

Minutes of the regular monthly meeting of the Planning Commission of the County of Henrico, Virginia, held in the Board Room of the County Administration Building in the Government Center at Parham and Hungary Springs Roads, Beginning at 9:00 a.m. Tuesday, December 15, 1998

Members Present: Mr. C. W. Archer, C.P.C., Chairman (Fairfield)
Ms. Elizabeth G. Dwyer, C.P.C., Vice Chairman (Tuckahoe)
Mr. David A. Zehler, C.P.C., (Varina)
Mr. Ernest B. Vanarsdall, C.P.C. (Brookland)
Mrs. Mary L. Wade (Three Chopt) (Arrived Late)
Mr. James B. Donati, Jr., Board of Supervisors Representative
(Varina)

Others Present: Mr. John R. Marlles, AICP, Director of Planning, Secretary
Mr. Randall R. Silber, Assistant Director of Planning
Mr. David D. O'Kelly, Jr., Principal Planner
Mr. Jim P. Strauss, CLA, County Planner
Mr. E. J. (Ted) McGarry, III, County Planner
Mr. Kevin D. Wilhite, County Planner
Mr. Mikel C. Whitney, County Planner
Ms. Leslie A. News, CLA, County Planner
Mr. Todd Eure, Assistant Traffic Engineer
Mr. Steve Bandura, Public Works
Mr. Gordon Rollins, Public Works
Ms. Diana B. Carver, Recording Secretary

Mr. Archer - The Planning Commission will come to order. Good morning, everyone. We have quite a few items on the Expedited Agenda today, so hopefully we won't be here too long. But, before we officially begin the meeting, I do have an announcement to make. After seven years of faithful duty, Mr. David Zehler has announce that today will be his final meeting with the Planning Commission. He will not elect to be reappointed next year. So, we will give him, at some point in time, to make a suitable explanation. Also, we are deferring none of your cases today, you are going to have to hear them out. But, I also have something that I need to present to you. This is from the Commission, and you can tell a man got it because it's not wrapped.

Mr. Zehler - Oh. I can use these, golf balls.

Mr. Archer - I would also like to tell you, Mr. Zehler, we do have something a little bit more elaborate planned for you but we didn't have a lot of notice so we will get it together for you and present it to you at a later time. Thank you so much for your years of service and we appreciate it.

December 15, 1998

Mr. Zehler - Thank you. Mr. Chairman, it was a difficult decision, but we must set our priorities in life and my priority, No. 1, is my family and No. 2 is my job. Of course, as all of the Commissioners know, with the case loads coming the way they are, they are not getting better, they are getting worse. My mother always taught me if you can't do it right don't do it at all, and my time right now is very limited so this is going to give me an opportunity to free up my time so I can devote more of my time to my job and my family. But, with that, I would like to take this opportunity to thank staff for the past seven years. Of course, most of them are new faces since I've been on the Commission. But, you've been a big help. John, thank you very much. Randy and the third floor they have all been supportive and they have helped me make this job a little bit easier in making our decisions today. With that, I would like to take this opportunity to say thank you to everybody and I will miss you.

Mr. Archer - Thank you, Mr. Zehler.

Mr. Vanarsdall - Mr. Chairman, I would like to say something to Mr. Zehler. Dave, it's been seven good years and it's been nice and you're right, it does get heavier and heavier all the time. But, one thing I don't understand is why you had to get out the middle of the biggest zoning case in Varina?

Mr. Zehler - I thought I'd leave you something to remember me by, Mr. Vanarsdall.

Mr. Archer - He says it's because he's smart. Is there anyone else who would care to comment?

Ms. Dwyer - I just wanted to say, Mr. Zehler, that I've enjoyed working with you for my first three years on the Commission. And, you are a terrific sport even when we don't agree on cases you always have a smile and a handshake afterwards and I appreciate that.

Mr. Zehler - Thank you.

Mr. Archer - Okay. With that, is there anyone here representing the press?

Mr. Zehler - They are never here when you need them.

Mr. Archer - Okay, with that, I'll turn the proceedings over to our Secretary, Mr. Marlles. Mr. Marlles.

Mr. Marlles - Thank you, Mr. Chairman. Our first item on the agenda is the request for deferrals and withdrawals, which will be presented by Mr. Wilhite.

Mr. Archer - Mr. Wilhite, good morning, sir.

Mr. Wilhite - Good morning, Mr. Chairman, Commission members, ladies and

gentlemen. The staff is aware of six requests for deferral.

Mr. Archer - Kevin, may I interrupt you for just one minute. I'm sorry, I neglected to make an announcement, and if I don't do it now I'll probably neglect it the rest of the day. The next scheduled training session on the use of the presentation technology in this meeting room, will be held on January 11, 1999, at 9:00 a.m. and again at 2:00 p.m. These sessions will last approximately one hour. Mr. Sandler, in the control room, asked me to make an announcement. I think there's a sign outside, but for those of you who needs to get familiar with the system please be aware of those dates for training. I'm sorry, Kevin, I won't interrupt you again.

Mr. Wilhite - That's all right, sir. We have six requests for deferrals on today's agenda. The first one is on page 2, a transfer of approval.

TRANSFER OF APPROVAL (Deferred from the October 27, 1998, Meeting)

POD-123-83
Nouveau Hair Design
(Formerly Regency
International Hair)
(POD-108-79 Revised)

Dung (Paul) T. Duong: Request for transfer of approval of a plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code from Bill and Janet Tsimbos to Paul Duong and Hong Yen Nguyen. The 0.410-acre site is located along the south line of Horsepen Road, approximately 300 feet east of Catawba Lane on parcel 102-12-30-1. The zoning is B-1C, Business District (Conditional). **(Three Chopt)**

Mr. Wilhite - The applicant is requesting deferral until January 26, 1999.

Mr. Archer - Is there anyone here in opposition to this deferral, POD-123-83, Nouveau Hair Design? No opposition. Do we have a motion?

Ms. Dwyer - Mr. Chairman, I move deferral of POD-123-83, Nouveau Hair Design, at the applicant's request, to our January 26, 1999, POD meeting.

Mr. Vanarsdall - Second.

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

At the request of the applicant, the Planning Commission deferred the transfer of approval request for POD-123-83, Nouveau Hair Design (Formerly Regency International Hair) (POD-108-79 Revised), to its January 26, 1999 meeting. Mrs. Wade was absent.

Mr. Vanarsdall - Excuse, Mr. Chairman, I would like to ask Mr. Marlles a question. Had that case not been deferred would we have been able to put that on the Expedited Agenda?

I know that you are looking into it and I didn't know if you all had come to any conclusion on it.

Mr. Marlles - I'll have to ask staff about that, Mr. Vanarsdall, I'm not sure.

Mr. Vanarsdall - I mean, we talked about this last time, is it possible to do that or have you all not found out?

Mr. Wilhite - I believe as long as everything is worked out we will be putting the transfer of POD approval on the Expedited Agenda.

Mr. Vanarsdall - That's good. Thank you.

Mr. Archer - Okay. Next.

LIGHTING PLAN (Deferred from the October 27, 1998, Meeting)

LP/POD-21-96
The Greens Virginia
Center Apartments

Castle Development Company: Request for approval of a lighting plan as required by Chapter 24, Section 24-106 of the Henrico County Code. The 13.4-acre site is located at the southwest corner of the intersection of Brook Road (U. S. Route 1) and Virginia Center Parkway on part of parcel 33-A-10 and 11. The zoning is R-6C, General Residence District (Conditional).
(Fairfield)

Mr. Wilhite - Also on page 2, the lighting plan, LP/POD-21-96, The Greens Virginia Center Apartments. The applicant is requesting deferral until January 26, 1999.

