, and an additional three-  
story (four level) parking deck. The 36.12-acre site is located at  
the southwest corner of Cox Road and Sadler Place on parcels  
750-766-3162, 750-765-0494, 750-765-4697 and 749-765-7952.  
The zoning is O-3C, Office District (Conditional). County water  
and sewer. **(Three Chopt)**

1389

1390 Mrs. Ware - Is there anyone in the audience in opposition to POD-84-04, Highwoods  
1391 Plaza – Buildings D, E, F. and G, in the Three Chopt District? We have opposition. Good  
1392 morning, Mr. Strauss.

1393

1394 Mr. Strauss - Good morning, members of the Commission. This is a proposal for a  
1395 phased project. Phase one consists of two, six-story buildings and two, five-story, six-level  
1396 parking decks and that would be in this area right, here (referring to monitor). This project  
1397 would be under the O-3 District requirements and the applicant has submitted this POD in order  
1398 to allow Highwoods to proceed with construction of the two office buildings while awaiting  
1399 Board Action on a rezoning for the UMU District, and that is to be heard next month. There is  
1400 also a master plan submitted for Phase 2, which includes in this location here, an additional  
1401 three-story office building, a two-story office building and an additional three-story, four-level  
1402 parking deck. Staff has reviewed the proposal, and after discussion with the owner, and a  
1403 meeting with the neighborhood, there were changes made to the original plan which are reflected  
1404 in the revised plan that we just handed out. Most of the adjustments were made to adjust the  
1405 height of the two buildings and the deck in the Phase 2 area to comply with an old rezoning case  
1406 that limits heights in that 8.6 acre portion of the 36 acre site to 45 feet and three stories

1407 comparable to the height restrictions in the O-2 District.

1408

1409 There was also a reduction of a total square footage from the original 505,920 square feet to  
1410 430,032 square feet in order to comply with the height restrictions. Staff has now completed its  
1411 review of the revised plan and can recommend approval and I'll be happy to answer any  
1412 questions you may have. I understand Mr. Stacey Burcin is also here from McKinney and  
1413 Company and we have some opposition as noted.

1414

1415 Mrs. Ware - Are there any questions for Mr. Strauss at this time? No questions. Thank  
1416 you. Do you want to hear from the applicant now?

1417

1418 Mr. Marshall - No. Let's hear from the opposition. Good morning, Mr. Blankinship.

1419

1420 Mr. Blankinship - Good morning, Mr. Marshall. My name is Terry Blankinship and I reside  
1421 at 4508 Cedar Forest Road. Everybody, take a deep breath, we have spent way to much time on  
1422 this project. Basically, the neighborhood, this is what they had desired, this is what they have  
1423 asked for. Why, I think we all sit and scratch our heads. The only opposition that we have is the  
1424 fact that we would recommend that the landscaping and lighting come back for a public hearing.  
1425 At that point in time, the parking decks with the five stories, I think it started off with three it  
1426 went to four and now we are at five. They keep growing, as they say, we are concerned about  
1427 that but I know it's Highwoods property and the developer, the petitioner all have made plans as  
1428 far as lower the level and landscape. We continue to work with them on the mixed urban use.  
1429 So, with those connotations as far as public hearing on the lighting and landscaping, I think we  
1430 will sit down and we will pursue with the discussions on the mix urban use. Thank you.

1431

1432 Mrs. Ware - Are there any questions?

1433

1434 Mr. Strauss - I just want to mention one thing. I think staff would have to recommend  
1435 that we strike the last sentence on additional condition No. 25. That is an error. There was a  
1436 lighting restriction to 15 feet and that's not applicable to this case. This is a commercial  
1437 development. So, I would like to strike that last sentence with respect to the lighting pole height.  
1438 And, as Mr. Blankinship mentioned, we are going to ask for No. 11 amended.

1439

1440 Mr. Silber - So, this is on the addendum, on Page 3, and Mr. Strauss is suggesting on  
1441 condition No. 25 to strike the second sentence and then adding condition No. 11, which would  
1442 be amended No. 11, which would bring the lighting plan back to the Commission.

1443 Mr. Strauss - That's right.

1444

1445 Mrs. Ware - Okay.

1446

1447 Mr. Marshall - Are you saying No. 11?

1448

1449 Mrs. Ware - To add No. 11 amended and on No. 25 to remove the second sentence  
1450 concerning the light pole height.

1451

1452 Mr. Marshall - Okay.

1453

1454 Mrs. Ware - But leaving the first part of the sentence about the exterior lighting, the  
1455 source etc.

1456

1457 Mr. Marshall - All right. Madam Chairman, I'm going to recommend approval of POD-84-04,  
1458 Highwoods Plaza – Building D, E, F and G, Sadler Road, subject to the annotations on the plans,  
1459 the standard conditions for developments of this type and additional conditions No. 9 amended,  
1460 No. 11 amended, which requires the landscape and lighting plans to come back to the Planning  
1461 Commission for approval, additional conditions No. 23, 24 and amended No. 25 which deletes  
1462 the last sentence and conditions Nos. 26, 27 and 28.

1463

1464 Mr. Vanarsdall - Second.

1465

1466 Mrs. Ware - The motion was made by Mr. Marshall and seconded by Mr. Vanarsdall.  
1467 All in favor say aye...all opposed say nay. The motion passes.

1468

1469 The Planning Commission approved POD-84-04, Highwoods Plaza – Buildings D, E, F and G,  
1470 subject to the annotations on the plans, the standard conditions attached to these minutes for  
1471 developments of this type, and the following additional conditions:

1472

1473 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for  
1474 review and Planning Commission approval prior to the issuance of any occupancy  
1475 permits.

1476 11. **AMENDED** - Prior to the approval of an electrical permit application and installation of  
1477 the site lighting equipment, a plan including depictions of light spread and intensity  
1478 diagrams, and fixture specifications and mounting height details shall be submitted for  
1479 Planning Office review and Planning Commission approval.

1480 23. The easements for drainage and utilities as shown on approved plans shall be granted to  
1481 the County in a form acceptable to the County Attorney prior to any occupancy permits  
1482 being issued. The easement plats and any other required information shall be submitted  
1483 to the County Real Property Agent at least sixty (60) days prior to requesting occupancy  
1484 permits.

1485 24. The developer shall provide fire hydrants as required by the Department of Public  
1486 Utilities and Division of Fire.

1487 25. All exterior lighting fixtures shall be designed and arranged so the source of light is not  
1488 visible from the roadways or adjacent residential properties.

1489 26. The loading areas shall be subject to the requirements of Chapter 24, Section 24-97(b) of  
1490 the Henrico County Code.

1491 27. Insurance Services Office (ISO) calculations must be included with the plans and  
1492 contracts and must be approved by the Department of Public Utilities prior to the  
1493 issuance of a building permit.

1494 28. The location of all existing and proposed utility and mechanical equipment (including  
1495 HVAC units, electric meters, junction and accessory boxes, transformers, and generators)  
1496 shall be identified on the landscape plans. All equipment shall be screened by such

1497 measures as determined appropriate by the Director of Planning or the Planning  
1498 Commission at the time of plan approval.

1499

1500 **PLAN OF DEVELOPMENT**

1501

POD-89-04  
Dollar Tree @ Virginia  
Center Commons  
(POD-38-02 Revised)

**Balzer & Associates, Inc. for TSI, LLC and Dynamic Commercial:** Request for approval of a revised plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one-story, 12,517 square foot retail building. The 1.607-acre site is located on the north side of JEB Stuart Parkway, approximately 400 feet east of Brook Road (U.S. Route 1) in Virginia Center Commons Shopping Center on parcel 784-769-1891. The zoning is B-3C, Business District (Conditional). County water and sewer. **(Fairfield)**

1502

1503 Mrs. Ware - Is there anyone in the audience in opposition to POD-89-04, Dollar Tree  
1504 @ Virginia Center Commons in the Fairfield District? There's no opposition. Good morning,  
1505 Mr. McGarry.

1506

1507 Mr. McGarry -Good morning, Madam Chair, members of the Commission. We need to waive  
1508 the time limits for these revised plans that are being handed out to you, Mr. Archer.

1509

1510 Mr. Archer - All right. Thank you.

1511

1512 Mr. McGarry -There is a revised site plan in your packet, a 50-foot shopping center setback,  
1513 which was a problem before has been met, which has been given as a revised architectural. The  
1514 architectural provides treatment to the end wall facing J.E.B. Stuart Parkway. Pilaster and  
1515 windows have been added to break up the wall. The building materials are now confirmed as  
1516 architectural split-face masonry through the body color instead of painted. The colors are taupe  
1517 and beige. The awning color is unknown. Therefore, staff recommends approval of the site plan  
1518 that's in your packet. That revised architectural subject to the standard conditions, additional  
1519 conditions Nos. 23 through 32 and on your addendum item condition No. 33 which reads: A  
1520 sample color of the building materials and the awning shall be submitted to the Planning  
1521 Department for approval prior to issuance of a building permit. This has been reviewed with the  
1522 applicant and he is in agreement. Staff will be happy to answer any questions.

1523

1524 Mrs. Ware - Are there any questions for Mr. McGarry from the Commission?

1525

1526 Mr. Silber - So, Mr. McGarry, that would be a new condition?

1527

1528 Mr. McGarry -Yes, sir, condition No. 33 is a new condition off of the addendum.

1529

1530 Mr. Silber - It is on the addendum. Okay.

1531

1532 Mrs. Ware - Okay. Mr. Archer, would you care to hear from the applicant?  
1533

1534 Mr. Archer - No. I think I'm ready to make a motion, Madam Chair. As of yesterday  
1535 afternoon, staff was able to get an agreement from the applicant and pretty much satisfied  
1536 everything that they were requiring. So with that, I will first of all waive the time limits on the  
1537 revised plan.  
1538

1539 Mr. Vanarsdall - Second.  
1540

1541 Mrs. Ware - The motion was made by Mr. Archer and seconded by Mr. Vanarsdall.  
1542 All in favor say aye...all opposed say nay. The motion to waive the time limits passes.  
1543

1544 Mr. Archer - Then I will move for approval of POD-89-04, Dollar Tree @ Virginia  
1545 Center Commons, subject to the standard conditions for developments of this type, the  
1546 annotations on the plan, the plan approved this morning, and the additional conditions Nos. 23  
1547 33 with No. 33 being on this morning's addendum.  
1548

1549 Mr. Vanarsdall - Second.  
1550

1551 Mrs. Ware - The motion was made by Mr. Archer and seconded by Mr. Vanarsdall.  
1552 All in favor say aye...all opposed say nay. The motion passes.  
1553

1554 The Planning Commission approved POD-89-04, Dollar Tree @ Virginia Center Commons  
1555 (POD-38-02 Revised) subject to the annotations on the plan, the standard conditions attached to  
1556 these minutes for developments of this type, and the following additional conditions:  
1557

1558 23. The developer shall provide fire hydrants as required by the Department of Public Utilities  
1559 and Division of Fire.

1560 24. The proffers approved as a part of zoning case C-113C-88 shall be incorporated in this  
1561 approval.

1562 25. Any necessary off-site drainage and/or water and sewer easements must be obtained in a  
1563 form acceptable to the County Attorney prior to final approval of the construction plans.

1564 26. Deviations from County standards for pavement, curb or curb and gutter design shall be  
1565 approved by the County Engineer prior to final approval of the construction plans by the  
1566 Department of Public Works.

1567 27. Insurance Services Office (ISO) calculations must be included with the plans and  
1568 contracts and must be approved by the Department of Public Utilities prior to the issuance  
1569 of a building permit.

1570 28. Approval of the construction plans by the Department of Public Works does not establish  
1571 the curb and gutter elevations along the Henrico County maintained right-of-way. The  
1572 elevations will be set by Henrico County.

1573 29. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the  
1574 Department of Planning and approved prior to issuance of a certificate of occupancy for  
1575 this development.

1576 30. The location of all existing and proposed utility and mechanical equipment (including

- 1577 HVAC units, electric meters, junction and accessory boxes, transformers, and generators)  
1578 shall be identified on the landscape plans. All equipment shall be screened by such  
1579 measures as determined appropriate by the Director of Planning or the Planning  
1580 Commission at the time of plan approval.
- 1581 31. The ground area covered by all the buildings shall not exceed in the aggregate 25 percent of  
1582 the total site area.
- 1583 32. No merchandise shall be displayed or stored outside of the building(s) or on sidewalk(s).
- 1584 33. A sample color of the building materials and the awning shall be submitted to the  
1585 Planning Department for approval prior to issuance of a building permit.

1586

1587 **PLAN OF DEVELOPMENT & SPECIAL EXCEPTION**

1588

POD-91-04  
NOVA – Gayton Road  
(POD-44-95 Revised)

**Wiley & Wilson, Inc. for Ridgeview Inc. and Nova of Virginia Aquatics:** Request for approval of a plan of development and special exception, as required by Chapter 24, Sections 24-2, 24-12(b) and 24-106 of the Henrico County Code, to expand an existing building with a one-story building addition totaling 53,880 square feet with a pool addition, parking and site improvements. The special exception would permit expansion of a private recreation center, a conditional use previously authorized by the Commission pursuant to POD-44-95. The 5.55-acre site is located approximately on the east side of Gayton Road, 925 feet north of Cambridge Drive on parcel 732-749-5405. The zoning is B-1, Business District. County water and sewer. **(Tuckahoe)**

1589

1590 Mrs. Ware - Is there anyone in the audience in opposition to POD-91-04, NOVA, in  
1591 the Tuckahoe District? There's no opposition. Good morning, Mr. Kennedy.

1592

1593 Mr. Kennedy - Good morning, again, members of the Commission. This will require two  
1594 motions. One for the special exception and one for the POD. The special exception is required  
1595 because there is an expansion to a prior recreational facility. It's a conditional use which  
1596 requires a special exception. When the facility was originally approved by the Planning  
1597 Commission it was considered that they approved the original special exception with the POD.  
1598 However, because this is being expanded, it requires reauthorization of that special exception.  
1599 The expansion of this facility would expand the existing 25-meter pool to a 50-meter pool. In  
1600 addition, a second 25-meter pool will be provided. They are both indoor pools. Expanded  
1601 parking will be provided it will make NOVA competitive with similar facilities which are  
1602 offered in Chesterfield County and staff supports both the special exception and the POD.

1603

1604 Mrs. Ware - All right. Are there any questions for Mr. Kennedy from the  
1605 Commission? All right. I don't need to hear from anyone else, so I will go ahead and first I will  
1606 make a motion for the special exception.

1607

1608 Mr. Jernigan - Second.

1609

1610 Mrs. Ware - The motion was made by Mrs. Ware and seconded by Mr. Jernigan. All in  
1611 favor say aye...all opposed say nay. The motion passes for the special exception.

1612

1613 Mr. Marshall - Note my abstention, please.

1614

1615 Mrs. Ware - Abstention noted. Thank you. So, I'll move that POD-91-04, NOVA –  
1616 Gayton Road, be approved subject to the annotations on the plan, the standard conditions for  
1617 developments of this type, and additional conditions Nos. 23 through 32.

1618

1619 Mr. Vanarsdall - Second.

1620

1621 Mrs. Ware - The motion was made by Mrs. Ware and seconded by Mr. Vanarsdall. All  
1622 in favor say aye...all opposed say nay. The motion passes.