Mr. Archer - Is there anyone here in opposition to the deferral of LP/POD-21-96, The Greens Virginia Center Apartments? No opposition. Then, I move deferral of LP/POD-21-96 to the January 26, 1999, meeting, at the applicant's request.

Mr. Vanarsdall - Second.

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

At the request of the applicant, the Planning Commission deferred the lighting plan request for LP/POD-21-96, The Greens at Virginia Center Apartments, to its January 26, 1999 meeting. Mrs. Wade was absent.

PLAN OF DEVELOPMENT

December 15, 1998

POD-114-98
River Road Church
Baptist – Additions
And Renovations

Draper Aden Associates for River Road Church - Baptist: 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, 16,000 square foot education building addition and related improvements to an existing church site. The 6.8-acre site is located at the intersection of River Road and Ridge Road on parcels 113-9-K2, 126-A-2 and 126-5-C-2. The zoning is R-1, One-Family Residence District. County water and sewer. (Tuckahoe)

Mr. Wilhite - On page 4, POD-114-98, River Road Church, Baptist – Additions and Renovations, the applicant is requesting deferral until January 26, 1999.

Mr. Archer - Is there anyone here in opposition to the deferral of POD-114-98, River Road Church, Baptist – Additions and Renovations? No opposition. Ms. Dwyer.

Ms. Dwyer - Mr. Chairman, I move the deferral of POD-114-98, River Road Church, Baptist – Additions and Renovations, until our January 26, 1999, meeting and this is at the applicant's request.

Mr. Vanarsdall - Second.

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

At the request of the applicant, the Planning Commission deferred POD-114-98, River Road Church Baptist – Additions and Renovations, to its January 26, 1999 meeting. Mrs. Wade was absent.

PLAN OF DEVELOPMENT

POD-122-98
Steward School

Koontz-Bryant, P.C. for Dixon Independent School Corporation: Request for approval of a revised master plan and approval of a plan of development as required by Chapter 24, Section 24-106 of the Henrico County to construct a one-story, 43,769 square foot gym and classrooms, a two-story, 34,195 square foot theater with a scenery loft 85 feet in height and a two-story, 9,724 square foot library and offices. The 35.7-acre site is located at the northwest corner of Gayton Road and Ryandale Road on parcels 77-A-4, 77-A-20 and 77-A-21. The zoning is A-1,

Agricultural District. County water and sewer. (Tuckahoe)

Mr. Wilhite - On page 9, POD-122-98, Steward School, the applicant is requesting deferral until January 26, 1999.

Mr. Archer - Is there anyone here in opposition to the deferral of POD-122-98, Steward School? You are in opposition, sir?

Mr. Schwartz - Yes.

Mr. Archer - All right. You can state your opposition.

Mr. Schwartz - Mr. Chairman, ladies and gentlemen, I'm John Schwartz. I'm vice president of the Sexton Square Homeowners Association. We are the westernmost boundary contiguous to the Steward School project. Until we got notice on the 5th of December concerning this hearing we were totally unaware of the substantial nature of the plans for their improvements, particularly the road plan on Gayton Road. We certainly support the mission of Steward School, but we have been unaware and we have not been informed by the applicant at all about any of these plan, let alone on site, let alone off site, so we would like to state that for the record. We are not in objection to the deferral, generally, but we just want to go on record that we have not been informed and not been notified and would like that information in the future.

Ms. Dwyer - You have not been contacted at all?

Mr. Schwartz - Nobody has contacted us, officially. They have talked to a neighbor in there but no one has talked to the board.

Ms. Dwyer - I thought the person who was handling the construction had told me that they had contacted your association.

Mr. Schwartz - If it wasn't for the staff we would have known very little about it. The staff has been very helpful in telling me what's going on when I've asked a question, only in the last ten days.

Ms. Dwyer - Would you leave your phone number with staff....

Mr. Schwartz - We have.

Ms. Dwyer - Okay. I will forward that to the representative of the Steward School and also if I can be aware, there is another meeting scheduled with the neighbors in January. I

don't have that date but I believe it is the 11th.

Mr. Schwartz - We were told there was going to be a neighborhood meeting but none of us were invited.

Ms. Dwyer - Well, they have already had one and as then as a result of some of the comments made, they have done some revisions and they are going to have another meeting. But, Mr. Nerron is the contact person at the Steward School, and if you would like to speak to him before that meeting I think you can just call the school and ask for him.

Mr. Schwartz - We will do that. Thank you.

Ms. Dwyer - Thank you for coming.

Mr. Archer - Thank you for that observation, sir, we appreciate it. Okay, we need a motion.

Ms. Dwyer - Mr. Chairman, I move the deferral of POD-122-98, Steward School, to our January 26, 1999, meeting, at the applicant's request.

Mr. Vanarsdall - Second.

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

At the request of the applicant, the Planning Commission deferred POD-122-98, Steward School, to its January 26, 1999 meeting. Mrs. Wade was absent.

PLAN OF DEVELOPMENT (Deferred from the October 27, 1998 Meeting)

POD-81-98
L. Jeremy Crews
8790 Park Central
Drive Addition
(POD-22-94 Revised)

Mozingo & Associates for L. Jeremy Crews: 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, 2,153 square foot office and a one-story, 10,274 square foot warehouse expansion. The 2.40-acre site is located along the west line of Park Central Drive, approximately 1,200 feet north of Parham Road at 8790 Park Central Drive on parcel 53-A-80I. The zoning is O/SC, Office/Service District (Conditional). County water and sewer. (Fairfield)

Mr. Wilhite - On page 18, POD-81-98, L. Jeremy Crews, the applicant is requesting deferral until January 26, 1999.

December 15, 1998

Mr. Archer - Is there anyone here in opposition to the deferral POD-81-98, L. Jeremy Crews – 8790 Park Central Drive Addition? No opposition. Then I move deferment of POD-81-98 to the January 26, 1999, meeting at the applicant's request.

Mr. Vanarsdall - Second.

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

At the request of the applicant, the Planning Commission deferred POD-81-98, L. Jeremy Crews – 8790 Park Central Drive Addition (POD-22-94 Revised), to its January 26, 1999 meeting. Mrs. Wade was absent.

Mr. Wilhite - Finally, on page 34, Effinger Drive (June 1998 Plan). The applicant is requesting deferral until March 23, 1999.

SUBDIVISION (Deferred from the September 22, 1998, Meeting)

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

TIMMONS for Edward E. West, Jr. Et Als, Magnolia Development, LLC and Velpar Investment Inc.: The road extends westwardly from Mechanicsville Turnpike, approximately 1,000 feet to its terminus and is located approximately 700 feet south of the Showplace entrance on part of parcels 128-A-2, 3 and parcels 7, 8 and 9. The zoning is M-1, General Industrial District and B-3, Business District. (Fairfield) 0 Lot

Mr. Archer - Is there anyone here in opposition to the deferral of subdivision Effinger Drive (June 1998 Plan) to the March 23, 1999, Planning Commission meeting? No opposition. Then I move deferment of Effinger Drive to the March 23, 1999 meeting, at the applicant's request.

Mr. Vanarsdall - Second.

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

At the request of the applicant, the Planning Commission deferred Effinger Drive (June 1998 Plan) (A Dedication of Effinger Drive), to its March 23, 1999 meeting. Mrs. Wade was absent.

Mr. Wilhite - Staff is not aware of any other requests for deferrals at this time.

Mr. Archer - Thank you, Mr. Wilhite. All right, Mr. Secretary.

Mr. Marlles - Mr. Chairman, our next item is our expedited agenda. Mr. Wilhite will also review those requests.

EXPEDITED AGENDA CASES

Mr. Wilhite - The staff is aware of 13 requests for expedited approval. The first one appears on page 5.

Mr. Zehler - Mr. Chairman, if I may. An issue has come up on this case and I would like to pull this off of the expedited agenda because we need to hear from the applicant on this case.

Mr. Archer - Okay. Then that item will have to be removed from the expedited agenda. And I believe the way procedure works, we will place this at the end or will we keep it in the order it appeared on the agenda?

Mr. Zehler - Keep it in the order it appeared on the agenda.

Mr. Archer - Okay. Let's go to our next expedited case.

Mr. Wilhite - On page 6, lighting plan, LP/POD-86-97, Parham Park Place.

LIGHTING PLAN

LP/POD-86-97
Parham Park Place
Archon: Request for approval of a lighting plan as required by Chapter 24, Section 24-106 of the Henrico County Code. The 4.35-acre site is located on the north line of E. Parham Road, approximately 400 feet west of Hungary Spring Road on part of parcel 60-A-28A and part of 60-A-28. The zoning is R-6C, General Residence District (Conditional). **(Brookland)**

Mr. Wilhite - The staff recommends approval of this expedited plan.

Mr. Archer - Is there anyone here in opposition to LP/POD-86-97, Parham Park Place, lighting plan? No opposition.

Mr. Vanarsdall - Mr. Chairman, I move that we accept LP/POD-86-97, Parham Park Place, on the expedited agenda with the standard conditions and the annotations on the plan.

Mr. Zehler - Second.

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

The Planning Commission approved the lighting plan for LP/POD-86-97, Parham Park Place, subject to the annotations on the plan and the standard conditions for lighting plans. Mrs. Wade was Absent.

LANDSCAPE & LIGHTING PLAN

LP/POD-41-98
Springfield Broad West
Office Building

Rose Architects for Weinstein Management Company, 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 3.07-acre site is located along the west line of Stillman Parkway approximately 600 feet north of West Broad Street (U.S. Route 250) on part of parcel 48-A-72D. The zoning is B-2C, Business District (Conditional) and O-2, Office District. **(Three Chopt)**

Mr. Wilhite - The staff recommends approval of this expedited plan. The next case is also on page 6. This is in Mrs. Wade's district and since she is not here we can pass this by until she arrives.

Ms. Dwyer - I'm prepared to make a motion on that.

Mr. Wilhite - Okay. This is for landscape and lighting plan LP/POD-41-98, Springfield Broad West Office Building. Staff can recommend approval

Mr. Archer - Is there anyone here in opposition to LP/POD-41-98, Springfield Broad West Office Building landscape and lighting plan? No opposition.

Ms. Dwyer - Mr. Chairman, I move the approval of LP/POD-41-98, Springfield Broad West Office Building landscape and lighting plan, subject to the annotations on the plan and the standard conditions for landscape and lighting plans.

Mr. Vanarsdall - Second.

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

The Planning Commission approved the landscape and lighting plans for LP/POD-41-98,

Springfield Broad West Office Building, subject to the annotations on the plans and the standard conditions for landscape and lighting plans. Mrs. Wade was Absent.

LANDSCAPE PLAN

LP/POD-3-98
Highwoods Commons **CMSS Architects, P.C.:** Request for approval of a landscape plan as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code. The 4.6-acre site is located approximately 600 feet north of the terminus of Cox Road on part of parcel 28-A-20N. The zoning is M-1C, Light Industrial District (Conditional). **(Three Chopt)**

Mr. Wilhite - The next case is on page 8, LP/POD-3-98, Highwoods Commons. Staff can recommend approval subject to the annotations and the standard conditions.

Mr. Archer - Is there anyone here in opposition to LP/POD-3-98, Highwoods Commons landscape plan? No opposition. Ms. Dwyer.

Ms. Dwyer - Mr. Chairman, I move the approval of LP/POD-3-98, Highwoods Commons, subject to the annotations on the plan and the standard conditions for landscape plans.

Mr. Zehler - Second.

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

The Planning Commission approved the landscape plan for LP/POD-3-98, Highwoods Commons, subject to the annotations on the plans and the standard conditions for landscape plans. Mrs. Wade was Absent.

LANDSCAPE PLAN (Deferred from the November 17, 1998, Meeting)

LP/POD-90-96
Crown Central
Station **Purvis & Associates:** Request for approval of a landscape plan as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code. The .56 acre site is located at 6715 Staples Mill Road opposite Penick Road on parcel 82-A-52. The zoning is B-2C, Business District (Conditional). **(Brookland)**

Mr. Wilhite - The next case is on page 11, LP/POD-90-96, Crown Central Station. Staff can recommend approval subject to the annotations and the standard conditions.

Mr. Archer - Is there anyone here in opposition to LP/POD-90-96, Crown Central Station, landscape plan? No opposition. Mr. Vanarsdall.

Mr. Vanarsdall - Mr. Chairman, I move the approval of LP/POD-90-96, Crown Central Station, on the expedited agenda and the annotations on the plan and the standard conditions for landscape plans.

Ms. Dwyer - Second.

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

The Planning Commission approved the landscape plan for LP/POD-90-96, Crown Central Station, subject to the annotations on the plans and the standard conditions for landscape plans. Mrs. Wade was Absent.

LANDSCAPE & LIGHTING PLAN

LP/POD-33-97 (sic) Gerstenmaier Design Studio, P.C.: Request for approval of a landscape and lighting plan as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code. The 1.0-acre site is located on the northwest corner of Lakeside Avenue and Dumbarton Road on parcel 94-17-H-1, Bryan Park Heights. The zoning is B-2, Business District and B-2C, Business District (Conditional) (Brookland)

Mr. Wilhite - The next case is also on page 11, LP/POD-33-97 (sic) LP/POD-100-97, Rite Aid @ Lakeside and Dumbarton. Staff can recommend approval subject to the annotations and the standard conditions.

Mr. Archer - Is there anyone here in opposition to LP/POD-33-97 (sic), LP/POD-100-97, Rite Aid @ Lakeside and Dumbarton, landscape and lighting plan? No opposition. Mr. Vanarsdall.

Mr. Vanarsdall - Mr. Chairman, I move LP/POD-33-97 (sic) LP/POD-100-97, Rite Aid @ Lakeside and Dumbarton be approved with the annotations on the plan, on the expedited agenda recommended by the staff, and the standard conditions for landscape and lighting plans.

Mr. Zehler - Second.

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

The Planning Commission approved the landscape and lighting plan for LP/POD-33-97 (sic), LP/POD-100-97, Rite Aid @ Lakeside and Dumbarton, subject to the annotations on the plans and the standard conditions for landscape and lighting plans. Mrs. Wade was Absent.

PLAN OF DEVELOPMENT

POD-116-98
Mini Price Self
Storage – Nine Mile
Road
(POD-23-91 Expired)

Balzer & Associates for Hechler Chevrolet, Inc. and Michael D. Sifen: Request for approval of a plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code to construct three, one-story mini storage buildings totaling 54,575 square feet and a two-story, 3,000 square foot office/apartment. The 5.43-acre site is located at 3603 Nine Mile Road on the southeast corner of the intersection of I-64 and Nine Mile Road (State Route 33) on parcels 146-A-34 and 36. The zoning is M-1, Light Industrial District and B-1, Business District. County water and sewer (Varina)

Mr. Wilhite - The next case is also on page 12, POD-116-98, Mini Price Self Storage – Nine Mile Road (POD-23-91 Expired). Staff can recommend approval subject to the annotations and the standard conditions.