1623

1624 Mr. Marshall - Note my abstention.

1625

1626 Mrs. Ware - Abstention noted. Thank you.

1627

1628 Mr. Marshall - Thank you, Mr. Wilton. My daughter swims there so I had to abstain, but I'm  
1629 very much looking forward to the project.

1630

1631 The Planning Commission approved POD-91-04, NOVA – Gayton Road (POD-44-95 Revised)  
1632 subject to the annotations on the plan, the standard conditions attached to these minutes for  
1633 developments of this type, the special exception to permit expansion of a private recreation  
1634 center and the following additional conditions:

1635

1636 23. The right-of-way for widening of Gayton Road as shown on approved plans shall be  
1637 dedicated to the County prior to any occupancy permits being issued. The right-of-way  
1638 dedication plat and any other required information shall be submitted to the County Real  
1639 Property Agent at least sixty (60) days prior to requesting occupancy permits.

1640 24. The easements for drainage and utilities as shown on approved plans shall be granted to  
1641 the County in a form acceptable to the County Attorney prior to any occupancy permits  
1642 being issued. The easement plats and any other required information shall be submitted  
1643 to the County Real Property Agent at least sixty (60) days prior to requesting occupancy  
1644 permits.

1645 25. The developer shall provide fire hydrants as required by the Department of Public  
1646 Utilities and Division of Fire.

1647 26. A standard concrete sidewalk shall be provided along the east side of Gayton Road.

1648 27. Outside storage shall not be permitted.

1649 28. Any necessary off-site drainage and/or water and sewer easements must be obtained in a  
1650 form acceptable to the County Attorney prior to final approval of the construction plans.

1651 29. Deviations from County standards for pavement, curb or curb and gutter design shall be  
1652 approved by the County Engineer prior to final approval of the construction plans by the  
1653 Department of Public Works.

1654 30. Insurance Services Office (ISO) calculations must be included with the plans and  
1655 contracts and must be approved by the Department of Public Utilities prior to the  
1656 issuance of a building permit.

1657 31. Approval of the construction plans by the Department of Public Works does not establish  
1658 the curb and gutter elevations along the Henrico County maintained right-of-way. The  
1659 elevations will be set by Henrico County.

1660 32. The location of all existing and proposed utility and mechanical equipment (including  
1661 HVAC units, electric meters, junction and accessory boxes, transformers, and generators)  
1662 shall be identified on the landscape plans. All equipment shall be screened by such  
1663 measures as determined appropriate by the Director of Planning or the Planning  
1664 Commission at the time of plan approval.

1665

1666

1667 **THE NEXT CASE WAS PASSED BY AND CONTINUES ON PAGE 47 OF THESE**  
1668 **MINUTES.**

1669

1670 **PLAN OF DEVELOPMENT, LANDSCAPE & LIGHTING PLAN & ALTERNATIVE FENCE**  
1671 **HEIGHT PLAN**

1672

POD-78-04

The Village @ Willow Run  
Wistar Road

**Foster & Miller, P.C. for Verizon Virginia Inc. and Wilton  
Development Corporation:** Request for approval of a plan of  
development, landscape and lighting plan and alternative fence  
height plan, as required by Chapter 24, Sections 24-95(1)(6), 24-  
106 and 24-106.2 of the Henrico County Code, to construct 87  
residential townhouse units, and a six-foot, decorative metal  
fence with brick columns in the front yard with landscaping. The  
17.3-acre site is located on the north line of Wistar Road,  
approximately 413 feet east of Shrader Road on parcels 767-  
751-0480 and 5291, 767-752-3012, 5942 and 7623 and part of  
766-752-5952. The zoning is RTHC, Residential Townhouse  
District (Conditional). County water and sewer. **(Brookland)**

1673

1674 Mrs. Ware - Is there anyone in the audience in opposition to POD-78-04, The Village @  
1675 Willow Run, in the Brookland District? There is no opposition.

1676

1677 Ms. News - Madam Chairman, Mr. McGarry requested that we pass this case by  
1678 because he is still meeting with someone out in the lobby. So, if we can go to the next case  
1679 please.

1680

1681 Mrs. Ware - Okay.

1682

1683 **SUBDIVISION**

1684

Grayson Hill (December 2004 Plan) (Formerly Gaskins Centre) Patterson Avenue and Gaskins Road	<b>E. D. Lewis &amp; Associates, P.C. for Gaskins Centre, L.C.:</b> The 54.589-acre site proposed for a subdivision of 220 townhouse units for sale is located at the southeast corner of Patterson Avenue (State Route 6) and Gaskins Road on parcels 745-741- 0907, 745-740-9892 and 746-741-3665. The zoning is RTHC, Residential Townhouse District (Conditional). County water and sewer. <b>(Tuckahoe) 220 Lots</b>
---	---

1685

1686 Mrs. Ware - Is there anyone in the audience in opposition to subdivision Grayson Hill  
1687 (December 2004 Plan), in the Tuckahoe District? There is no opposition. Mr. Wilhite, good  
1688 morning.

1689

1690 Mr. Wilhite - Good morning. Thank you. The rezoning case with amended proffers was  
1691 just approved by the Board of Supervisors in October of this year. The subdivision layout for the  
1692 townhouse development that you have substantially conforms with the zoning exhibit that was  
1693 included with that case. It is 220 units and the location of the blocks and the layout of the  
1694 development is primarily in conformance with that exhibit. I would also like to note that the  
1695 landscape plan for the buffers along the eastern property line and along Derbyshire Road appears  
1696 as the next item on your agenda, as well. What is before you today is just the conditional  
1697 subdivision for this townhouse development POD plans and the final subdivision plan for Phase 1  
1698 of this development have already been filed and the POD plan should appear in your January 26  
1699 agenda. These are two phases anticipated; the first phase involves 50 units plus the clubhouse.

1700

1701 A copy of the revised plan has been handed out to you. The biggest change on the revised plan  
1702 was, the developer actually proposed extending some of the lots on the corner units into the  
1703 proffered buffers, which is not permitted by proffers. That plan has been annotated to show that  
1704 they would have to eliminate any of those extensions into the buffer areas. There is also an  
1705 existing graveyard shown on the plan and an annotation has been added that shows that there will  
1706 be a need to add an access easement to the graveyard for persons to have access to it.

1707

1708 The developer is also proposing compensating areas. The Code does allow for dwelling units at  
1709 the end of rows to provide compensating area in order to reduce the side and rear lines under the  
1710 Code as long as they provide compensating area in the side yards. Staff has received detailed  
1711 information on that. We are checking that over. They would have to confirm that the

1712 requirement is met prior to final subdivision approval.

1713

1714 The plan that you do have does show curb and gutters, sidewalks, recreational areas and other  
1715 physical improvements. The approval for those physical improvements are not before you today.

1716 That would be approved with the site plan, and that should, like I said, appear on your agenda in  
1717 January. Staff can recommend approval of the revised site plan, conditional approval, with the  
1718 additional annotations shown on it and I'll be happy to answer any questions that you may have.

1719

1720 Mrs. Ware - So, it is annotated that these lot widths that extend into this buffer area are  
1721 removed.

1722

1723 Mr. Wilhite - The portion of the lots extending in the buffer would have to be eliminated.

1724

1725 Mrs. Ware - And the end unit was used as well. Okay. Are there any questions? All  
1726 right. Then I guess at this time I will move for approval of subdivision Grayson Hill subject to  
1727 the standard conditions for residential townhouses served by public utilities, and the following  
1728 additional conditions Nos. 13, 14, and 15 as well as the annotations on the plan.

1729

1730 Mr. Vanarsdall - Second.

1731

1732 Mrs. Ware - The motion was made by Mrs. Ware and seconded by Mr. Vanarsdall. All  
1733 I favor say aye...all opposed say nay. The motion passes.

1734

1735 The Planning Commission granted conditional approval to Grayson Hill (December 2004 Plan)  
1736 (Formerly Gaskins Center) subject to the annotations on the plans, the standard conditions  
1737 attached to these minutes for subdivisions served by public utilities and the following additional  
1738 conditions:

1739

1740 13. The proffers approved as part of zoning case C-35C-04 shall be incorporated in this  
1741 approval.

1742 14. Prior to requesting the final approval, a draft of the covenants and deed restrictions for the  
1743 maintenance of the common area by a homeowners association shall be submitted to the  
1744 Department of Planning for review. Such covenants and restrictions shall be in form and  
1745 substance satisfactory to the County Attorney and shall be recorded prior to recordation of  
1746 the subdivision plat.

1747 15. Any portion of the existing sanitary sewer easement no longer needed shall be vacated prior  
1748 to the recordation of the subdivision plat.

1749

1750 **SUBDIVISION LANDSCAPE PLAN**

1751

Grayson Hill - Phase I  
(Formerly Gaskins Center)

**Gumenick Properties and Studio 39 for Gaskins & Patterson, Inc.:** Request for approval of a phase one subdivision landscape plan, as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code. The 54.58-acre site is located on the southeast corner of the intersection of Gaskins Road and Patterson Avenue (State Route 6) on parcels 745-740-9892, 746-741-3665 and part of parcel 745-741-0907. The zoning is RTHC, Residential Townhouse District (Conditional). (**Tuckahoe**)

1752

1753 Mrs. Ware - Is there anyone in the audience in opposition to the landscape plan for  
1754 subdivision Grayson Hill Phase I, in the Tuckahoe District? There is no opposition. Mr. Strauss,  
1755 good morning.

1756

1757 Mr. Strauss - This is an approval that would allow the developer to install planting for a  
1758 Phase 1 buffer and advance the construction for the rest of the project. There was a meeting in  
1759 the neighborhood about a week ago and there were no objections raised, so staff can recommend  
1760 approval per the staff plan. Thank you.

1761

1762 Mrs. Ware - Are there any questions for Mr. Strauss from the Commission? Okay. I  
1763 don't need to hear from anyone so at this time I would like to move for approval of subdivision  
1764 landscape plan Grayson Hill Phase 1, subject to the annotations on the plan and the standard  
1765 conditions for landscape plans.

1766

1767 Mr. Jernigan - Second.

1768

1769 Mrs. Ware - The motion was made by Mrs. Ware and seconded by Mr. Jernigan. All I  
1770 favor say aye...all opposed say nay. The motion passes.

1771

1772 The Planning Commission approved the landscape plan for Grayson Hill – Phase 1 subject to the  
1773 annotations on the plans and the standard conditions attached to these minutes for landscape  
1774 plans.

1775

1776 Mr. Vanarsdall - Madam Chairman, I would like to recognize another celebrity in the back  
1777 of the room there, Mr. John Marlls. He is now the Director of Urban Development and  
1778 Revitalization and he will have a part at the end of the agenda, as we all know. When I got here  
1779 at 8:30 a.m. he was already here. So, he hasn't lost any of his venom and vigor.

1780

1781 Mr. Marshall - And, it looks like his hair is growing back too.

1782

1783 Mrs. Ware - Can we go back to the case we skipped over, now?

1784 Mr. Silber - Yes, we can go back to page 23, POD-78-04, The Village @ Willow Run.  
1785 Mr. McGarry has returned.

1786

1787 **CONTINUED FROM PAGE 43**

1788

1789 **PLAN OF DEVELOPMENT, LANDSCAPE & LIGHTING PLAN & ALTERNATIVE FENCE**  
1790 **HEIGHT PLAN**

1791

POD-78-04  
The Village @ Willow Run  
Wistar Road

**Foster & Miller, P.C. for Verizon Virginia Inc. and Wilton Development Corporation:** Request for approval of a plan of development, landscape and lighting plan and alternative fence height plan, as required by Chapter 24, Sections 24-95(1)(6), 24-106 and 24-106.2 of the Henrico County Code, to construct 87 residential townhouse units, and a six-foot, decorative metal fence with brick columns in the front yard with landscaping. The 17.3-acre site is located on the north line of Wistar Road, approximately 413 feet east of Shrader Road on parcels 767-751-0480 and 5291, 767-752-3012, 5942 and 7623 and part of 766-752-5952. The zoning is RTHC, Residential Townhouse District (Conditional). County water and sewer. **(Brookland)**

1792

1793 Mrs. Ware - I believe I asked for opposition before, but I just want to make sure. Is  
1794 there any opposition to POD-78-04, The Village @ Willow Run? There's no opposition. Mr.  
1795 McGarry.

1796

1797 Mr. McGarry -Good morning, again. This plan is put together as a kind of a package deal where  
1798 we are doing a POD, a landscape plan, an alternative fence height and site lighting. The staff can  
1799 recommend approval of only the POD and the landscape plan, but not the alternative fence or site  
1800 lighting. It's actually the site lighting, we don't have the photometrics doesn't meet the proffers,  
1801 so we can handle that administratively. It does not have to come to the Commission. Again, I  
1802 was trying to put together a package to do all of this at once.

1803

1804 The landscape plan is approvable, but the alternative fence height is required to be shown the  
1805 details on the landscape plan. And after three submittals, one as recent as four o'clock yesterday,  
1806 we still don't know if some of the details on the fence meet the proffers that have been submitted  
1807 with this case. So, essentially, the alternative fence height needs to be deferred.

1808

1809 Under the POD, staff can recommend approval and some of the issues that were outstanding have  
1810 been resolved. They include the establishment of the minimum square footage for the townhouse  
1811 by requiring an annotated on the plan that the optional four-foot extension on these Ryan Homes,  
1812 townhomes, is mandatory. It is not an option. Otherwise, they don't meet the 1500 square feet in  
1813 the proffers. I received a schematic plan identifying which units will have porches, which is  
1814 required by the... A certain percentage of them had to have porches under the proffers. The end  
1815 units had to have certain architectural features on them and that has been resolved.

1816 So, to salvage something in a way for approval for Willow Run, staff recommends the POD and

1817 landscape plan, not the alternative fence height. Approval of the POD would include the standard  
1818 conditions, plus conditions Nos. 23 through 35 and on the addendum we have revised No. 29 to  
1819 be more consistent with the language we are trying to use for pavement within a townhouse  
1820 development. I'll be happy to answer any questions.

1821

1822 Mrs. Ware - Are there any questions for Mr. McGarry from the Commission?

1823

1824 Mr. Vanarsdall - Mr. McGarry, did you say you want the landscaping to come back  
1825 administratively and....

1826

1827 Mr. McGarry -The lighting can come back administratively. That was never required to come to  
1828 the Commission, anyway. I was just trying to do everything at once here.

1829

1830 Mr. Vanarsdall - Okay. I'm going to approve the landscaping this morning. I meant to say  
1831 the lighting. I don't have any more questions. Mr. McGarry worked on this right up like to four  
1832 o'clock and I talked to him at quarter to five and he's been following it for two or three days and  
1833 couldn't get the rest of it together, so it certainly wasn't any fault of his. I recommend approval  
1834 of POD-78-04. This would be the POD and the landscaping only, POD-78-04, Nos. 23, 24, 25,  
1835 26, 27, 28, No. 29 will be revised and 30 through 35.

1836

1837 Mr. Marshall - Second.

1838

1839 Mrs. Ware - The motion was made by Mr. Vanarsdall and seconded by Mr. Vanarsdall.  
1840 All in favor say aye...all opposed say nay. The motion passes.

1841

1842 Mr. Marshall - And do we need to defer the alternative fence height?

1843

1844 Mr. Vanarsdall - Yes. That's what I was going to do. And, I recommend deferral of the  
1845 alternative fence height on POD-78-04 to January 26, 2005.

1846

1847 Mr. Marshall - Second.

1848

1849 Mrs. Ware - The motion was made by Mr. Vanarsdall and seconded by Mr. Vanarsdall.  
1850 All in favor say aye...all opposed say nay. The motion passes for the deferral of the alternative  
1851 fence height.

1852

1853 The Planning Commission approved POD-78-04, The Village @ Willow Run, subject to the  
1854 annotations on the plans, the standard conditions attached to these minutes for developments of  
1855 this type, and the following additional conditions. The Planning Commission deferred the  
1856 alternative fence height plan to its January 26, 2005, meeting.

1857

1858 23. The unit house numbers shall be visible from the parking areas and drives.

1859 24. The names of streets, drives, courts and parking areas shall be approved by the Richmond  
1860 Regional Planning District Commission and such names shall be included on the  
1861 construction plans prior to their approval. The standard street name signs shall be ordered

- 1862 from the County and installed prior to any occupancy permit approval.
- 1863 25. The subdivision plat for The Village of Willow Run shall be recorded before any  
1864 building permits are issued.
- 1865 26. The developer shall provide fire hydrants as required by the Department of Public  
1866 Utilities and Division of Fire.
- 1867 27. Any necessary off-site drainage and/or water and sewer easements must be obtained in a  
1868 form acceptable to the County Attorney prior to final approval of the construction plans.
- 1869 28. Deviations from County standards for pavement, curb or curb and gutter design shall be  
1870 approved by the County Engineer prior to final approval of the construction plans by the  
1871 Department of Public Works.
- 1872 29. The pavement shall be of an SM-2A type and shall be constructed in accordance with  
1873 County standard and specifications. The developer shall post a defect bond for all  
1874 pavement with the Department of Planning - the exact type, amount and implementation  
1875 shall be determined by the Director of Planning, to protect the interest of the members of  
1876 the Homeowners Association. The bond shall become effective as of the date that the  
1877 Homeowners Association assumes responsibility for the common areas. Prior to the  
1878 issuance of the last Certificate of Occupancy, a professional engineer must certify that the  
1879 roads have been designed and constructed in accordance with County standards
- 1880 30. Insurance Services Office (ISO) calculations must be included with the plans and  
1881 contracts and must be approved by the Department of Public Utilities prior to the  
1882 issuance of a building permit.
- 1883 31. Approval of the construction plans by the Department of Public Works does not establish  
1884 the curb and gutter elevations along the Henrico County maintained right-of-way. The  
1885 elevations will be set by Henrico County.
- 1886 32. The proffers approved as a part of zoning case C-19C-04 shall be incorporated in this  
1887 approval.
- 1888 33. The limits and elevations of the 100-year frequency flood shall be conspicuously noted  
1889 on the plan "Limits of 100 Year Floodplain." In addition, the delineated 100-year  
1890 floodplain must be labeled "Variable Width Drainage and Utility Easement." The  
1891 easement shall be granted to the County prior to the issuance of any occupancy permits.
- 1892 34. The location of all existing and proposed utility and mechanical equipment (including  
1893 HVAC units, electric meters, junction and accessory boxes, transformers, and generators)  
1894 shall be identified on the landscape plans. All equipment shall be screened by such  
1895 measures as determined appropriate by the Director of Planning or the Planning  
1896 Commission at the time of plan approval.
- 1897 35. The architectural plans with the building permit shall show a detailed cross section of the  
1898 sound suppression requirements for a minimum 54 sound coefficient as required by  
1899 Proffer No. 12, case C-19C-04.

1900  
1901 Mrs. Ware - At this time I would like to take a ten-minute break.

1902  
1903 **AT THIS TIME THE COMMISSION TOOK A BREAK AND THEN RECONVENED.**

1904 **SUBDIVISION & TWO EXCEPTIONS**  
1905 **(Deferred from the November 17, 2004, Meeting)**

1906

Fairlawn  
(September 2004 Plan)

**Timmons Group for The Tetra Company:** The 14.04-acre site proposed for a subdivision of 53 single-family homes with two exceptions pursuant to Section 19-4(c) of the Henrico County Code, is located abutting, and south of undeveloped Meadow Lane, between Hanover Road and Airport Drive and at the western terminus of Elsing Green Way on parcels 826-721-8998, 827-721-4474 and 828-721-1721. The zoning is R-4A, One-Family Residence District, and R-4, One-Family Residence District. County water and sewer. **(Varina) 53 Lots**

1907

1908 Mrs. Ware - Is there anyone in the audience in opposition to Fairlawn (September 2004  
1909 Plan) in the Varina District? There's no opposition. Mr. McGarry.

1910

1911 Mr. McGarry -Good morning, Madam Chair, members of the Commission. A revised plan is  
1912 being handed out to you. This is the best layout yet. What you will end up approving here is a  
1913 subdivision and one exception. During the redesign, they eliminated the need for a second  
1914 exception. The applicant has asked for a special exception request for a wavier or a partial  
1915 wavier of the additional front yard setback as required by the Code when you have front yards  
1916 fronting on major collector roads, which is Meadow. Staff is recommending a partial waiver  
1917 rather than the one requested by the applicant. The applicant will have to make his case for his  
1918 wavier request.

1919

1920 There is a sidewalk being provided on the north side of Meadow Road, the long intersection of  
1921 Meadow Road that has to be constructed to serve the subdivision. The only other issue that staff  
1922 would like to recommend has to do with Hodder Lane. It's the radius dealing with that road  
1923 extending south from Meadow Road. It's a nonstandard radius. Staff is going to recommend  
1924 that that be handled with additional condition No. 15. Where the Hodder Lane radius is going to  
1925 have to be approved by the Director of Public Works prior to final approval. So, with that, staff  
1926 can recommend approval of this plan and the special exception is up to the Commission, the  
1927 standard conditions for subdivision, plus conditions Nos. 12 to 14 and additional condition No.  
1928 15, which I read to you about the Hodder Lane radius. I'll be happy to answer any questions.

1929

1930 Mrs. Ware - Are there any questions of Mr. McGarry from the Commission?

1931

1932 Mr. Silber - Mr. McGarry, on the handout you just provided us on Sheet 3, it shows  
1933 the limits of tree protection on Meadow Lane. Can you explain what that's about?

1934

1935 Mr. Jernigan - I don't know if I have seen that one before.

1936

1937 Mr. McGarry -That appears to be a voluntary line that the applicant is trying to agree to. I'd be  
1938 happy to let him address it more directly.

1939 Mr. Jernigan - Okay.

1940

1941 Mr. Silber - I think we need an answer to that question.

1942

1943 Mr. Collins - I'm Scott Collins and I'm with Timmons Group Engineering. On page 3,  
1944 we were showing approximate limits of what the tree areas that we are trying to stay out of for  
1945 this development. It's more of a schematic. As it is right now, we are trying to preserve the  
1946 stream protection area, and we are trying to preserve some type of buffer behind the lots that are  
1947 developed in the setbacks.

1948

1949 Mr. Silber - So, these are.... The Meadow Lane, currently, is not developed through  
1950 here so you would be constructing Meadow Lane, you would be clearing portions of those lots to  
1951 place a home on there, this is showing the approximate limits of tree save areas in the backyards?

1952

1953 Mr. Collins - That's correct.

1954

1955 Mr. Jernigan - Is that drawn to scale because you have got a 35-foot setback and we are  
1956 working close in the front now? It's a 127 foot lot.

1957

1958 Mr. Collins - For the most part, to scale. However, with the reduced size and being the  
1959 line width of the text and everything, it may not be exact.

1960

1961 Mr. Jernigan - But, what you are figuring is 35 feet in the backyard setback.

1962

1963 Mr. Collins - That's correct.

1964

1965 Mr. Silber - So, this is indicating, for the most part, the entire 35-foot setback in the  
1966 rear yard would be left with trees.

1967

1968 Mr. Collins - That's correct.

1969

1970 Mr. Jernigan - I'll tell you, we are working pretty close here because I've got to give you  
1971 an additional setback out front to put the house in there you want.

1972

1973 Mr. O'Brien - Excuse me, Madam Chairwoman, I'm Tom O'Brien and I represent the  
1974 applicant as well. The limit of tree protection, this is not scale, obviously in terms of the setback,  
1975 the houses will be 35 feet from the rear yard. This is going to have to be a modest clearing  
1976 around the house. You don't want to have the trees right up against the house.

1977

1978 Mr. Jernigan - No.

1979

1980

1981 Mr. O'Brien - But, we are going to try to preserve as much as that as possible. This is  
1982 intended to be a, you know, showing that we are trying to maintain as much of that as possible,  
1983 but it is certainly not to scale and we are not going to have the trees come up 35 feet in the  
1984 backyard.

1985

1986 Mr. Silber - I think that is the point, Mr. O'Brien, if the Commission is considering a  
1987 special exception to allow a smaller setback in the front that's permitted for them to authorize  
1988 that, then I think we want to make sure that we are not pushing the house forward in order to  
1989 have this tree save area. I don't have a problem with trees being saved in the rear yard as much  
1990 as possible, but I don't want to move the house forward just to save the trees in the back  
1991 necessarily. So, if this can be a representation that shows where possible trees would be  
1992 maintained along the back property line....

1993

1994 Mr. O'Brien - That is the intention of, I think what's more realistic is the back 20 feet we  
1995 are really trying to keep.

1996

1997 Mr. Silber - Perhaps, we should annotate that on this plan then.

1998

1999 Mr. Jernigan - Your intentions were good, it just looks like it was a little larger than what  
2000 would work. Let's say that you maintain at least 20 feet of tree cover in the back.

2001

2002 Mr. O'Brien - Yes, sir.

2003

2004 Mr. Jernigan - Okay. And, we are getting a sidewalk?

2005

2006 Mr. O'Brien - You are getting a sidewalk.

2007

2008 Mr. Jernigan - And we are going to get 2, 2 ½ inch caliber street trees on each lot in the  
2009 front?

2010

2011 Mr. O'Brien - Yes, sir.

2012

2013 Mr. Jernigan - Okay. That sounds good. I don't have any more questions.

2014

2015 Mrs. Ware - Are there any other questions from the Commission? All right.

2016

2017 Mr. Jernigan - Madam Chairman, first we have to make a special exception. This is  
2018 shown as a 66-foot right-of-way from Meadow Road and the setback is 35 feet and then it is an  
2019 additional 25 for the width of the road. I'm going to give the special exception down from 25  
2020 feet, I'm asking for five feet and that would give them a total of 40-foot setback so they can put a  
2021 bigger house on that lot.

2022

2023 Mr. Vanarsdall - I second.

2024 Mrs. Ware - The motion was made by Mr. Jernigan and seconded by Mr. Vanarsdall.  
2025 All in favor say aye...all opposed say nay. The motion passes for the special exception.

2026

2027 Mr. Jernigan - And next I would like to ask for approval of Fairlawn subdivision  
2028 (September 2004 Plan) with the standard conditions for subdivisions served by public utilities  
2029 and the following additional conditions Nos. 12, 13, 14 and No. 15 that was added by Mr.  
2030 McGarry for Hodder Lane and showing the 20-foot buffer in the back for tree-save area.

2031

2032 Mr. Vanarsdall - Second.

2033

2034 Mrs. Ware - The motion was made by Mr. Jernigan and seconded by Mr. Vanarsdall.  
2035 All in favor say aye...all opposed say nay. The motion passes.

2036

2037 The Planning Commission granted conditional approval to subdivision Fairlawn (September  
2038 2004 Plan) subject to the annotations on the plans, the standard conditions attached to these  
2039 minutes for subdivisions served by public utilities, and the following additional conditions:

2040

2041 12. The detailed plant list and specifications for the landscaping to be provided within the 25-  
2042 foot-wide planting strip easement on lots along Hanover Road and Meadow Road shall be  
2043 submitted to the Department of Planning for review and approval prior to recordation of the  
2044 plat.

2045 13. Prior to final plat approval, proper documentation regarding ownership of the 20-foot-  
2046 wide Gregory's Lane (private) shall be submitted and approved by the County Attorney.

2047 14. Prior to final plat approval, the applicant shall initiate a right of way vacation request for  
2048 the portion of Meadow Road that is not needed for the Meadow Road realignment.

2049 15. Hodder Lane radius must be approved by the Director of Public Works prior to final  
2050 approval.

2051

2052 **SUBDIVISION (Deferred from the November 17, 2004, Meeting)**

2053

Sweetbay Hill  
(November 2004 Plan)

**Jordan Consulting Engineers, P.C. for William C. Schermerhorn, III and Attack Properties, Inc.:** The 97.69-acre site proposed for a subdivision of 56, single-family homes is located adjacent to Magnolia Ridge subdivision approximately 1,500 feet north of the intersection of constructed Magnolia Ridge Drive and unimproved JEB Stuart Parkway on parcels 780-772-9071, 781-773-3186, 780-773-2718 and 780-773-3673. The zoning is A-1, Agricultural District. ~~Individual well~~ County water and septic tank/drainfield. **(Fairfield) 56 Lots**

2054

2055 Mrs. Ware - Is there anyone in the audience in opposition to Sweetbay Hill (November  
2056 2004 Plan) in the Fairfield District? We have opposition. So noted, ma'am. Mr. McGarry.

2057 Mr. McGarry -Let's see. Staff has four outstanding issues. A revised layout has been received  
2058 and it is included in your packet. First the issue of the yard setbacks, wait a minute. Okay, lots  
2059 12 and 17 are handled through an addendum. We have four addendum items, the yard setbacks

2060 that we were having problems with meeting the Code requirements have been met and we have  
2061 addressed that in the addendum just telling them that they have to make it a standard lot.

2062

2063 On the common area, the Planning Department can now recommend creation of the small  
2064 packets of common areas whose sole purpose is for wetland protection. And this is something  
2065 which the applicant and staff is not in agreement, so you will hear from him on that. So, staff  
2066 feels these common areas, which have no value or amenities to the community, these common  
2067 areas would require, in addition to the creation of homeowners association, staff recommends  
2068 that they instead incorporate individual lots and this is consistent with the open-space guidelines.  
2069 That is addressing condition No. 14 on your addendum where we have asked the applicant to  
2070 eliminate the common areas and include their parcels in the lots.

2071

2072 Third, the access, I believe has been worked out. There is a condition regarding access on your  
2073 addendum, it's number 15. Number 15 is going to be revised and this is what has been worked  
2074 out with Mr. Thompson, the Director of Public Works, as of this morning and it is fairly lengthy.  
2075 So, staff is going to recommend that No. 15 be revised to read in the following manner: Access  
2076 will be provided by Woodman Road and Grenville Road. The developer will build one half of  
2077 Woodman Road and one half of... Actually, I think it's Grenville Road, plus a 12-foot lane in  
2078 the opposite direction. A financial contribution will be escrowed for the remainder of J.E.B.  
2079 Stuart Parkway, the amount, of which will be approved by the Director of Public Works. There  
2080 may be no connection to Pruitt Court and Magnolia Ridge. For your purposes, Grenville Road is  
2081 this piece of road just behind Virginia Center Market Place Shopping Center, which is located I  
2082 think right along there (referring to rendering on the monitor). So, Grenville Road is this piece  
2083 of road that I am highlighting with the mouse. So, Public Works has indicated that they would  
2084 accept an extension of Grenville Road over to J.E.B. Stuart Parkway and then northwestwardly  
2085 to serve this subdivision.