Ms. Dwyer - Can I stop the train for a minute? I have a question.

Mr. Wilhite - Sure.

Ms. Dwyer - On the Rite Aid @ Lakeside it states that the revised plan is attached to the addendum. I don't have the revised plan (someone gave her a copy). Thank you. Sorry, Mr. Wilhite, go ahead.

Mr. Archer - Okay. We will proceed.

Mr. Zehler - Mr. Chairman, I would like to add an annotation on the plan, and I have discussed this with the applicant and she was in agreement with it. Instead of painted CMU, it will be painted split-face block. That's the only change that I have, so with that I move that POD-116-98, Mini Price Self Storage on Nine Mile Road, be approved subject to the annotations on the plans and the standard conditions for developments of this type. (Mr. Zehler later in the minutes requested that this motion be amended to include the additional conditions Nos. 23 through 28 to his motion)

Mr. Vanarsdall - Second.

December 15, 1998

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

The Planning Commission approved POD-116-98, Mini Price Self Storage – Nine Mile Road (POD-23-91 Expired, subject to the standard conditions attached to these minutes, the annotations on the plan and the following additional conditions. Mrs. Wade was Absent.

23. The developer shall provide fire hydrants as required by the Department of Public Utilities in its approval of the utility plans and contracts.
24. Any necessary off-site drainage easements must be obtained in a form acceptable to the County Attorney prior to final approval of the construction plans by the Department of Public Works.
25. 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.
26. Insurance Services Office (ISO) calculations must be included with the utilities plans and contracts and must be approved by the Department of Public Utilities prior to the issuance of a building permit.
27. Approval of the construction plans by the Department of Public Works does not establish the curb and gutter elevations along the Virginia Department of Transportation maintained right-of-way. The elevations will be set by the contractor and approved by the Virginia Department of Transportation.
28. The limits and elevations of the 100-year frequency flood shall be conspicuously noted on the plat and construction plans and labeled “Limits of 100 Year Floodplain.” Dedicate floodplain as a “Variable Width Drainage & Utility Easement.”

SUBDIVISION PLAN

Plantation Bluffs Section A (December 1998 Plan)	Engineering Design Associates for David M. Madren: The 14.3-acre site is located on New Market Road (State Route 5), 0.5 mile south of State Route 156 on parcel 280-A-10A. The zoning is A-1, Agricultural District. Individual Well and Septic Tank/Drainfield. (Varina) 2 Lots
--------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Mr. Wilhite - The next case is on page 15, subdivision Plantation Bluffs, Section A (December 1998 Plan). Staff can recommend approval subject to the annotations and the standard conditions.

Mr. Archer - Is there anyone here in opposition to subdivision Plantation Bluffs, Section A? No opposition. Mr. Zehler.

Mr. Zehler - Mr. Chairman, I move that the subdivision plan Plantation Bluffs be

approved subject to the annotations on the plan and the standard conditions for subdivisions not served by public utilities.

Mr. Vanarsdall - Second.

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

The Planning Commission granted conditional approval to Plantation Bluffs, Section A (December 1998 Plan), subject to the annotations on the plans and the standard conditions for subdivisions not served by public utilities attached to these minutes. Mrs. Wade was Absent.

PLAN OF DEVELOPMENT

POD-117-98
Courtland at Wyndham
Townhouses, Sections 1
& 2

Youngblood, Tyler & Associate, PC for C. Richard Dobson Builders, Inc. and H. H. Hunt Corporation: Request for approval of a plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code to construct 75, two-story townhouses for sale. The 13.57-acre site is located on the northwest corner of Nuckols Road and Wyndham Park Drive on part of parcels 9-A-19C and 9-A-20. The zoning is RTHC, Residential Townhouse District (Conditional). County water and sewer. **(Three Chopt)**

Mr. Wilhite - The next case is on page 19, POD-117-98, Courtland at Wyndham Townhouses, Sections 1 and 2. Staff can recommend approval.

Mr. Archer - Is there anyone here in opposition to the approval of POD-117-98, Courtland at Wyndham Townhouses? No opposition. Are you going to handle this, Ms. Dwyer?

Ms. Dwyer - Yes, Mr. Chairman. I move approval of POD-117-98, Courtland at Wyndham Townhouse, Sections 1 and 2, subject to the annotations on the plan and the standard conditions for developments of this type and the additional conditions Nos. 23 through 35.

Mr. Vanarsdall - Second.

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

The Planning Commission approved POD-117-98, Courtland at Wyndham Townhouses,

Sections 1 and 2, subject to the annotations on the plans, the standard conditions attached to these minutes and the following additional conditions. Mrs. Wade was Absent.

23. The unit house numbers shall be visible from the parking areas and drives.
24. The names of streets, drives, courts and parking areas shall be approved by the Richmond Regional Planning District Commission and such names shall be included on the construction plans prior to their approval. The standard street name signs shall be ordered from the County and installed prior to any occupancy permit approval.
25. The subdivision plat to Courtland at Wyndham shall be recorded before any building permits are issued.
26. The right-of-way for widening of Nuckols Road as shown on approved plans shall be dedicated to the County prior to any occupancy permits being issued. The right-of-way dedication plat and any other required information shall be submitted to the County Real Property Agent at least 60 days prior to requesting occupancy permits.
27. The easements for drainage and utilities as shown on approved plans shall be granted to the County in a form acceptable to the County Attorney prior to any occupancy permits being issued.
28. The developer shall provide fire hydrants as required by the Department of Public Utilities in its approval of the utility plans and contracts.
29. A standard concrete sidewalk shall be provided along the west side of Wyndham Park Drive and the north side of Nuckols Road.
30. A 25-foot planting strip to preclude ingress or egress along the west side of Wyndham Park Drive and a 30-foot planting strip to preclude ingress or egress along the north side of Nuckols Road shall be shown on the approved plans. The details shall be included with the required landscape plans for review and approval.
31. Any necessary off-site drainage easements must be obtained in a form acceptable to the County Attorney prior to final approval of the construction plans by the Department of Public Works.
32. 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.
33. Insurance Services Office (ISO) calculations must be included with the utilities plans and contracts and must be approved by the Department of Public Utilities prior to the issuance of a building permit.
34. Approval of the construction plans by the Department of Public Works does not establish the curb and gutter elevations along the Henrico County maintained right-of-way. The elevations will be set by Henrico County.
35. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the Planning Office and approved prior to issuance of a certificate of occupancy for this development.

SUBDIVISION PLAN

December 15, 1998

Telegraph Run,
Section B
(December 1998 Plan)

Wingate and Kestner for Commerce Company, L.C. & Addon L.C.: The 5.50-acre site is located between Telegraph Road and I-95, south of the proposed Telegraph Run, Section A, on part of parcels 43-A-27 and 43-A-43. The zoning is R-3AC, One-Family Residence District (Conditional). County water and sewer. **(Fairfield) 18 Lots**

Mr. Wilhite - The next case is on page 30, Telegraph Run, Section B (December 1998 Plan). Staff can recommend approval.