2086

2087 Mr. Silber - Mr. McGarry, the improvements to Woodman Road would be how many  
2088 lanes?

2089

2090 Mr. McGarry -One-half of the width and that generally means, well, is the traffic engineer here?  
2091 Is that two lanes?

2092

2093 Mr. Jennings - It's two lanes and it's supposed to be a four-lane divided road.

2094

2095 Mr. McGarry -So, they will be two of the four lanes.

2096

2097 Mr. Silber - And the other road you mentioned is already improved?

2098

2099 Mr. McGarry -Half way improved, up behind the shopping center, and they would have to take it  
2100 from its current state of termination over to J.E.B. Stuart Parkway and improve half of that  
2101 proper width, plus and extra lane.

2102

2103 Mr. Silber - Is the Commission clear on this recommendation or this condition?  
2104 Instead of requiring Woodman Road to be constructed all the way to the current terminus, the  
2105 County is allowing this road to be built two-lanes wide to Grenville Road, which runs behind the  
2106 shopping center. So, it would provide adequate access from this development without going  
2107 through Magnolia Ridge.

2108

2109 Mr. Archer - Mr. Secretary, do we have an aerial of this?

2110

2111 Mr. Marshall - Yes, that would be helpful.

2112

2113 Mr. Silber - Mr. McGarry, do we have an aerial photograph?

2114

2115 Mr. McGarry -Let me try something else. The mouse hand is on Brook Road right now and a  
2116 portion of Grenville Lane has been built right behind the shopping center of Virginia Center  
2117 Marketplace.

2118

2119 Mr. Marshall - What's in there, is that where the Ukrop's is?

2120

2121 Mr. McGarry -Yes. Then the applicant has agreed to extend that road over to the current or  
2122 dedicated part of J.E.B. Stuart Parkway and then continue northwestwardly along the edge of  
2123 Magnolia Ridge subdivision back to serve the entrance to the proposed subdivision.

2124

2125 Mrs. Ware - When is J.E.B. Stuart Parkway supposed to be built?

2126

2127 Mr. Silber - Well, they are going to be building half of it with this development. As  
2128 development occurs, we will be receiving the balance of this. It is somewhat confusing because  
2129 of the other end it is called Woodman Road and then as you come through this undeveloped  
2130 property, it's called J.E.B. Stuart Parkway. So, I don't know what ultimately this road would be  
2131 called. It runs from Greenwood Road over to Brook Road.

2132

2133 Mr. Archer - I believe, what is it called Greenville or Grenville?

2134

2135 Mr. McGarry -I believe it's Grenville, G R E N V I L L E.

2136

2137 Mr. Archer - I think that road is open to a point to allow access to the rear of that  
2138 shopping center.

2139

2140 Mr. McGarry -That's correct.

2141

2142 Mr. Archer - I think I've been back there a couple of times.

2143

2144 Mr. McGarry -And you can actually go on private property and sneak your way back over to the  
2145 existing improved portion of J.E.B. Stuart Parkway.

2146

2147 Mr. Archer - If you went behind the stores....

2148

2149 Mr. McGarry -You went pass the dumpster and everything else, yes, sir.

2150

2151 Mr. Archer - Can you use that hand to point where that extension? Will that extension  
2152 be right straight across?

2153

2154 Mr. McGarry -The extension would continue in a straight direction to that point (referring to  
2155 rendering on the screen) as you see on the screen. And, then at that point, it intersects J.E.B.  
2156 Stuart Parkway and then returns northwest and be constructed on a two-lane configuration to the  
2157 entrance.

2158

2159 Mr. Archer - So, now would the traffic flow be able to use both of those, J.E.B. Stuart  
2160 Parkway and the extension of Grenville Road?

2161

2162 Mr. McGarry -Correct. That would be their access.

2163

2164 Mr. Archer - Now, what kind of intersection would be there? I know it's not  
2165 signalized, it has to be a stop sign or yield sign or something.

2166

2167 Mr. McGarry -The design would create probably a four-way intersection there because we are  
2168 dealing with existing right-of-ways.

2169

2170 Mr. Silber - I think Mr. Jennings should be able to answer that question.

2171

2172 Mr. Jennings - Good morning.

2173

2174 Mrs. Ware - Good morning, Mr. Jennings.

2175

2176 Mr. Jennings - If they extend Grenville Road over, and then their section of Woodman that they  
2177 are proposing to build the one half, it would come into Magnolia Ridge Drive. Right now it  
2178 functions as a "T" intersection and probably put a stop sign on the Woodman Road piece. In the  
2179 future, there are no plans right now for that connection with J.E.B. Stuart parkway, but in the  
2180 future, we would have to look at how it should be signaled or whatever. But, at this point, it acts  
2181 as a "T" intersection.

2182

2183 Mr. Archer - Now, at the point that Grenville comes out to Route 1, I don't think there  
2184 is a signal there, is it?

2185

2186 Mr. Jennings - Yes, sir, there is a signal there, right across from one of the entrances to Virginia  
2187 Center Commons.

2188

2189 Mr. Archer - Okay. I know where it is now. It's in one of those places where the extra  
2190 yellow line was in the road a couple of weeks ago.

2191

2192 Mr. Jennings - Yes, sir.

2193

2194 Mr. Archer - Okay, so there is a signal because that would be a disaster if it wasn't.

2195

2196 Mr. Marshall - Chick-Fil-Lay is right there on the corner.

2197

2198 Mr. Archer - Now, at that point, they would construct two lanes. Is that what we are  
2199 saying? And then eventually the County would construct the other two at some point?

2200

2201 Mr. Jennings - Yes, sir. There is no current project to do so, but with their development they will  
2202 be building one-half of the road section.

2203

2204 Mr. Archer - Okay. And they will be useable, those two lanes?

2205

2206 Mr. Jennings - Right now it functions as a two-lane road.

2207

2208 Mr. Archer - And the other two lanes will be built either on one side or the other or  
2209 maybe on both sides, I guess.

2210

2211 Mr. Jennings - I think they were looking at, if I remember correctly, they were going to build the  
2212 north side, which in the future would be the two north bound lanes.

2213

2214 Mr. Archer - Okay, at least I think I'm clear on where the road is.

2215

2216 Mr. Silber - Mr. Jennings, if you would, please. There is a portion of exiting Woodman  
2217 Road that comes through this property. There is a condition that staff is recommending requiring  
2218 the applicant to petition the Board to vacate or abandon that right-of-way. I assume that would  
2219 just take it though the limits of this subdivision.

2220

2221 Mr. Jennings - Yes, as far as I know, that's all that they will be able to evacuate or eliminate.

2222

2223 Mr. Silber - For the Commission's information, the Woodman Road that you seen  
2224 shown, going across the Fletcher property, is a dedicated right-of-way but that's not where the  
2225 County wants that road to go, so that would be abandon at some point. And J.E.B. Stuart tying  
2226 over to Woodman Road, eventually going over to Grenville Road is the alignment that the  
2227 County prefers and the Major Thoroughfare Plan has been amended to reflect that.

2228

2229 Mrs. Ware - You've got it?

2230

2231 Mr. Archer - Mr. McGarry, could you stick that aerial up there one more time, please. I  
2232 just want to look at it for a minute.

2233 Mr. McGarry - Sure.

2234  
2235 Mr. Archer - Okay. Thank you.  
2236  
2237 Mrs. Ware - Are there any more questions?  
2238  
2239 Mr. Archer - No. You can continue, Mr. McGarry.  
2240  
2241 Mr. McGarry -Staff can recommend approval with all the items that I have covered. I have  
2242 nothing else to add. The applicant is not in agreement with all of our comments.  
2243  
2244 Mr. Archer - He's not.  
2245  
2246 Mr. McGarry -No.  
2247  
2248 Mr. Archer - Particularly with regard to the conservation area.  
2249  
2250 Mr. McGarry -Yes.  
2251  
2252 Mr. Archer - Now would you state, again, for the Commission the reason why we want  
2253 to preserve that or change it.  
2254  
2255 Mr. McGarry -There are wetlands on the development and normally, we are asking to be  
2256 included in the lots. The applicant disagrees with that. The staff is trying to get the common  
2257 areas, like this, that would have to have a homeowners association created just for the purpose,  
2258 on this case, of dealing with these passive parcels of land that have no real value or amenity to  
2259 the community. And, we think that this is a burden that we should try to avoid, creating an  
2260 environment where the homeowners have to have an association to take care of land that's not of  
2261 any active use.  
2262  
2263 Mr. Archer - So, what are we proposing, that the configuration be changed so that...?  
2264  
2265 Mr. McGarry -Yes. That all of the common areas be eliminated and included in the abutting lots.  
2266  
2267 Mr. Archer - Okay.  
2268  
2269 Mr. McGarry -And don't forget you have opposition.  
2270  
2271 Mrs. Ware - Yes, we are aware of that. Thank you. Is that it, Mr. McGarry?  
2272  
2273 Mr. McGarry -Yes, ma'am.  
2274  
2275 Mrs. Ware - Are there any questions at this time?  
2276  
2277 Mr. Silber - I have one remaining question. Mr. McGarry, has any consideration been  
2278 given to stub streets in either direction from this property to the east or west?

2279

2280 Mr. McGarry -They said that they would like to address that because this plan is a revised plan.  
2281 They want to request for something else on this.

2282

2283 Mrs. Ware - You mean the applicant.

2284

2285 Mr. McGarry -The applicant. After you hear from the applicant, they may want to change what  
2286 they are willing to do.

2287

2288 Mrs. Ware - Okay. Thank you. Mr. Theobald, the applicant.

2289

2290 Mr. Theobald - Madam Chairman, ladies and gentlemen, I'm Jim Theobald here on behalf  
2291 of the applicant and this matter has come a long way in a very short period of time with the help  
2292 of Mr. Jennings and Mr. Thompson. I am delighting not to be arguing why we should be  
2293 permitted to connect into this subdivision through Magnolia Ridge. And, so the agreement to do  
2294 the road improvements is really extremely significant. Ms. Schermerhorn is here, and while  
2295 there seems to be some of the County's record may not be accurate as to which Schermerhorn  
2296 owns this, if in fact this is her property we have no reason to believe that it is not, we would be  
2297 happy to provide a stub road into this piece rather than cul-de-sacing it.

2298

2299 The only issue that we are somewhat at odds with staff over is this common area element. I  
2300 suggest to you that it is not an appropriate matter to be taken up in terms of subdivision approval.  
2301 The issue is one that ultimately I think may be needs to addressed in terms of a policy  
2302 consideration but I don't see how you relieve a burden on a homeowners association by putting  
2303 wetlands in some poor homeowners lot where they would have very real liability in their own  
2304 names that they own with their spouse. What we are doing here with the common areas is three  
2305 pockets of wetlands plus a 20-foot landscape strip across Woodman Road frontage which is also  
2306 a part of the common area. The benefit in putting the wetlands in common areas is then we  
2307 impose a preservation easement on that area so that it cannot be disturbed. Of course, with the  
2308 federal law you can't disturb the wetlands anyway. There is no maintenance associated with  
2309 those wetlands, it's not like it's a BMP. But if we were to include them in a lot then it's the  
2310 County policy to treat the wetlands as a part of a lot as being impacted. That then requires that  
2311 you go get a permit to disturb wetland from the Army Corps of Engineers and DEQ. So, while  
2312 you've got this policy that says you don't want to have an association just to do this, I submit to  
2313 you the reverse is much worse, both for the developer and the homeowner. And, again, and I'm  
2314 sorry to repeat this, but I just don't think in terms of whether or not there's a homeowners  
2315 association is something that the subdivision ordinance permits to be dictated. But, I'm hopeful  
2316 that I've persuaded you on the merits of this argument in that it is far better to have an  
2317 association which would not only maintain the landscape plantings out front plus any entrance  
2318 feature of lighting that would be there, but they would technically own these wetlands areas but  
2319 there would be no liability and no maintenance associated with them as a matter of both state and  
2320 federal law. And with that, I'm happy to answer any questions.

2321 Mr. Archer - Mr. Theobald, what actually exists in these areas where the wetlands are?  
2322 Are they trees, is it just swamp, what is it?

2323

2324 Mr. Theobald - It's wooded wetlands.

2325

2326 Mr. Archer - Is it , wet, wet, I mean....

2327

2328 Mr. Theobald - Periodically.

2329

2330 **(Person Speaking from the Audience)**

2331

2332 Mrs. Ware - You will need to come to the podium, please.

2333

2334 Mr. Parker - I apologize, I'm Phillip Parker with Attack Properties. Those wetlands  
2335 through there are primarily wetlands because of the soils, not because of standing water. The  
2336 soils through there are very hydrant, they are very mottled, they are very dark. The Corps has  
2337 been through and placed jurisdictions, determinations on those wetlands. As of standing water  
2338 or mosquitoes pits, I've walked though there when it was completely dry and I debated with our  
2339 consultant why this was a wetland and then when he started taking core samples of the materials  
2340 he started seeing the modeling that occurs because of inundations and the Corps has taking  
2341 jurisdiction.

2342

2343 Mr. Archer - Can you point that mottling out on the map.

2344

2345 Mr. Parker - This pocket through here (referring to map) is a long wide area. It all  
2346 drains in this general direction and that's why you see it comes to a peak like this (referring to  
2347 map). It tends to bring itself back to a natural swell, natural channel and work its way to the  
2348 river.

2349

2350 Mr. Archer - What about the other?

2351

2352 Mr. Parker - The same thing happens here (referring to map). This is a broad swell  
2353 collecting water from this general area. It then comes along and runs through here. There are  
2354 various logging trails, forest road, etc. through the property that breaks these wetlands a little bit.  
2355 In other words, because of the time that the Corps went through and did their determination,  
2356 impacts that have occurred prior as normal agricultural, civil cultural uses, they are not  
2357 considered an impact they are considered an existing condition therefore you don't have a broad  
2358 range of wetlands through there. Same thing through here (referring to map) you can see the  
2359 channelization that naturally exists along through here serving the water is shared all the way  
2360 back up, midway through Magnolia Ridge and midway between this creek and the river itself.  
2361 So, that's actually the waters of the U.S. as well, it's governed directly by DEQ.

2362

2363 Mrs. Ware - There's something that just bothers me about leaving these little pockets  
2364 of land just at random in a development. I know we've talked before about common areas and  
2365 how it's important to not just have a piece of property there that no one can use but to have  
2366 common areas that actually contribute to the neighborhood. It almost seems like, and I can't  
2367 quite put my finger on it, but it almost seems like the developer is kind of shirking their  
2368 responsibility including this property within their development. I mean, you can have a

2369 homeowners association that's going to take care of your entranceways and those types of  
2370 amenities, but this doesn't have to be a part of that. This property can be included in lots and  
2371 then the people who purchase those lots will know up front what they are purchasing when they  
2372 are making those decisions.

2373

2374 Mr. Parker - Mrs. Ware, I value your opinion. I disagree though. The problem you  
2375 have is if you as a homeowner purchase a piece of property, and Mr. Silber can back this up with  
2376 cases that have come through the Planning Department, I don't know if anyone from Public  
2377 Works is here or not, from the Environmental Division, but if you own a piece of property and  
2378 you have wetlands on the back or the side or the front or wherever they may be and that's shown  
2379 on the subdivision plat and you record and you go in and you clear your backyard to put a dog  
2380 pen, you clear your backyard to build a swimming pool, whatever it may be. You plead  
2381 ignorance because you don't know, you as a homeowner don't know the requirements of the  
2382 federal government and the state government and you have then constituted a direct impact to  
2383 lands governed by the federal and state governments and are in violation. That violation today  
2384 runs \$25,000 a day, per violation, per day.

2385

2386 The purpose behind this, by placing these in a common area, the entire neighborhood as a whole  
2387 is now made aware of why these lands sit here, that these lands are not to be impacted or  
2388 improved and the maintenance cost is zero on it but it makes everyone aware and everyone have  
2389 control of their neighbor or have input over their neighbor on what can or cannot happen in a  
2390 land owned commonly to all. It's the flip side of the coin, in all due respect, but I live on a lot  
2391 that has wetlands in it and waters in the back and I know what my limitations are and I know I  
2392 can't do certain things. And my children don't understand that, "Daddy why is our backyard all  
2393 wooded and can't be done" and they have got a great backyard.

2394

2395 It is a reality of all governments that are involved with the subdivision. That includes the federal  
2396 government and the state government. The County policy, as it stands today, any wetlands that  
2397 are in a side yard or a front yard, must be considered as impacted as a part of the construction  
2398 plan approval. There is a lot of debate on that. I debate that routinely when I come through. My  
2399 problem is I can go in there and say I'm not going to do anything and proffer it etc. Some  
2400 homeowner comes in and say, "I didn't know the proffers existed on this." By placing all these  
2401 wetlands in the common area it further protects it, plus these lands are that are governed by the  
2402 state and the federal government are placed in a recorded preservation easement that is recorded  
2403 in the Clerk's Office.

2404

2405 Mrs. Ware - Well, who is responsible for disclosing that information to the person that  
2406 purchases the property?

2407

2408 Mr. Parker - The real estate sales is a part of the disclosure packet for the sale. We as  
2409 the developer is required to place it on the subdivision plat, which is public record, which we do,  
2410 as approved by the County.

2411 Mrs. Ware - Okay.

2412

2413 Mr. Marshall - So, what you are saying is that the advantages, the person that buys the lot is

2414 buying a lot that doesn't have wetlands on it, so if they go out and put swing sets or whatever in  
2415 their backyard or build something in their backyard, they are safe in knowing that they are not  
2416 doing it in the wetlands.

2417

2418 Mr. Parker - That is correct.

2419

2420 Mr. Marshall - Versus, if you put it in a wetlands and it just looks like it is a part of their lot and  
2421 they go back there and do something, then they might wake up and find out that they have  
2422 impacted a wetland and faces this big fine from the Army Corps of Engineer.

2423

2424 Mr. Parker - There is no magic line that marked in the leaves that says these woods are  
2425 safe and these are not safe for some type of improvement.

2426

2427 Mr. Marshall - I understand. I got your logic, I agree with you.

2428

2429 Mr. Archer - Well, you know the problem with that, is still, as Mrs. Ware was saying,  
2430 there is no magic line and a person who has this vacant land behind their house is going to  
2431 consider it his anyway.

2432

2433 Mr. Parker - If there is a magic line then it is set by a permanent monumentation by the  
2434 surveyor as the subdivision is recorded or within a certain timeframe of that recordation. There is  
2435 a magic line then.

2436

2437 Mr. Marshall - They have stakes.

2438

2439 Mr. Archer - Yes, but they don't last long. Bushes will grow over them and nobody  
2440 knows where the stakes are. The problem I had with this is, you take the guy in the  
2441 northernmost lot up there and here is somebody all the way down here in the southern part of this  
2442 lot, he don't give a hoot what that guy down there does with the piece of land that's next to him  
2443 and he is not going to feel responsible for it. The problem with homeowners association is they  
2444 will become extinct after a while. In some instances, people have to pay dues into them and they  
2445 don't understand why they are doing it. I'm not entirely disagreeing with your argument. I can  
2446 see the side of the issue that you are coming from, but I can also see some of staff's concern with  
2447 this also.

2448

2449 Mr. Theobald - But there is no downside in improving and putting this into an association.  
2450 There is zero downside. They are protected. There's no liability to the association and yet there  
2451 is downside to Henrico citizens if they are a part of a lot. And, so, this is really a free shot for  
2452 you all.

2453 Mr. Archer - But, Mr. Theobald, it you say there is no downside, there's no liability to  
2454 the association.... If somebody should impact these lands in anyway, then the whole association  
2455 becomes responsible.

2456

2457 Mr. Theobald - The whole association is a 501C-3 corporation.

2458

2459 Mr. Archer - But, there would be no personal liability.

2460

2461 Mr. Theobald - No, there would not be. There would not be personal liability on the  
2462 homeowners like there is under staff's suggestion.

2463

2464 Mr. Archer - So, you are saying that there is personal liability if it becomes a part of a  
2465 person's lot.

2466

2467 Mr. Theobald - Yes, sure. Owned by Mr. and Mrs. John Doe....

2468

2469 Mrs. Ware - Yes, but don't they have liability as members of the homeowners  
2470 association with this project. I thought that had come up before.

2471

2472 Mr. Theobald - It's a corporation. The homeowners association is a corporation which is  
2473 why you are not liable individually if somebody gets hurt in the swimming pool, it's owned by  
2474 the association so that's why you set it up. I suggest that the suggestion they be in lots is the  
2475 worse alternative for everybody assuming you even have the ability to get there under the  
2476 subdivision ordinance.

2477

2478 Mr. Archer - Well, my question is if a homeowner cuts down some trees and puts a dog  
2479 house in his backyard that's in the wetland, now Mr. Parker said that he could be fined up to  
2480 \$25,000 a day.

2481

2482 Mr. Theobald - That's correct.

2483

2484 Mr. Archer - If the homeowners association owns the wetlands, and somebody puts a  
2485 dog house back there....

2486

2487 Mr. Theobald - In the association's property.

2488

2489 Mr. Archer - Right. All right. Aren't they still liable?

2490

2491 Mr. Theobald - That individual could be liable for disturbing wetlands owned by others.

2492

2493 Mr. Archer - Not the homeowners association but just the one homeowner even though  
2494 it doesn't belong to him.

2495

2496 Mrs. Ware - Regardless.

2497

2498 Mr. Theobald - Correct.  
2499

2500 Mr. Silber - Mr. Theobald, doesn't the Department of Public Works require the  
2501 wetlands on lots to be signed as wetlands. So, aren't we.... We've got these all over the County  
2502 where you have wetlands on lots. I'm not aware that it has been a major issue, violation of  
2503 federal regulations, etc. And it's required to be signed so the people know that this is a protected  
2504 area. I guess I would disagree that having these in common area is the only logical way of  
2505 going. I think that there are some inherent problems with having pockets of wetlands that  
2506 become common area that's really not useable to the association, yet to some extent there may be  
2507 some maintenance responsibilities whereas if they are in lots, each individual lot owner  
2508 recognizes they've got wetlands, it's signed that way, it's on the plat, they know when they buy  
2509 it what the limitations are, and they are subject to whatever regulations. Yes, we are all subject  
2510 to regulations but it seems to be working in many circumstances where we have these on lots.  
2511

2512 Mr. Theobald - With all due respect, is that policy a part of your subdivision ordinance?  
2513

2514 Mrs. Ware - When else are we going to deal with it if we are not going to deal with it  
2515 now?  
2516

2517 Mr. Theobald - I mean, it's bottom line.  
2518

2519 Mr. Marshall - That was my question.  
2520

2521 Mr. Silber - I think it has been done both ways. I think it can be a common area.  
2522

2523 Mr. Theobald - I'm not asking you what has been done, I'm asking is it a part of the  
2524 subdivision ordinance, which is the question you caused me to ask.  
2525

2526 Mr. Archer - That is a good question.  
2527

2528 Mr. Marshall - That was my question, Mr. Silber.  
2529

2530 Mr. Silber - I don't think that it is in the subdivision regulations, no, sir.  
2531

2532 Mr. Theobald - Okay. No, more questions, your honor.  
2533

2534 Mr. Marshall - Y'all have gotten used to that over the last couple of days.  
2535

2536 Mr. Theobald - The two of us, we were bonding yesterday in front of the Judge, that's  
2537 exactly right.  
2538  
2539

2540 Mr. Archer - Well, let me just say where I am with this right now. I'm confused is  
2541 where I am. I think everybody else is too. I would like to see some sort of meeting of the minds  
2542 between you and staff so we can sort of resolve this. Ted, you are still not comfortable with this,  
2543 are you?

2544

2545 Mr. McGarry -(Unintelligible)

2546

2547 Mr. Marshall - You said it has been done both ways, Mr. Silber, right?

2548

2549 Mr. Silber - Yes, sir. You will also have to recognize that there are wetlands flowing  
2550 through this piece of property that they have put into lots as well. They have done it both ways  
2551 in their own subdivision.

2552

2553 Mr. Parker - (Unintelligible)

2554

2555 Mrs. Ware - Can you come on up and speak please. I'm sorry, but we can't hear you  
2556 from there and we need to get you for the record.

2557

2558 Mr. Parker - As a part of the permitting process one of the key things you have to do  
2559 with the Corps and DEQ is prove avoid once and some minimization. If I have got a public road  
2560 crossing a wetland, and I've got, for argument sake, 20 acres of wetlands and I'm crossing it  
2561 with a 50-foot wide right-of-way at a five-foot-wide wetland area and I leave the remaining 19  
2562 point odd acres, I've proven avoidance and some minimization. If I go in and say I've got these  
2563 wetlands on these lots and my buildable area is outside of those wetlands, yet I'm going to  
2564 consider these wetlands an impact because ultimately it's possible that somebody might have not  
2565 proved avoidance and some minimization, and your Department of Public Works has this same  
2566 problem

2567

2568 And in order to get there, this is a win, win for everyone. This solution is a win, win for  
2569 everyone. It's not very often that I disagree with this Commission or the Board but in this case I  
2570 wholeheartedly disagree. I'm confident that this is a win, win situation. It protects everyone in the  
2571 best manner possible. I just about beg that you consider what's being put forth before you.

2572

2573 Mr. Silber - Members of the Commission, I think everybody knows each other's  
2574 position. I think we need to move on.

2575

2576 Mr. Archer - Well, Mr. Silber, are you comfortable with Mr. Parker's assertion at this  
2577 point?

2578

2579 Mr. Silber - Comfortable?

2580

2581 Mr. Archer - Maybe that is not a good word.

2582

2583 Mr. Silber - Mr. Archer, I recognize the situation that is before you. I think there are  
2584 situations where we have wetlands and common areas. We could make that work. It's not my

2585 preference. I think we need to give this more attention. I would prefer, in regards to Mr.  
2586 Theobald questions about being in the subdivision ordinance, I would prefer that we not put this  
2587 in the subdivision ordinance because I think it needs to be looked at on a case by case basis. I  
2588 think there are in some circumstances where you do want to put wetlands in common area and  
2589 have it joined with usable land. In this particular case, I don't see any additional usable land  
2590 attached to these common areas, it's simply the wetland areas.

2591

2592 Mr. McGarry - That was the thought that some of the staff members had during their discussion  
2593 here is that make these common areas larger and include usable land for active recreation  
2594 purposes.

2595

2596 Mr. Silber - If you will recall, Mr. Archer, you had asked that the staff do some study  
2597 into the use and utilization of common areas and one of our recommendations was that make  
2598 common areas usable. Just don't put the land that's unusable in the common area and then give  
2599 the false impression to the homeowners association that they have got some usable recreational  
2600 area, which in fact they don't.

2601

2602 Mrs. Ware - That's what I was thinking about when I made my comment.

2603

2604 Mr. Archer - Well, we do have opposition, do we not?

2605

2606 Mr. Silber - Yes, we do.

2607

2608 Mr. Archer - Well, maybe we can hear from the opposition and then we can sort of mull  
2609 this over. I'm not comfortable with this at all, right now, to be honest with you. With the short  
2610 amount of time we had to discuss this morning, I don't know which way to go with it. But,  
2611 anyway, let's hear from the opposition.

2612

2613 Mrs. Ware - Would you like to come up please and identify yourself and give us your  
2614 name and address, for the record.

2615

2616 Ms. Schermerhorn - Madam Chairman, members of the Commission, I'm Natalie  
2617 Schermerhorn. I live in Hanover County. Do you want the complete address?

2618

2619 Mrs. Ware - Yes, your street address.

2620

2621 Ms. Schermerhorn - 9014 Claysprings Drive, Ashland, VA 232005. I and some cousins are  
2622 adjacent landowners for several various parcel. We just found out about this meeting and indeed  
2623 we just found out about the proposed subdivision last night. At least three of us received no  
2624 notice of this or the previous meeting. I am unprepared because I have not reviewed the  
2625 information as I would have had I been aware before last night. I just talked with Mr. Parker of  
2626 Attack Properties and he has been of some help. But, my concern is that I and other relatives  
2627 have adequate access to roads and utilities from the area of the proposed subdivision and  
2628 especially in light of the A-1 zoning changes. That is my concern. We haven't had time to  
2629 review this. We didn't know about it. We were not notified and I know that there are several

2630 parcels involved and we want to make sure that we are not, more or less, landlocked. Thank  
2631 you.

2632

2633 Mrs. Ware - Are there any questions from the Commission

2634

2635 Mr. Marshall - Which piece on there do you own?

2636

2637 Ms. Schermerhorn - Where it says the County of Henrico and the point comes up the island  
2638 (referring to map). I own 40 acres there. I have other cousins that own other parcels.

2639

2640 Mr. Marshall - Where are they?

2641

2642 Ms. Schermerhorn - Do you see where the house is and the circle around the house?

2643

2644 Mr. Marshall - That one (making reference to map).

2645

2646 Ms. Schermerhorn - Yes, that and next to it right there (referring to map) my cousin and his  
2647 mother and then sort of south of the house area, right along there, I have another cousin that  
2648 owns that and then where the hand is now, I have other cousins that own in that area. I have not  
2649 talked with them but I have talked with two other cousins who were just as surprised as I was.

2650

2651 Mrs. Ware - Are there any more questions?

2652

2653 Mr. Archer - Is there any access at all to these lands now?

2654

2655 Ms. Schermerhorn - Yes. We have, well, I have a 12-foot access. The cousin that is south of  
2656 the house, has brought some, across the VEPCO easement that's right there.

2657

2658 Mr. McGarry - The easement coming off Winfrey Road?

2659

2660 Ms. Schermerhorn - That's right. We all have access to Winfrey Road and most of us have a  
2661 very narrow access to Winfrey Road.

2662

2663 Mr. Archer - Ma'am, as of a result of your conversation with Mr. Parker this morning,  
2664 did that allay any of your fears concerning this or do you think it helped any?

2665

2666 Ms. Schermerhorn - It appears that he is willing to put a stub road to my property. I know that  
2667 other cousins, one in particular, would have been here, could he have been, but he had to be at  
2668 work and I am concerned for them too because not all of them touch my land. It solves my  
2669 problem but it doesn't solve the others.