Mr. Archer - Is there anyone here in opposition to the approval of Telegraph Run, Section B (December 1998 Plan)? No opposition. Then I recommend approval of Telegraph Run, Section B, subject to the annotations on the plan, the standard conditions for subdivisions served by public utilities and the additional conditions Nos. 12 and 13.

Mr. Vanarsdall - Second.

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

The Planning Commission granted conditional approval to Telegraph Run, Section B, (December 1998 Plan), subject to the annotations on the plans, the standard conditions for subdivisions served by public utilities attached to these minutes and the following additional conditions. Mrs. Wade was Absent.

12. The detailed plant list and specifications for the landscaping to be provided within the 25-foot-wide planting strip easement along I-95 shall be submitted to the Planning Office for review and approval prior to recordation of the plat.
13. Prior to requesting the final approval, a draft of the covenants and deed restrictions for the maintenance of the common area by a homeowners association shall be submitted to the Planning Office for review. Such covenants and restrictions shall be in form and substance satisfactory to the County Attorney and shall be recorded prior to recordation of the subdivision plat.

SUBDIVISION

Hermitage Hamlet
(December 1998
Plan)

Michael E. Docze & Associates, P.L.L.C. for Frank A. Bliley & Georgie S. Bliley: The 2.7- acre site is located at 8004 Hermitage Road, 110 feet north of the intersection of Hermitage Road and Gibraltar Drive on parcel 71-A-103. The zoning is R-3, One-Family Residence District. County water and sewer. **(Brookland) 4 Lots**

December 15, 1998

Mr. Wilhite - The next case is on page 32, Hermitage Hamlet (December 1998 Plan). Staff can recommend approval.

Mr. Archer - Is there anyone here in opposition to the approval of subdivision Hermitage Hamlet (December 1998 Plan)? No opposition.

Mr. Vanarsdall - Mr. Chairman, I move Hermitage Hamlet (December 1998 Plan) be approved with the annotations on the plan, the standard conditions and added conditions Nos. 12 through 14.

Mr. Zehler - Second.

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

The Planning Commission granted conditional approval to Hermitage Hamlet (December 1998 Plan), subject to the annotations on the plans, the standard conditions for subdivisions served by public utilities attached to these minutes and the following additional conditions. Mrs. Wade was Absent.

12. The limits and elevation of the 100-year frequency flood shall be conspicuously noted on the plat and construction plans and labeled "Limits of 100 Year Floodplain." Dedicate floodplain as a "Variable Width Drainage & Utility Easement."
13. Any necessary off-site drainage easements must be obtained prior to final approval of the construction plans by the Department of Public Works.
14. Prior to requesting the final approval, a draft of the covenants and deed restrictions for the maintenance of the common area by a homeowners association shall be submitted to the Planning Office for review. Such covenants and restrictions shall be in form and substance satisfactory to the County Attorney and shall be recorded prior to recordation of the subdivision plat.

PLAN OF DEVELOPMENT

POD-126-98 9915 Greenwood Road	Mayton & Associates, Inc. for William C. Betts: 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 1,540 square foot auto repair building on a site containing an existing two-story, 1,680 square foot furniture sales and office building. The 0.50-acre site is located 150 feet north of intersection of Mountain Road and Greenwood Road on parcel 42-8-B-1. The zoning is B-3, Business District. County water and sewer. (Fairfield)
--------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Mr. Wilhite - The next case is on page 33, POD-126-98, 9915 Greenwood Road. Staff can recommend approval, subject to the annotations and the standard conditions.

Mr. Archer - Is there anyone here in opposition to POD-126-08, 9915 Greenwood Road? We have opposition.

Mr. Gott - I don't have opposition exactly, because it has already been zoned and everything.

Mr. Archer - Could you come up to the microphone, sir, and state your name.

Mr. Gott - I would like to know a little something about what you all are planning as far as protecting the residents around it from noise, lights and so forth. Is there anything in the plan to put up a berm or any description? They have one next door there at the old bingo parlor.

Mr. Archer - Sir, we will have to remove this item from the expedited agenda and we will hear it in the order in which it appears on the agenda today.

Mr. Gott - Okay. Thank you.

Mr. Archer - And we hope we will get the answer to your question then. Thank you.

This case was removed from the expedited agenda and placed back on the agenda in its original order. Mrs. Wade was absent.

Mr. Archer - All right. Our next case.

SUBDIVISION

Fisher Farms,
(November 1998 Plan) **Engineering Design Associates for William M. Fisher:** The 12.124-acre site is located on the southeast corner of White Oak Road and Windsor Road on part of parcel 199-A-24A. The zoning is A-1, Agricultural District. Individual Well and Septic Tank/Drainfield. (Varina) 5 Lots

Mr. Wilhite - Our last item is on page 34, Fisher Farms (November 1998 Plan). Staff recommends approval of this subdivision.

Mr. Archer - Is there anyone in the audience in opposition to this subdivision, Fisher Farms (November 1998 Plan)? No opposition.

Mr. Zehler - Mr. Chairman, I move Fisher Farms (November 1998 Plan) be approved subject to the annotations on the plan and the standard conditions for subdivisions not served by public utilities.

Mr. Vanarsdall - Second.

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

The Planning Commission granted conditional approval to Fisher Farms (November 1998 Plan), subject to the annotations on the plans and the standard conditions for subdivisions not served by public utilities, attached to these minutes. Mrs. Wade was Absent.

Mr. Zehler - Mr. Chairman, if I may. I don't recall, on page 12, on my motion, on POD-116-98, Mini Price Self Storage, including the additional conditions Nos. 23 through 28. I would like to state that for the records that that is to be included in my motion.

Mr. Archer - Okay. Then we will amend the motion to include that. Thank you, Mr. Zehler.

Mr. Vanarsdall - And I'll second, if you need a second.

Ms. Dwyer - Do we vote?

Mr. Archer - Yes, I think we should do the motion again and vote, Mr. Zehler.

Mr. Zehler - All I'd like to do is add to my motion on POD-116-98, Mini Price Self Storage, add the additional conditions Nos. 23 through 28.

Mr. Vanarsdall - Second.

Mr. Archer - The motion was made by Mr. Zehler and seconded by Mr. Vanarsdall. All in favor say aye.... all opposed say nay. A new motion is granted.

2nd Motion - The Planning Commission approved POD-116-98, Mini Price Self Storage – Nine Mile Road (POD-23-91 Expired), subject to the standard conditions attached to these minutes, the annotations on the plan and the following additional conditions (see the end of this case that was heard earlier for the additional conditions). Mrs. Wade was absent.

THIS IS THE END OF THE EXPEDITED AGENDA CASES

Mr. Archer - Okay, Mr. Secretary, I guess we are back to the regular portion of the agenda.

December 15, 1998

Mr. Marlles - Mr. Chairman, our next item is the subdivision extensions of conditional approval. Mr. Wilhite will review those.

SUBDIVISION EXTENSIONS OF CONDITIONAL APPROVAL

Subdivision	Magisterial District	Original of Lots	Remaining Lots	Previous Extensions
Cedar Park, Section 2 (November 1997 Plan)	Fairfield	7	7	0
Chickahominy Hills Conventional Plan (December 1994 Plan)	Varina	191	191	3
Fairfield Woods (December 1993 Plan) (Formerly Dabbs Corner)	Varina	140	37 64	4
Laura Woods (December 1992 Plan)	Three Chopt	5	5	5
Olde Colony Estates (June 1989 Plan)	Varina	343	203	9
Schrader Woods	Fairfield	38	38	8
Stoney Creek (December 1996 Plan)	Varina	45	16	2

Staff Recommends Extension for 12 months until December 14, 1999

Mr. Wilhite - There are two changes to the agenda. First on Fairfield Woods, the number of remaining lots should appear as 64 and not 37. And, Schrader Woods, the applicant requests to let this conditional approval expire, so that would be stricken from the agenda. With those two changes, staff can recommend approval of the subdivision extensions.