2670

2671 Mr. Archer - Okay. Thank you, ma'am. I think we have some more opposition, I  
2672 believe.

2673 Mrs. Ware - Good morning.

2674

2675 Mr. Schermerhorn - Good morning. My name is Porter Schermerhorn of Ashland, known by  
2676 the County as Truman P. Schermerhorn, Jr. I live at 11330 Winfrey Road, Glen Allen, VA  
2677 23059. I own this piece of property here (referring to map on the monitor). See where the little  
2678 hand is here. My mother owns this and I am her power of attorney, right there. Mine is really in  
2679 the form of a question. I feel like development is inevitable. One of my questions is how far is  
2680 Woodman Road going, you see how the old, well I'm calling it old now because it won't  
2681 necessarily be there, but is Woodman Road going to be coming here, if so I'd like to know if I  
2682 would have access from here onto it. And, if it is not coming there, in the proposal, I would be  
2683 interested in getting a stub road onto my property, here, and my mother, speaking for my mother,  
2684 she'd be interested in getting a stub road onto this property. And, I think my cousin that owns  
2685 this (referring to map) would like a stub road too, but I can't speak for him. But, like I said, I  
2686 represent my mother and I know she would like a stub road somewhere onto here and I would  
2687 like access somewhere here. And, like my cousin Natalie, who just spoke, I didn't know that  
2688 this was going to occur and I understand that when there is a.... One of my cousins is going to  
2689 sell a piece of land, here, if you are watching the mouse, and so I was notified about that but I  
2690 wasn't notified about this big subdivision. Maybe that's how the ordinances and laws work. So,  
2691 my question is about access.

2692

2693 Mr. Archer - Is there any other avenue of access that you can see than coming onto that  
2694 property?

2695

2696 Mr. Schermerhorn - Onto this property, here?

2697

2698 Mr. Archer - Onto the proposed development.

2699

2700 Mr. Schermerhorn - I don't understand your question, I'm sorry.

2701

2702 Mr. Archer - Would there be any other way that your property could be accessed  
2703 without having the stub road into this property, that's the subject of the case?

2704

2705 Mr. Schermerhorn - I don't think so. I mean, if you are talking about this triangular shaped  
2706 portion of land. If Woodman Road is actually built I will have it, where the right-of-way is. I  
2707 understand that it's going to be different, I not sure how different it is, according to this. This is  
2708 the old configuration, right? What we are looking at here, Woodman Road.

2709

2710 Mr. Archer - This has not been constructed, this is proposed.

2711

2712 Mr. Schermerhorn - Right. That's the old proposed configuration, right.

2713

2714 Mr. Archer - Yes. Isn't that right, Ted?

2715

2716 Mr. McGarry -Right.

2717

2718 Mr. Schermerhorn - Okay. So in the new proposal, is Woodman Road going to come next my  
2719 property and if not I would like a stub road, here? Do you see what I'm saying?

2720

2721 Mr. Marshall - I think Mr. Jennings will be able to answer your question on that?

2722

2723 Mr. Schermerhorn - And also I would like some sort of stub road, here (referring to map), or  
2724 something.

2725

2726 Mr. Jennings - The ultimate design for Woodman Road is not final, but the corridor in question  
2727 you are talking about to the west, I think most of that will stay in that alignment based on the  
2728 design and everything. The only piece that is no longer used, as Randy Silber alluded to was  
2729 labeled proposed Woodman Road, that's no longer on the MTP. Once the road is designed,  
2730 J.E.B. Stuart Parkway will follow that corridor, take that radius and then connect into existing  
2731 Woodman Road near Greenwood. But, that parcel would have a connection to the ultimate  
2732 Woodman Road, the triangular piece he is talking about.

2733

2734 Mr. Marshall - Thank you.

2735

2736 Mr. Schermerhorn - My real question is not the ultimate Woodman Road, which could take 15,  
2737 20, 30 years or maybe only a year or two. I want to know, with this proposal, will I have access  
2738 off from here, now, if this proposal goes through as proposed.

2739

2740 Mr. Archer - What access do you have at this moment?

2741

2742 Mr. Schermerhorn - Zero. But, I will be next to something that has lots of roads, if this goes  
2743 through, and I would like some access out.

2744

2745 Mr. Archer - All right. Is there any other opposition?

2746

2747 Mr. Schermerhorn - I just had a question. Before, opposition, I would like me question  
2748 answered to see if I have opposition or not.

2749

2750 Mr. Marshall - Well, the answer was, that Mr. Jennings said, is that he believes that ultimately  
2751 you will have access when that road is built through there. That road, I don't believe is going to  
2752 be constructed all the way to that point, but it is only constructed I believe up to where you turn  
2753 into the street going into the subdivision.

2754

2755 Mr. Schermerhorn - Right. Then I would like to have access with this proposal.

2756

2757 Mr. Marshall - I understand.

2758

2759 Mr. Schermerhorn - Thank you.

2760

2761 Mr. Archer - All right. Could the applicant come back up, please, Mr. Parker, Mr.  
2762 Theobald, whichever.

2763 Mr. Theobald - It depends on the question.

2764

2765 Mr. Archer - Mr. Theobald, obviously you have not had an opportunity to meet with the  
2766 folks who didn't necessarily speak in opposition but want to have some degree of access to their  
2767 property. I think the issue with the roadway has been dealt with pretty admirably this morning. I  
2768 thought that would be the most difficult part.

2769

2770 Mr. Theobald - I did too.

2771

2772 Mr. Archer - But, it turned out that it is not. I'm not absolutely certain how I feel about  
2773 the conservation area, but I do think we need to give the Schermerhorn's an opportunity to meet  
2774 with you and talk about these access issues that they have and maybe during that period of time  
2775 we can, and I know you don't want to defer this, but I think we need to. And, we have got a long  
2776 time between now and the zoning meeting. Maybe you want to defer it to that point and also to  
2777 give you a chance to get with the staff and have some meeting of the minds so that we can come  
2778 together a little bit on this conservation issue. But, I think the Schermerhorn's at least deserves  
2779 an audience to talk about what their issues are.

2780

2781 Mr. Theobald - With all due respect, Mr. Archer, I'm not in a position to agree to a  
2782 deferral. We have offered to do a stub road here. These properties currently enjoy some form of  
2783 access based on easements or other legal access and they will undoubtedly be developing or  
2784 selling their property at some point in the future. So, I don't know that we would be inclined to  
2785 be able to provide any additional access. I think we are providing access to a fair part of this  
2786 area through the roads we are doing.

2787

2788 Mr. Archer - Well, that's why I was asking the question if they had to have access onto  
2789 your property.

2790

2791 Mr. Theobald - I don't believe they have to because there is no easements there now and  
2792 they have access presumably now. They are getting there somehow in terms of access. If it has  
2793 been in the family a long time, then I presume that they have at least their easements by  
2794 implication or by necessity, if not, a granted easement. Respectfully, I would not be in a position  
2795 to commit to take a deferral.

2796

2797 Mr. Archer - Well, let's do this. I do think that there is much on here that needs to be  
2798 worked out. I'll take the deferral, but I'll defer it to the zoning meeting.

2799

2800 Mr. Theobald - Mr. Archer, again, I'm afraid that you, and I hesitate to do this, but I'm  
2801 afraid we are in a position.... I'm not sure that you have any deferral time left. I think you took  
2802 a deferral last time.

2803

2804 Mr. Archer - Did we defer this before?

2805

2806 Mr. Theobald - I think that you are out of time.

2807

2808 Mr. Silber - Mr. McGarry, can you check the file please and let us know. It depends  
2809 on how the calendar falls.

2810

2811 Mr. McGarry -Mr. Archer, you actually made the deferral, but Mr. Parker also agreed to work  
2812 with us, if we needed to, I was standing there.

2813

2814 Mr. Archer - Okay, so where are we?

2815

2816 Mr. Silber - Mr. McGarry, have you found the file to see when it was filed? I believe  
2817 the Commission has 90 days. If it was deferred by the applicant previously, then the clock is not  
2818 ticking.

2819

2820 Mr. Marshall -It wasn't, it was deferred by Mr. Archer.

2821

2822 Mrs. Ware - Yes, but if you have 90 days.

2823

2824 (At this time, the Planning Commissioners and the Secretary were discussing amongst  
2825 themselves the status of the deferral requests and Mr. Silber leaves during this time and Mr.  
2826 O'Kelly takes over as Secretary)

2827

2828 Mr. McGarry -The revised plan was submitted November 12, that's the one that is before you  
2829 today.

2830

2831 Mrs. Ware - November 12, so does he have time?

2832

2833 Mr. Marshall -Mr. Silber, it's November 12.

2834

2835 Mrs. Ware - Mr. O'Kelly is here.

2836

2837 Mr. O'Kelly - It was filed November 12?

2838

2839 Mrs. Ware - Yes.

2840

2841 Mr. Marshall -The revised plan.

2842

2843 Mr. O'Kelly - You can defer it to the January zoning meeting.

2844

2845 Mr. Vanarsdall - That's the 13<sup>th</sup>, Mr. Archer.

2846

2847 Mr. Marshall - You shouldn't have filed that revised plan, Mr. Theobald.

2848

2849 Mr. Theobald - No good deed, Mr. Marshall.

2850

2851 Mr. Archer - Well, there is work to be done on this so I will exercise my option to defer  
2852 it to the January 13 meeting.

2853 Mr. Vanarsdall - Second.

2854

2855 Mrs. Ware - The motion was made by Mr. Archer and seconded by Mr. Vanarsdall.  
2856 All in favor say aye...all opposed say nay. The motion passes.

2857

2858 Mr. Archer - Mr. Parker, if you would, please meet with the Schermerhorn's at  
2859 sometime between now and then and hopefully by the 13<sup>th</sup> we will have this early on the agenda  
2860 and we can just get rid of it, I hope.

2861

2862 Mr. Parker - (Unintelligible, he was speaking from his seat and was not at the  
2863 microphone)

2864

2865 Mr. Archer - Thank you so much.

2866

2867 The Planning Commission deferred subdivision Sweetbay Hill (November 2004 Plan) to its  
2868 January 13, Rezoning Meeting at 7:00 p.m.

2869

2870 Mr. Marshall - Good morning, Mr. O'Kelly.

2871

2872 Mr. Vanarsdall - Good morning, Mr. O'Kelly. I wondered what happened to Mr. Silber's  
2873 voice.

2874

2875 **LANDSCAPE PLAN (Deferred from the November 17, 2004, Meeting)**

2876

LP/POD-34-03 Parc Place @ Short Pump Town Center	<b>McKinney and Company for SBRD No. 4 LP:</b> Request for approval of a landscape plan as required by Chapter 24, Sections 24-106 and 106.2 of the Henrico County Code. The 8.87-acre site is located at 11736 West Broad Street on parcel 739-763-1874. The zoning is B-3C, Business District (Conditional) and WBSO (West Broad Street Overlay District). <b>(Three Chopt)</b>
--	---

2877

2878 Mrs. Ware - Is there anyone in the audience in opposition to landscape plan, LP/POD-  
2879 34-03, Parc Place @ Short Pump in the Three Chopt District? No opposition. Mr. Strauss.

2880

2881 Mr. Strauss - Thank you, Madam Chairman. Staff has resolved the issues with respect  
2882 to the original landscape plan that was submitted and can now recommend approval of the staff  
2883 plan as annotated. This will be the same plan that was in your packet of information and I'll be  
2884 happy to answer any questions.

2885

2886 Mrs. Ware - Are there any questions of Mr. Strauss from the Commission?

2887

2888 Mr. Marshall - No. Madam Chairman, I move that LP/POD-34-03, Parc Place @ Short Pump  
2889 Town Center, be approved with...

2890 Mr. Strauss - The standard conditions.

2891

2892 Mr. Marshall - ...the standard conditions, even though you didn't write that in there, and the  
2893 annotations on the plan.

2894

2895 Mr. Strauss - Thank you.

2896

2897 Mrs. Ware - Do we have a second.

2898

2899 Mr. Vanarsdall - Second.

2900

2901 Mrs. Ware - We have a motion by Mr. Marshall and a second by Mr. Vanarsdall. All  
2902 in favor say aye...all opposed say nay. The motion passes.

2903

2904 The Planning Commission approved the landscape plan for LP/POD-34-04, Parc Place @ Short  
2905 Pump Town Center, subject to the annotations on the plan and the standard conditions attached  
2906 to these minutes for landscape plans.

2907

#### 2908 **LANDSCAPE & LIGHTING PLAN**

2909

LP/POD-16-03

Pizza Hut @ Lowes Plaza

**Hurt & Proffitt for Colonial Foods Real Estate, II, LLC:**  
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 0.92 –acre site is located at 9426 W. Broad  
Street (U.S. Route 250) on parcel 755-757-9394. The zoning is  
B-2, Business District. **(Brookland)**

2910

2911 Mrs. Ware - Is there anyone in the audience in opposition to the landscape and lighting  
2912 plan, LP/POD-16-03, Pizza Hut @ Lowes Plaza, in the Brookland District? No opposition. Mr.  
2913 Kennedy.

2914

2915 Mr. Kennedy - Good morning, again. The plan before you has been revised just to address  
2916 foundation planning that was not provided on the original plan. So, they have provided  
2917 additional foundation planting. And, in addition, just for the record, the plan in itself includes  
2918 hardy-board plank siding on the dumpster enclosure with solid doors. So, with that we can  
2919 recommend approval.

2920

2921 Mr. Vanarsdall - I don't need to hear from the applicant, but is he here? I don't need to talk  
2922 to you. I just couldn't image how long it took to build that building.

2923

2924 Mr. Pemberton - We just started getting on this a few months ago with here. I'm with  
2925 Franchise Properties Building and we just took it from the slab and now we are getting down to  
2926 the landscaping trying to get this finished up.

2927

2928

2929 Mr. Vanarsdall - Well, I'll tell you, it was good advertising for you all because I've had 15  
2930 people asked when is it going to open. So, I hope all of those people come the day it is open.

2931

2932 Mrs. Ware - Could you please identify yourself.

2933

2934 Mr. Pemberton - My name is Ray Pemberton.

2935

2936 Mrs. Ware - And you are with?

2937

2938 Mr. Pemberton - Franchise Properties Services.

2939

2940 Mrs. Ware - Thank you.

2941

2942 Mr. Vanarsdall - Thank you. I don't have any more questions. I want thank Michael for  
2943 taking care of the dumpster enclosure and catching the foundation. I move LP/POD-16-03,  
2944 Pizza Hut at Lowes Plaza, with the annotations on the plans and the standard conditions for  
2945 developments of this type, and landscape and lighting plans and on the addendum it has that the  
2946 plan has been revised to indicate foundation landscaping as requested by staff.

2947

2948 Mr. Marshall - Second.

2949

2950 Mrs. Ware - We have a motion by Mr. Vanarsdall and a second by Mr. Marshall. All  
2951 in favor say aye...all opposed say nay. The motion passes.

2952

2953 The Planning Commission approved the landscape and lighting plan for LP/POD-16-03, Pizza  
2954 Hut @ Lowes Plaza, subject to the annotations on the plan and the standard conditions attached  
2955 to these minutes for landscape and lighting plans.

2956

## 2957 **LANDSCAPE PLAN**

2958

LP/POD-92-02  
Pemberton Crossing –  
Pemberton Road

**Foster & Miller, P.C. for Gail M. & Llewellyn Held, Jr. and  
The Pemberton Group, LLC:** 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 8.343-acre site is  
located on the east line of Pemberton Road (State Route 157),  
approximately 300 feet south of the intersection of Pemberton  
Road and Mayland Drive on parcel 753-756-8642. The zoning  
is R-5AC, General Residence District (Conditional). **(Three  
Chopt)**

2959

2960 Mrs. Ware - Is there anyone in the audience in opposition to the landscape plan,  
2961 LP/POD-92-02, Pemberton Crossing, in the Three Chopt District? No opposition. Mr. Strauss.

2962

2963 Mr. Strauss - Thank you, Madam Chairman. Staff can recommend approval of the  
2964 landscape plan as annotated. Last week we heard from an adjacent property owner, Mr. Francis,

2965 in this location right here (referring to map). He indicated a problem with the drainage. We  
2966 contacted Public Works and Public Works received the revised drainage plan last night and they  
2967 are recommending approval. So, with that I will answer any questions you may have.

2968

2969 Mrs. Ware - Are there any questions for Mr. Strauss from the Commission? No  
2970 questions. Mr. Marshall.

2971

2972 Mr. Marshall - Madam Chairman, I move that LP/POD-92-02, Pemberton Crossing, be approved  
2973 subject to the annotations on the plan and the standard conditions for landscape plan.

2974

2975 Mr. Vanarsdall - Second.

2976

2977 Mrs. Ware - We have a motion by Mr. Vanarsdall and a second by Mr. Marshall. All  
2978 in favor say aye...all opposed say nay. The motion passes.

2979

2980 The Planning Commission approved the landscape plan for LP/POD-92-02, Pemberton  
2981 Crossings, subject to the annotations on the plan and the standard conditions attached to these  
2982 minutes for landscape plans.

2983

2984 Mr. O'Kelly - Madam Chairman, the next item on the agenda is the approval of minutes  
2985 and I would suggest that we pass those by and let Mr. Petrini make his presentation to the  
2986 Planning Commission. He has to leave at noon.

2987

2988 Mr. Vanarsdall - Well, I don't think it would take no more than three minutes to do all three  
2989 of them, unless Mr. Archer has read them.

2990

2991 Mr. Archer - I did and they were profound. I didn't have any changes.

2992

2993 Mrs. Ware - Come on down Mr. Petrini.

2994

2995 (Mr. Silber returns and resumes with the meeting)

2996

2997 **DISCUSSION ITEM: Proposed Public Utilities in Subdivisions on One-Acre Lots in Varina**

2998

2999 Mr. Silber - Mr. Petrini, how are you. We appreciate you being so patient this  
3000 morning.

3001

3002 Mr. Petrini - It's good education for me.

3003

3004 Mr. Silber - As I believe the situation to be, the case here is we have Mr. Petrini, the  
3005 Director of Public Utilities, here this morning to inform the Planning Commission about some  
3006 information that came up at the Board, the joint work session with the Board of Supervisors and  
3007 the Planning Commission, when some questions came up about proposed utilities in subdivisions  
3008 on one-acre lots in the Varina District. So, Mr. Petrini has put together some information and we  
3009 thought it would be appropriate to share this briefly this morning with the Planning Commission,

3010 so we invited Mr. Petrini to point this information out to you.

3011

3012 Mr. Petrini - Thank you. Madam Chairman, members of the Commission, good  
3013 morning. This will be very short. What we did was take conditional A-1 subdivisions from  
3014 Planning. They sent us that map (referring to map on the monitor) which I think is the pinkish  
3015 areas on the plan, and what we did was overlay our master plan for Varina and what that means  
3016 is where our water and sewer facilities are planned to be in the future. This is not existing  
3017 sewage. Existing sewage is where you can see the more dense street layout and the colors come  
3018 together and it's hard to differentiate water and sewer, but it is in the upper left-hand corner of  
3019 the map.

3020

3021 The remainder of the map, except for White Oak Technology Park, is future water and sewer.  
3022 And the red lines indicate sewer, the little blocks are pump stations, the dashed lines are force  
3023 mains and the solid line is a gravity sewer main. And, if you see a purple line, that's a future  
3024 water line. I'm just simply illustrating that there is a future plan where those locations are  
3025 planned and these aren't engineering locations, these are just planned locations, which mean they  
3026 could move when they are actually built up to several hundred feet. And, I want to give you an  
3027 estimate of what it would cost if you were to sewer that area and if you sewer the area, as you  
3028 can see, the subdivisions are scattered throughout the east. So, to literally capture all of the  
3029 subdivisions, if that was an intent or question, the Planning level estimate of that future water  
3030 and sewer system is over \$200,000,000, \$216,000,000, for the Varina district for sewers that do  
3031 not exist currently.

3032

3033 Mr. Marshall - That's not bad. I thought it would be a lot higher than that.

3034

3035 Mr. Petrini - So, basically that's all I have. It's just a visual illustration of an overlay of  
3036 our water and sewer over the conditional A-1.

3037

3038 Mr. Marshall - Which is no time line of...

3039

3040 Mr. Petrini - We do not set time lines. This is used currently as a tool for developers.  
3041 When they are going to develop they come to us and they say they want to put in a water and  
3042 sewer system. We show them this because we are not going to agree to our standard water and  
3043 sewer agreement unless it fits our master plan. So, it's a tool.

3044

3045 Mr. Marshall - But, if the policy changes, then you will be able to do a timeline as far as the  
3046 County putting in the water and sewer?

3047

3048 Mr. Petrini - Yes, sir.

3049

3050 Mr. Vanarsdall - That's good to know.

3051

3052 Mr. Jernigan - Art, we have got this meeting coming up tonight so it's going to be crunch  
3053 time. And I think everybody knows what we are trying to do is, we need water and sewer. We  
3054 need water, we need sewer too, but we need water worse. I know Mr. Donati told me that he had

3055 asked staff, but I'm not sure who, to get a map together of the property that's left, the property  
3056 that has already been subdivided, the property that's owned by the County, so that we can see  
3057 what we are facing. But, we all know when somebody comes in and puts in an A-1 subdivision  
3058 and if it is 700 or 800 feet down the road, the guy that goes in next to him, he's not going to have  
3059 to put in water and sewer because first of all he's got to run an extra 800 feet or whatever, plus  
3060 he has problems of getting the right-of-ways. Once those lots are sold, people might not want to  
3061 give up their right-of-ways. What suggestions do you have for tonight?

3062

3063 Mr. Petrini - I really don't have any suggestions. I think you need to speak to the  
3064 County Manager to get any direction.

3065

3066 Mr. Vanarsdall - Are you running for office?

3067

3068 Mr. Marshall - That's that policy change we were talking about. I'm getting used to that, though.  
3069 I have had like three meetings with him like that.

3070

3071 Mr. Petrini - Respectfully, I'm here literally just to illustrate what it takes. I really am  
3072 not in a position to talk about changes.

3073

3074 Mr. Silber - We will be providing the Planning Commission tonight several  
3075 alternatives relative to the A-1 Ordinance Amendment. And as you are aware, that Ordinance  
3076 Amendment has some aspects to deal with water and sewer requirements. I don't want to  
3077 necessarily tip you off, but I think what will likely be recommended tonight to the Commission,  
3078 that all of this be folded into the Comprehensive Plan update and as a result of that we would  
3079 think we would have a better ideas as to how to deal with growth issues, how to deal with  
3080 minimum lot sizes in A-1, how to deal with extension of water and sewer line, etc. So, that's  
3081 more than likely is going to be our recommendation to you this evening.

3082

3083 Mr. Marshall - So, similar to what Mr. Petrini just did.

3084

3085 Mr. Silber - Art, we appreciate you being here this morning sharing this with us and I  
3086 think this does answer some of the questions that came up at the work session.

3087

3088 Mr. Archer - Incidentally, I think those green areas on this map represent where most of  
3089 the money is in Varina. You can see it pretty well spread out. The dark green area is where Ray  
3090 lives.

3091

3092 Mr. Jernigan - When we were handling that case on Nuckols Road earlier, I figured, you  
3093 know, I noticed that all of those roofs out there look like they are gold anodized, but I think they  
3094 are gold plated.

3095

3096 Mr. Silber - Okay. Can we move on to the next item on the agenda? Next is a work  
3097 session in which we have invited Mr. Marlles to come and present this to you. This involves  
3098 amendment to the Comprehensive Plan, specifically, the Land Development Guide portion of the  
3099 Comprehensive Plan, more specifically the expansion of a special strategy area for the Brook

3100 Road commercial corridor. As you are aware, we are in the process of updating the overall  
3101 Comprehensive Plan for the County as a whole, but this request did come forward and we are  
3102 looking at expanding a special strategy area for this Brook Road area. We will need to set a  
3103 public hearing at the end of this work session. I think staff will be recommending January 26,  
3104 2005, for a public hearing if that is what the Commission so desires. With that, Mr. Marlles.

3105

3106 **WORK SESSION: Comprehensive Plan Amendment for the Brook Road Commercial Area**

3107

3108 Mr. Marlles - Good morning, Madam Chairman, members of the Commission. Thank  
3109 you, Mr. Silber. As Mr. Silber indicated this is a work session so feel free to ask any questions  
3110 or offer any suggestions at any point during my presentation. I know that the hour is late so I  
3111 will try to speak as fast as I can and being from New Jersey, that should not be a problem.  
3112 Again, what we are here to do is basically present a proposed amendment to the Comprehensive  
3113 Plan that actually involves the establishment or expansion of a special strategy area on Brook  
3114 Road.

3115

3116 As I am sure the Commission will recall, several years ago the County and a consultant  
3117 undertook the preparation of an enhancement plan for Brook Road. That study which was  
3118 prepared with input from the community and also this Commission, was completed May of 2003.  
3119 The purpose of that study was to prepare or provide a comprehensive strategy to maintain and  
3120 improve the Brook Road residential and commercial area. Among the various recommendations  
3121 included in that study, was a recommendation that Brook Road be designated as a special  
3122 strategy area in the County's Comprehensive Plan. Similar recommendations have been made in  
3123 previous revitalization plans prepared by the County for Sandston and the Nine Mile Road  
3124 corridors.

3125

3126 The proposed amendment to the Comprehensive Plan actually involves three changes of which  
3127 I'll briefly go over. The first change would be to "Map A" which is a part of the Henrico 2010  
3128 Development Guide, I will go over that in a second. The second change involves the inclusion  
3129 of strategies and design guidelines, which would be added to page 38 of the Comprehensive  
3130 Plan. And, the third change would be, Brook Road would be added to the index of Special  
3131 Strategy Areas on Page 42 and 43 of the Comprehensive Plan.

3132

3133 The first change to the 2010 Land Use Development Guide, again, is on Page 33 of the  
3134 Comprehensive Plan. This is a rather fuzzy picture of "Map A" but essentially what this portion  
3135 of the amendment does is expand an existing redevelopment corridor to include both sides of  
3136 Brook Road from Parham Road down to Azalea, and that would actually be a map change.

3137

3138

3139 The second amendment involves the preparation of strategies and design guidelines for Brook  
3140 Road. Brook Road, between Azalea Avenue and Parham Road, can actually be broken down  
3141 into four segments that were identified in the strategy. The first area going from south to north is  
3142 the Azalea commercial area. The second segment we call the southern gateway. The third  
3143 segment is what we call the auto oriented commercial zone. And the north gateway, closest to  
3144 Parham Road that includes St. Joseph's Villa, we refer to as the northern gateway.

3145

3146 I'm just going to briefly review these areas. The first segment running from north, again, from  
3147 the northern boundary or southern boundary going north, is the Azalea commercial area, runs  
3148 from Azalea Avenue to I-95. I think all of you have driven this corridor and you would agree  
3149 that it has a very urban character to it, or urban feel. It's characterized by gas stations, fast food  
3150 restaurants and those types of businesses. The second segment, which we call, again, the  
3151 southern gateway, runs from approximately I-95 to Hillard Road. This area consists of basically  
3152 a very... landscape medians and a very pastoral settings with woods and open fields. The area  
3153 also contains several historic resources, Civil War trenches, and the historic Toll House is  
3154 located in this area. And this segment also includes the Atlantic Senior's Apartment  
3155 development, which was approved by the Commission and Board several months ago. The third  
3156 segment is the, again, what we call the auto oriented commercial zone. This area runs from  
3157 Hillard Road to north of Lakeside Avenue and the area really does reflect the early development  
3158 of Route 1, which is dominated by automobile oriented uses. And then finally the last segment is  
3159 the northern gateway, again, from Lakeside Avenue to Parham Road and probably the major  
3160 structure at least in development in this area is St. Joseph's Villa.

3161

3162 What I'm going to do next is just very quickly highlight the strategies for Brook Road. And,  
3163 again, the strategies and design guidelines which comprise of the second portion of the  
3164 amendment are intended to compliment the goals of the Brook Road Enhancement Study. They  
3165 address a number of issues, including organization, business recruitment, landscaping and  
3166 buffering along the corridor.

3167

3168 Again, I would like to briefly summarize those overall strategies for Brook Road. They include,  
3169 first of all, working with the business association and civic association to promote Brook Road  
3170 as a good place to live and work. Establishing a system of pedestrian paths and sidewalks as  
3171 redevelopment occurs. Encouraging the installation of gateways at both ends, essentially, of  
3172 Brook Road to basically to try to create a positive first impression for visitors and travelers that  
3173 are traveling along the corridor and also to help create a sense of community for the residents  
3174 that live in that area.

3175

3176 We also want to continue marketing the Enterprise Zone state and local incentives both to  
3177 existing and potential businesses in this area. Brook Road along with Lakeside Avenue, Staples  
3178 Mill Road, Hillard Road was included in the Expended Enterprise Zone that was approved by the  
3179 State this past spring. One of the things that I can tell you about the Enterprise Zone program is  
3180 we are seeing lots of businesses throughout the County within the designated Enterprise Zone  
3181 taking advantage of those local incentives. That's certainly one of the tools that we have to  
3182 market these older commercial corridor like Brook Road. We are also encouraging businesses to  
3183 improve the maintenance of their properties. This is especially important on Brook Road where  
3184 many of the commercial businesses date back to the 30's, 40's and 50's. Maintenance is a  
3185 problem as these structures and properties continue to age. And, then, of course, we are  
3186 encouraging new businesses to locate on the Brook Road corridor.

3187

3188 Mr. Silber - There is some very appropriate and attractive signage there too.

3189

3190 Mr. Marlles - There is and we are going to see some examples of those, including this  
3191 one (referring to picture on the monitor). The proposed Design Guidelines are intended to help  
3192 improve the appearance of Brook Road and to protect adjacent residential neighborhoods from  
3193 new commercial development. New developments, we believe, should have a uniform design  
3194 scheme with colors, similar colors, materials and architecture whenever possible. We also, as a  
3195 part of the Design Guidelines, want to encourage business participation in the Enterprise Zone  
3196 Façade Improvement program. In case you are not aware of this, one of the local incentives  
3197 available under the Enterprise Zone is free design assistance to businesses that locate or expand  
3198 with the Enterprise Zone. We have a pool of architects that we basically match up with local  
3199 businesses that do façade renderings and various designs for building which are new or  
3200 expanding within the zone. We also have a grant to encourage renovations of these older  
3201 facades within the Enterprise Zone. So, this could be a very powerful tool for getting changes.  
3202 Yes, sir.

3203

3204 Mr. Vanarsdall - Let me ask you a question. How would you go about changing it, like you  
3205 have, the uniform design? When you have these changes, like Autozone wants to use all that red  
3206 and somebody else wants to use yellow, how do you ever change it?

3207

3208 Mr. Marlles - Well, I think we face the same problem that the Planning Commission and  
3209 staff do with new construction. However, we do have a grant available and one of the conditions  
3210 of getting the grant is you have to use our design assistance and our design recommendations.  
3211 So, that grant is link to that design assistance.