Mr. Vanarsdall - Mr. Chairman, I move we approve the subdivision extensions of conditional approval with the changes stated by Mr. Wilhite.

Ms. Dwyer - Second.

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

The Planning Commission voted to approve the subdivision extension of conditional approval for 12 months, December 14, 1999, for the above listed subdivisions, excluding Schrader

Woods. Mrs. Wade was absent.

LANDSCAPE PLAN (Deferred from the November 17, 1998, Meeting)

LP/POD-65-97
Willow Glen, Sec. G
(Formerly Gayton Forest Condominiums)

The Plan & Design Collaboration for Eagle Construction of Virginia: 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 12.79-acre site is located along the east line of Longwood Circle and Cedar Chase (private), approximately 150 feet south of Falconbridge Drive and adjacent to Ivystone Village and Foxfire Condominiums on parcel 78-A-23C. The zoning is RTH, Residential Townhouse District. **(Tuckahoe)**

Mr. Archer - Is there anyone in the audience in opposition LP/POD-65-97, Willow Glen, Section G?

Mr. Stokes - I'm not here to oppose it but I do have a comment, if that's allowed.

Mr. Archer - Okay. Well, come on up. I'm sorry could you hold it until we hear the staff's presentation and then we will call you up.

Mr. Stokes - Okay, certainly.

Mr. Strauss - Thank you, Mr. Chairman. This case was deferred at the applicant's request last month in order to give the applicant more time to meet with the adjoining property owners to discuss the proposed landscaping concept with the neighborhood. The area of interest with this property is along Foxfire and Ivystone neighborhoods. The area experienced some significant clearing. The applicant met with the neighborhood on December 5 and prepared a revised landscape plan to address the staff's concern. Based on the results of that meeting, the applicant has submitted a revised landscape plan which we just distributed this morning. The landscaping consists of a variety of trees including poplars, hemlocks, deodara, cedar and dogwoods, supplemented with white pine seedlings. This revised plan resolves staff's concerns regarding the neighbors need for additional screening, and staff can now recommend approval of the plan as annotated. I'll be happy to answer any additional questions you may have.

Ms. Dwyer - Mr. Strauss, I know that you and I spent the better part of a Saturday walking this site and looking at the flagged areas where these trees will be located. As I look at the revised plan, dated today, I notice that the white pines have been added. Have there been any other changes that you are aware of, specifically, have they removed any of the original trees that were agreed to or have they just added the white pines?

December 15, 1998

Mr. Strauss - They have added some additional trees along the property line and those trees were flagged on site for the neighbors viewing. They have also adjusted locations of weeping willows that were in or around the BMPs so to my knowledge they have not deleted anything. You can verify that with the applicant if you like.

Ms. Dwyer - I did notice a weeping willow that was not where it was before, but I think, as we discussed that it was too close to some of the BMPs facilities.

Mr. Strauss - The outfall structures, right.

Ms. Dwyer - I'll ask the applicant that, thank you very much.

Mr. Archer - Would the applicant come forward, please.

Mr. Plaxco - My name is Clarke Plaxco, the Planning and Design Collaborative and I'm representing the developer in this instance. I'll be glad to answer any questions you might have or give a presentation, if you want to hear that.

Ms. Dwyer - Let me ask you the question I asked Mr. Strauss and that is, have we removed any plant material from the earlier plan?

Mr. Plaxco - No.

Ms. Dwyer - We have simply added....

Mr. Plaxco - We've adjusted the locations and added additional plant materials.

Ms. Dwyer - Because I notice there was a missing weeping willow and I just wanted to make sure that it was still there somewhere. So, okay, we have added those pine seedling and... The only changes we've made are added some pine seedling and adjusted the location of existing plant materials.

Mr. Plaxco - Yes, and I see the missing weeping willow and that's inadvertent, that's supposed to not be there. It's around the BMP. There were three around the, where the two pipes come in. There was one on the development side as opposed to the neighbor's side. It was inadvertently left off on the revised plan.

Ms. Dwyer - Okay.

Mr. Plaxco - We had to move them away from the mouth of the pipes and when they were erased we just failed to put that one back in.

Ms. Dwyer - So, we can annotate this plan to add that weeping willow in. So, there

are three around the area. I'm looking at the page to the left of the BMP.

Mr. Plaxco - Yes.

Ms. Dwyer - And it's fairly close to the Foxfire property line, over looking that.

Mr. Plaxco - Well, actually, the one that was left off, there were three around there (referring to map). So, it's the one that's (unintelligible).

Ms. Dwyer - Okay. What other changes are there?

Mr. Plaxco - That's all.

Ms. Dwyer - And what size are these seedlings going to be?

Mr. Plaxco - What we talked about with the neighborhood was using the Forest Service seedlings. I'm not sure what size they come in but I suspect that they are a foot or so tall.

Ms. Dwyer - And if they don't survive, of course, they will be replaced.

Mr. Plaxco - Yes, as part of the landscape contract.

Ms. Dwyer - All right. Thank you.

Mr. Archer - Are there any more questions by the Commission? Ms. Dwyer, I believe there was someone that wanted to speak to this. Now, is the time, sir.

Mr. Stokes - I got a late call last night from the president of my association, Gayton Forest. So, if I sound unprepared, I'm unprepared.

Mr. Archer - We need your name, sir.

Mr. Stokes - It's Barrett Stokes. I'm a resident of Gayton Forest Subdivision. I live on Falconbridge. We've got some concerns across the board with the whole project. The reason I'm here is that whatever the Commission approves today, please stay on top of it and make sure it gets done. Things are happening on that site that the County seems to be ignoring. There was some unauthorized use of County water, that we understand had no meter on it, that these people were taking. There were no trucks on site to keep the dust down, until our association complained about it. It seems to keep falling on deaf ears. There was a porto john dumped over raw sewage spilled on the site and a few inches of dirt to cover it up. It is our understanding that under the law that's to be reported. Though, you may approve something here, it may not get done. They may shortchange the community on this because

they are shortchanging us across the board. And every time we call it falls on deaths ear. There are open fires. They are burning trash out there today. I called fire prevention on it this morning. Well maybe they've got a burning permit. So, I called the Fire Marshall's office and there's no burning permit on it. Well, we will try to get somebody out there. So, the County doesn't seem to.... And I'm not trying to inflict any pain on the County, but we the people hired you to protect us, if you will. We want to make sure that these plans go through the way they have been set forth to you and put forward to you. We are concerned about it because the track history with this group is not good. They are not notifying residents that the trees were being cut, that this was going to be stripped down. It starts there and just continues to go forward. Our association is very concerned about it. When we called about this, we were told that it was a done deal, and only to find out several weeks later find out that we could have made one or two calls and gotten a little more input on this and stopped the project for a little while and taken a closer look at it. But, we thought it was a done deal by the County. It bothers us that we are not getting all of the information that we should be getting. Yes, sir.

Mr. Vanarsdall - I have a question for you, maybe it would help. Have you talked to the Planning Commissioner of the Tuckahoe District and have you called Pat O'Bannon the supervisor.

Mr. Stokes - Pat O'Bannon is the one that told us it was a done deal. So, we've got a bone to pick there.

Mr. Vanarsdall - You did all you could?

Mr. Stokes - Yes.

Ms. Dwyer - I've never actually heard Mrs. O'Bannon use that term "done deal." It depends, of course, when you called. If you called her after the plan of development was approved then certainly the plan was approved and it could not be undone at that point. Did you receive notice of the plan of development hearing when this was originally approved?

Mr. Stokes - It was stated in the paper weeks after she told us it was a "done deal" that had one person called it would have stopped it and they would have looked at it closer. The Corps of Engineers said that and someone in, like I said earlier, I don't have all my notes with me, that someone with Henrico also was quoted in the newspapers as having said that.

Ms. Dwyer - I believe that was the controversy after the clearing had begun. And, yes, the plan of development had been approved at that point.

Mr. Stokes - But, prior to the clearing we had called.

Ms. Dwyer - Right. But, you mentioned you called before the plan of development

hearing.

Mr. Stokes - We made our calls, and we made them timely and we were told it was a done deal.

Ms. Dwyer - Did you receive notice of the plan of development hearings?

Mr. Stokes - Yes, I did.

Ms. Dwyer - And did you come to the Planning Commission meeting?

Mr. Stokes - No, I did not.

Ms. Dwyer - That is the.... The law provides, or neighbors, adjoining neighbors to be notified and as I just understood you to say that you were notified. The hearing that's held is a plan of development hearing on the plan for the site and that is the opportune time to come and make your statements. If that plan is approved and then you called then the staff and no one can really undo that because that has been approved by the Commission. So, I'm not sure when you called but it seems like perhaps you called....

Mr. Stokes - Prior to because I would have been at the meeting had I not been told it was a done deal.

Ms. Dwyer - But, you received notice of the plan development hearing. Is that right?

Mr. Stokes - I didn't come here to debate when I called Pat O'Bannon or what was said. I didn't record it nor did I have people.... I do have other people who called her prior to that meeting and she told them it was a done deal as well.

Ms. Dwyer - I would dispute that, sir, and we will just let it rest at that.

Mr. Stokes - I don't think you were privy of the conversation at the time either. Our concern in our association is that they comply with the letter of the law and everything is followed through with.

Ms. Dwyer - Do you have any comments on the landscape plan that is before us today?

Mr. Stokes - I'm not seeing much in the way of landscaping being added to the back sides of the homes on Falconbridge, the Gayton Forest. As a matter of fact, I don't see any trees being added there.

Ms. Dwyer - And you are speaking of the Gayton Forest, Section 4?

Mr. Stokes - Yes. That's a concern.

Ms. Dwyer - Now, we have in that corner area three hemlocks and a cedar and I believe that's a dogwood, if I'm not mistaken, in that corner area.

Mr. Stokes - You've got three more houses down through there that doesn't have anything that's appearing behind them.

Ms. Dwyer - So, you are suggesting that there should be some additional landscaping along those other two lots.

Mr. Stokes - There are three lots there.

Ms. Dwyer - It looks to me like there is landscaping that adjoins two lots, the hemlocks and the cedars.

Mr. Stokes - Okay. With the other drawing that didn't show that clearly, but it doesn't appear to be anything behind the other two and the buildings are closer to those lots.

Ms. Dwyer - Okay. Although, it doesn't show any additional trees in that section that is adjacent to the other two lots, that is a tree saved area. I don't know if you can see. Perhaps, Mr. Strauss, you can come over and just, with your finger, follow the tree saved area.

Mr. Stokes - I know the area. But, do you see where your pen was just then, in the very corner, come on down, that's my lot right there. I live there, so I'm very familiar with how clear it is in there. And, trust me, I can read a newspaper from the back of that light lot.

Ms. Dwyer - That's where the additional, Mr. Strauss, could you just point out. It's really difficult to read these plan, I know, but it appears that there are three hemlocks, is that right? Wait a minute, I made some notes on this. There are three hemlocks and a cedar that are being planted there and perhaps a weeping willow. I think the circle with the score mark, near the building, is a weeping willow. So, those trees are being added to that corner.

Mr. Stokes - My corner is well taken care of. I'm here for the association, not for me. And those other two lots, it just don't look like there is much there.

Ms. Dwyer - I think one of the reasons they are not there is because there is considerable tree saved area indicated on this plan.

Mr. Stokes - And if you would stand in those backyards, you will see what we are talking about and what our concern is. You may not be able to see it when you walk the site in question but if you stand in the backyard you will see what's going on and what's happening.

Ms. Dwyer - Maybe we could have the applicant address that issue of the screening for the additional two lots that don't have additional plantings.

Mr. Stokes - And, again, one of our biggest concern is follow through, that all of this does happen and that the letter of the law is followed on this site because we are not seeing that that is happening, and that the County follow through.

Ms. Dwyer - Do you have any additional comments on the landscape plan?

Mr. Stokes - No. That's all that I have.

Mr. Archer - Thank you for your comments, Mr. Stokes, and we will try to do as you ask, sir.

Mr. Plaxco - As with any project of this nature, the funds are always limited and we simply tried to place our resources in those places that were the most thinned out from the previous tree cover. So, where ever there was substantial tree cover of 50 feet or more we felt that was adequate relative to those that maybe only had five or ten feet of trees left. So, we dispersed our resources in a way that addressed the more serious issues and problems.

Ms. Dwyer - Is this tree saved area 50 feet? Is the R-2 line a 50-foot area?

Mr. Plaxco - I can't judge that scale. It's probably about 40 feet.

Ms. Dwyer - The actually tree saved area or the R-2 line?

Mr. Plaxco - The tree saved area itself is 40 feet to the property line from what's shown as the tree canopy edge.

Ms. Dwyer- Mr. Strauss, what is the distance between the R-2 zoning line and the residential property line there?

Mr. Strauss - I think I'll have to go to the original staff plan because this isn't....

Ms. Dwyer - While you are doing that perhaps I can ask the applicant one question. You've agreed to add, I know you have gone above and beyond the ordinance requirements for landscaping in this area and that is appreciated. Of course, it's a great lost to the people who have lived around here who have become accustomed to solid woods on this lot and I know it was a shock when the trees came down.

Mr. Plaxco - We understand that.

Ms. Dwyer - We appreciate your willingness and the applicant's willingness to go above and beyond the minimum requirements of the landscape plan. You had agreed to add some seedlings, and I know, even though cost is a factor here, that is a fairly minimal cost certainly to acquire those plant materials. Would it be possible to add some of the seedlings around the edge of this tree saved area so that they perhaps could grow up and create a little more of a screen for the single family homes in Gayton Forest?

Mr. Plaxco - Yes. It seems to me that we could probably get around between five or ten in that area.

Ms. Dwyer - Would that be acceptable to the applicant?

Mr. Plaxco - Yes.

Ms. Dwyer - Mr. Strauss, if you would annotate the plan to add say ten, how many did you say?

Mr. Plaxco - I said five to ten.

Ms. Dwyer - Five to ten additional pine seedlings on the edge of tree save area.

Mr. Plaxco - Okay.

Ms. Dwyer - I understand they will be small when planted but over time will create a evergreen barrier.

Mr. Strauss - That distance is 56 feet and it looks like there is an average tree save with 35 feet.

Ms. Dwyer - We have a tree saved area of 35 feet and then we are going to add some of the pine seedlings to create an additional evergreen screen. Thank you.

Mr. Archer - Are there any other questions for discussion?