3212

3213 Mr. Vanarsdall - That's good. The other question I want to ask you. You showed the  
3214 Brookside Seafood and that's closed now, isn't it?

3215

3216 Mr. Marlles - It is. In fact, that was the first new redevelopment along the sight which  
3217 was approved by the Commission. I think it's been about a year and a half ago now.

3218

3219 Mr. Vanarsdall - Did that close because the lack of customers or do you know why?

3220

3221 Mr. Archer - Where is that?

3222

3223 Mr. Marlles - Well, it was my understanding that it was not doing very well, and to  
3224 answer your question, Mr. Archer, it's where I-95 and....

3225

3226 Mr. Archer - I'm sorry, I don't mean where it was but where are we with it on the  
3227 development of that site?

3228

3229 Mr. Marlles - My understanding from talking with Mike Kennedy is that they are  
3230 still...they have cleared the site, obviously, they have demolished the existing structure and  
3231 cleared the site. They still intend on building there but every time I ask that, the date kind of  
3232 gets pushed back farther and farther.

3233

3234 Mr. Jernigan - Ernie, the guy that had that place won the lottery.

3235

3236 Mr. Vanarsdall - I know it but he stayed open along time after that.

3237

3238 Mr. Jernigan - Yes, that place was busy.

3239

3240 Mr. Vanarsdall - Well, actually, he didn't win it, his daughter, VPI, won it.

3241

3242 Mr. Jernigan - Right, but they were busy. We had our class reunions there, but I used to  
3243 eat up there once and a while. But, I think Wawa waved a lot of money at them.

3244

3245 Mr. Vanarsdall - We used to go over there after Planning Commission meetings and it was  
3246 always crowded.

3247

3248 Mr. Jernigan - Yes. They had a good business there, but they waved a lot of money in  
3249 front of them.

3250

3251 Mr. Vanarsdall - And what is the reason the hotel can't...it can't even keep it's name. It  
3252 may have changed while we are speaking.

3253

3254 Mr. Marlles - I don't know, Mr. Vanarsdall.

3255

3256 Mr. Vanarsdall - It started out as a good Holiday Inn, it's a fleabag now.

3257

3258 Mr. Marlles - Apparently, at one time, a lot of people I've run into used to stay at that  
3259 Holiday Inn and it had a very good image. It was close to Azalea Mall and of course that area  
3260 has seen better times.

3261

3262 Mr. Vanarsdall - And they lost the Mexican Restaurant that was so famous, CC's. And  
3263 they tore down the White Tower. I'm glad that you are working on it.

3264

3265 Mr. Marlles - Well, we are getting there. I only have a few of these design guidelines  
3266 left, but one of the important ones which came out of the Brook Road Enhancement Study, was  
3267 that the residents in this area really placed a high priority on getting sidewalks or pedestrian  
3268 paths constructed along Brook Road. And right now as you drive the corridor, you probably  
3269 know this, there are portions of the corridor that have sidewalks and there are portions that do  
3270 not. So, the way to get sidewalks on Brook Road is through the redevelopment process and  
3271 these are actually, the slide on the top right-hand side is actually the segment of new sidewalk  
3272 that's being constructed with the new retail buildings that are being built just north of the Brook  
3273 Road Shopping Center. At this point, it is probably a good time to thank the Planning Staff for  
3274 working with the staff from the new Department of Community Revitalization to see that these  
3275 types of improvements and enhancements are occurring as redevelopment occurs along the  
3276 Brook Road corridor. So, we are getting new sidewalks and new landscaping actually as  
3277 redevelopment occurs up and down the corridor.

3278

3279 The second Design Guideline that illustrated by this slide is, we do want to provide buffers as

3280 new development or redevelopment occurs along the corridor. This is actually an example of a  
3281 masonry wall (referring to masonry) that was constructed as a part of the Vet Clinic which the  
3282 POD was approved by this Commission, I think, last year or a year and a half ago. But, we  
3283 would like to see more concrete walls, this type of masonry wall constructed because we believe  
3284 they really do form the most effective type of buffer between the commercial development  
3285 facing Brook Road and the adjacent residential neighborhoods.

3286

3287 Mrs. Ware - Is this a masonry wall or is this one of the fencecrete?

3288

3289 Mr. Marlles - It's a brickcrete wall, yes.

3290

3291 Mrs. Ware - I like that.

3292

3293 Mr. Marlles - Yes, it is very effective.

3294

3295 Mr. Vanarsdall - Mike Kennedy calls it something and wasn't even in the dictionary. I  
3296 looked it up, create something.

3297

3298 Mrs. Ware - Fencecrete.

3299

3300 Mr. Marlles - Actually, as you drive up and down Brook Road, one of the things that's  
3301 really interested to look at is because of the age of development of a lot of the commercial  
3302 establishments along Brook Road and the various standards that were in place when those  
3303 developments were constructed, you really see a variety of different types of buffers, everything  
3304 from chain-link fences with plastic slats in them to fences to masonry walls. But, in looking at  
3305 those from an enforcement standpoint, and that is certainly what our new department is involved  
3306 with, the problem is chain-link fences and these wooden fences don't always hold up very well  
3307 over the long term. But, you really do get a sense of how the County standards have evolved  
3308 over time when you look behind these commercial buildings at the buffers that were required at  
3309 various times.

3310

3311 Signage is also an important element of any commercial streetscape. In the case of Brook Road,  
3312 many of the signs were erected years ago. What we are proposing is the establishment of design  
3313 guidelines to encourage, and these would be voluntary design guidelines, to encourage  
3314 replacement of outdated signage with more attractive signage. Along with that, we are looking  
3315 to develop, or recommending that a consistent landscaping and lighting scheme be developed,  
3316 for Brook Road and actually, due to the efforts of Mike and the Planning staff, we already are  
3317 seeing that design theme for landscaping evolving as new development occurs, has already  
3318 occurred along Brook Road. So, we want to continue that same landscaping theme up and down  
3319 the corridor as new development occurs.

3320

3321 Mr. Archer - I think that "Upper East Side" sign used to read "Gold City Show Girls."

3322

3323 Mr. Marlles - It was.

3324

3325 Mr. Vanarsdall - I was going to ask is that the place you used to visit.  
3326  
3327 Mr. Marlles - Yes, sir, Mr. Archer. I had to do some undercover enforcement work.  
3328  
3329 Mr. Archer - You saw him, in there, huh, Ernie?  
3330  
3331 Mr. Vanarsdall - Yes, I saw him in there.  
3332  
3333 Mr. Marlles - I think Mr. Tokarz had his name on that sign for a brief period. The last  
3334 several design guidelines, of course, because Brook Road is a State highway the County's ability  
3335 to require improvements to a State maintained road are very limited. But, what we want to do is  
3336 as VDOT does future highway projects we want to encourage them to provide medians and  
3337 landscaping with any future highway projects. We are having some success in getting some of  
3338 the older commercial establishments to screen their dumpsters. Of course, the current  
3339 requirements do provide for any dumpsters or HVAC equipment to be screened. It's more of a  
3340 challenge to work with the older establishments. And, then, finally we would like to try to as  
3341 much as possible to incorporate any historic or architectural elements into any new development  
3342 that occurs along Brook Road.  
3343  
3344 The last slide, and this is my last slide, we are also as a part of the Design Guidelines, are trying  
3345 to encourage common building setbacks along Brook Road. This is actually a slide showing the  
3346 vet clinic where you can see the new addition in the foreground, which maintains the existing  
3347 setback of other structures along the corridor. You will actually in this slide see another section  
3348 of new sidewalk and street trees that were required as a part of the POD approval. So, basically,  
3349 when you are dealing with these older commercial corridors, we are going to get new  
3350 improvements, is really through the rezoning and POD process, and it really comes down to staff  
3351 from the Planning Office and our new department and the Planning Commission and Board  
3352 members working to implement these various design guidelines and strategies. But, I think  
3353 Brook Road is an excellent example. When we use those strategies and design guidelines, you  
3354 can really see visible results and it is happening on Brook Road.  
3355  
3356 So, Madam Chairman, that is the end of my presentation. Mr. Silber indicated that we are  
3357 requesting that a public hearing be scheduled on January 22 and I'll be glad to take any  
3358 questions...  
3359  
3360 Mr. Marshall - It's the 26.  
3361  
3362 Mr. Marlles - ... or suggestions that the Commission has.  
3363 Mr. Silber - Mr. Marlles, I think that date would be the 26<sup>th</sup> and it would be at the POD  
3364 meeting during the day.  
3365  
3366 Mr. Archer - I was just going to ask. Isn't that new fence behind that building  
3367 (referring to picture on the monitor)?  
3368  
3369 Mr. Marlles - Yes, it is. That masonry wall that we saw in the earlier slide is actually

3370 behind Dr. Zuccaro's, that clinic.

3371

3372 Mr. Jernigan - That's the clinic, there?

3373

3374 Mr. Marlles - Yes, sir.

3375

3376 Mr. Archer - We had that case about six or seven months ago.

3377

3378 Mr. Marlles - Well, you know the special strategy areas are something that we don't talk  
3379 a lot about but I can tell you, on my end, they are very important because we used them and I  
3380 know the Planning Staff uses these strategies and design guidelines as leverage when working  
3381 with developers, but it signals to the development community, essentially, what our expectations  
3382 are for these designated areas in the Comprehensive Plan. So, I mean, I have actually learned  
3383 since transferring to my new position the importance of these types of tools in the  
3384 Comprehensive Plan. I can tell you, we use them almost every week. So, it is something that, as  
3385 we move ahead with updating the Comprehensive Plan, I'm certainly going to be a proponent of  
3386 really paying attention to these special strategy areas, particularly from a, well, I think they  
3387 would apply to a new construction as well as redevelopment and revitalization but they are very  
3388 important tools for our staff.

3389

3390 Mr. Vanarsdall - Well, you know, John, we get caught up in the new development and the  
3391 old...this is one of the best things they done from this department. But, something has to go  
3392 away. It's all going to fall in or fall down and look like hell all the time.

3393

3394 Mr. Marlles - I'm learning. It is a very different perspective than new construction and  
3395 we are learning as we go along, I think. But, again, I think these special strategy areas and  
3396 design guidelines can be really important tools for guiding redevelopment and revitalization of  
3397 these older corridors.

3398

3399 Mr. Vanarsdall - Well, maybe everybody knows this, but you just recently had a meeting  
3400 with Dave O'Kelly and an appraiser on the corner up there at Willow Lawn.

3401

3402 Mr. Marlles - Willow Lawn Drive and Broad Street, yes, sir.

3403

3404 Mr. Vanarsdall - And you sent an email to Mr. Glover and he was just overwhelmed about  
3405 how he appraised it and appraised the future for things like the drug store which was about  
3406 ruined but wouldn't help CVS in the mall and this is the type of thing that we need.

3407

3408 Mr. Marlles - Yes. It is a question of being maybe a little bit more sensitive about what  
3409 the impact of new development is on existing development with an accounting.

3410

3411 Mr. Vanarsdall - The whole email was...he sent it to him and he was tickled to death with  
3412 it.

3413

3414 Mrs. Ware - Big picture, the cause and effect.

3415

3416 Mr. Vanarsdall - We were talking earlier about the conference coming up next year. One of  
3417 the things that they recommended for the Planning Commission is a Redeveloped Place. It's  
3418 called a new something, down there in San Francisco and it's a lot of...two or three redeveloped  
3419 things in that magazine. Well, I'm glad we are doing it.

3420

3421 Mr. Marlles - Well, we appreciate, again, the Commission and Planning Staff support on  
3422 this.

3423

3424 Mr. O'Kelly - John, do we need to set a public hearing for January 26, 2005?

3425

3426 Mr. Marlles - Yes, sir.

3427

3428 Mr. Marshall - Second.

3429

3430 Mr. O'Kelly - And that would be at the end of the POD meeting.

3431

3432 Mr. Marlles - Okay. That would be fine, Mr. O'Kelly.

3433

3434 Mr. Jernigan - Did anybody make the motion?

3435

3436 Mrs. Ware - You go ahead.

3437

3438 Mr. Jernigan - I make a motion that we have a public hearing for Brook Road on January  
3439 26, 2005.

3440

3441 Mr. Marshall - Second.

3442

3443 Mrs. Ware- The motion was made by Mr. Jernigan and seconded by Mr. Marshall. All  
3444 in favor say aye...all opposed say nay. The motion passes.

3445

3446 Mr. Marlles - Thank you and have a nice holiday.

3447

3448 Mrs. Ware - Thank you very much, Mr. Marlles.

3449

3450 The Planning Commission approved to set a public hearing on the Comprehensive Plan  
3451 Amendment for the Brook Road Commercial Area to its January 26, 2005, meeting.

3452

3453 Mr. O'Kelly - Madam Chairman, we passed by the three sets of minutes and we may  
3454 want to return to those and take action on them.

3455

3456 Mrs. Ware - Okay.

3457

3458 **APPROVAL OF MINUTES: October 27, 2004 Day and Evening Minutes and November 17,**  
3459 **Minutes**

3460  
3461 Mrs. Ware - Are there any changes to the minutes?  
3462  
3463 Mr. Archer - I move that all three sets of those minutes be approved as written.  
3464  
3465 Mr. Marshall - Second.  
3466  
3467 Mrs. Ware - The motion was made by Mr. Archer and seconded by Mr. Marshall. All in  
3468 favor say aye...all opposed say nay. The motion passes to approve the three sets of minutes.  
3469  
3470 The Planning Commission approved the minutes for October 27, 2004 and the minutes for the  
3471 November 17 day and night meetings.  
3472  
3473 Mrs. Ware - Motion to adjourn.  
3474  
3475 Mr. O'Kelly - Madam Chairman, before we adjourn, I would like to remind the  
3476 Commission of the Public Hearing tonight at 7:00 p.m. I'm sure that we will have a rather large  
3477 crowd, again.  
3478  
3479 Mr. Marshall - And we've got this surprise coming from Mr. Silber.  
3480  
3481 Mr. O'Kelly - Well, staff will be recommending some options for the Commission to  
3482 consider and we will also be passing out the agenda and a copy of the Ordinance to you before the  
3483 public hearing.  
3484  
3485 Mr. Vanarsdall - When is the Public Hearing?  
3486  
3487 Mrs. Ware - Tonight.  
3488  
3489 Mr. O'Kelly - It's at 7:00 p.m. this afternoon.  
3490  
3491 Mr. Vanarsdall - Oh, the one tonight.  
3492  
3493 Mrs. Ware - And, I'll miss you all, but Mr. Vanarsdall is going to step in and lead you.  
3494 So, all right. Motion to adjourn.  
3495  
3496 Mr. Marshall - So move.  
3497  
3498 Mr. Archer - Second.  
3499  
3500 Mrs. Ware - The motion was made by Mr. Marshall and seconded by Mr. Archer. All in  
3501 favor say aye...all opposed say nay. Okay, we are adjourned. This was my last meeting to Chair.  
3502  
3503 On a motion by Mr. Marshall and seconded by Mr. Archer, the Planning Commission adjourned its  
3504 December 15, meeting at 12:15 p.m.

3505  
3506  
3507  
3508  
3509  
3510  
3511  
3512  
3513  
3514  
3515

---

Lisa D. Ware, Chairperson

---

Randall R. Silber, Secretary