Ms. Dwyer - I will state that I recall the plan of development hearing for this development and I did have some discussions with the Ivystone and Foxfire residents at that time. I do not recall any discussions with anyone from the Gayton Forest subdivision. I don't recall receiving any calls from them nor do I believe they commented at the hearing. So, as far as the development issues, that are concerns here, if there are failure to comply with the ordinance requirements, certainly the County would be interested in knowing about that and responding to that. As far as compliance with the landscape plan we are about to approve today, if there is a failure to comply with that then that would be a conformance issue that the County would be interested in hearing about. For instance, if trees die, the applicant or owner

of the property is obligated to replace those trees, as an example. So, if that occurs, then we would need to hear about it and we can send someone out and enforce the landscape plan as it was approved. With those comments having been made, I move the approval of LP/POD-65-97, Gayton Forest, Section G (sic), including the annotations that were made today, including all of the annotations on the plan and standard conditions applicable to landscape plans and we are approving not the plan in our packet but the revised plan dated December 15, 1998.

Mr. Vanarsdall - Second.

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

The Planning Commission approved the landscape plan for LP/POD-65-97, Willow Glen, Section G (Formerly Gayton Forest Condominiums), subject to the annotations on the plan and the standard conditions applicable to landscape plans. Mrs. Wade arrived at the end of this case.

PLAN OF DEVELOPMENT

POD-124-98
Crown Cork & Seal - Warehouse Expansion
Draper Aden Associates for Crown Cork & Seal: 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, 74,400 square foot warehouse/office expansion. The 8.8-acre site is located at the southeast corner of the intersection of Norman and Lewis Roads on parcel 173-A-14. The zoning is M-1, Light Industrial District and ASO (Airport Safety Overlay District). County water and sewer. (Varina)

Mr. Archer - Is there anyone in the audience in opposition to POD-124-98, Crown Cork & Seal – Warehouse Expansion? No opposition. Seeing none, Mr. McGarry.

Mr. McGarry - Good morning, Mr. Chairman. There is one issue. Mr. Zehler asked about the screening of the pallet storage area as viewed from Lewis Road. I'll let the applicant address this concern. Otherwise, staff is in a position to recommend approval of this plan subject to the standard conditions for developments of this type and conditions Nos. 23 through 27. I'd be happy to answer any questions.

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

Mr. Zehler - No questions, Mr. Chairman, but I would like to hear from the applicant.

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

December 15, 1998

Mr. Custis - I'm Glen Custis with Draper Aden Associates. We are representing the owner here today. I think Mr. Zehler and I discussed this before hand. With the expansion, this operation is just moving closer to Lewis Road. I understand his concern. There is an existing pallet storage area on that front of the building on the existing building. These are new pallets. These are pallets that have come in to be shipped out. This is not an old pallet storage area. I guess in order to address Mr. Zehler's concerns, we can address during the landscaping plan approval of perhaps a buffer screen along Lewis Road between the edge of the asphalt and the right-of-way along, all along Lewis Road. We discussed that, it really isn't practical to screen just the pallet storage area from the functionality of the storage area. If that's acceptable, we could address the screening at the time of landscape approval.

Mr. Zehler - What we discussed out in the hallway, you are very restrictive and limited to additional plantings in the easement area, just beyond the pad site.

Mr. Custis - We would, I guess because of the utility easement, is that what you are discussing, to the right-hand side?

Mr. Zehler - Yes.

Mr. Custis - We would go all the way over to that... We would extend the screening, the fence or landscape or whatever would work across, all the way to that property line over there.

Mr. Zehler - So, you would actually go beyond the inside of your property line?

Mr. Custis - Right.

Mr. Zehler - And put additional plantings there?

Mr. Custis - Across the frontage, yes.

Mr. Zehler - I'm also noticing a note on your site plan that says concrete pads CG or C8 and there's no C8 here that we are looking at. What is this pad in reference to?

Mr. Custis - That is the pad for the truck dock (unintelligible). The truck loading docks that were shown here and that's the concrete pad for the trailers to set upon.

Mr. Zehler - So, when those trucks come in, they are going to back up to the doors there?

Mr. Custis - That's correct.

Mr. Zehler - With the size of the site, how do they plan on maneuvering in order to do that?

Mr. Custis - They will come in and pull down like in front of the pallet storage area and then back into the loading docks.

Mr. Zehler - It looks rather tight.

Mr. Custis - It is tight, but we've looked at the maneuvers and it will work with the trucks and trailers.

Mr. Zehler - Okay. I have no other questions, Mr. Chairman.

Mr. Archer - Are there any other questions by any of the other Commission members?

Mr. Zehler - Based on that, Mr. Chairman, I move that POD-124-98, Crown Cork & Seal – Warehouse Expansion, be approved subject to the annotations on the plans and the standard conditions for developments of this type, and the following additional conditions. I would like No. 11 amended, Mr. McGarry, which is the landscaping plan.

Mr. McGarry - Number 11 amended is the lighting plan, you want No. 9 amended for landscape.

Mr. Zehler - Oh, No. 9 amended and Nos. 23 through 27.

Mr. Vanarsdall - Second.

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

The Planning Commission approved POD-124-98, Crown Cork & Seal – Warehouse Expansion, subject to the standard conditions attached to these minutes, the annotations on the plan and the following additional conditions:

9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for review and Planning Commission approval prior to the issuance of any occupancy permits.
23. The developer shall provide fire hydrants as required by the Department of Public Utilities in its approval of the utility plans and contracts.
24. Any necessary off-site drainage easements must be obtained in a form acceptable to the County Attorney prior to final approval of the construction plans by the Department of Public Works.
25. 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.
26. Insurance Services Office (ISO) calculations must be included with the utilities plans and contracts and must be approved by the Department of Public Utilities prior to the issuance of a building permit.
 27. Approval of the construction plans by the Department of Public Works does not establish the curb and gutter elevations along the Henrico County maintained right-of-way. The elevations will be set by Henrico County.

SUBDIVISION PLAN

<p>Woodberry (December Plan)</p>	<p>1998</p>	<p>E. Delmonte Lewis for Greensprings, Inc.: The 40.3-acre site is located at the southern terminus of Anna Marie Drive and the eastern terminus of Toston Lane on parcels 38-A-30D and 30E. The zoning is R-3AC, One-Family Residence District (Conditional) and C-1C, Conservation District (Conditional). County water and sewer. (Three Chopt) 74 Lots</p>
------------------------------------------	-------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Mr. Archer - Is there anyone in the audience in opposition to subdivision Woodberry (December 1998 Plan)? We have opposition. We will get to you, sir. Mr. Wilhite.

Mr. Wilhite - Thank you, sir. We have received a lot of comments from the neighborhood on this project. One of the primary issues was the connection of this subdivision to the existing Lexington subdivision through the connection of Toston Lane. Staff is supporting this connection through the subdivision to Toston Lane. Primarily, Lexington has over 200 dwelling units on a single point of access, which is Fort McHenry Parkway at West Broad Street. Also, staff does not look upon this as being a favorable cut through route once Springfield Road is constructed. Also, the proffers associated with this property require that this connection be closed until the construction of Springfield Road has been completed, or unless any government agency asks for it to be open at a certain time.

One other issue involved with this is the staff has made a request of the developer to add a section of sidewalk along Lots 1 through 5, Block A. This condition does appear on your addendum as a revision to condition.... It appears on your addendum as an additional condition. I do not believe that the developer is in agreement with this added condition. But, with those conditions, staff would recommend approval of this subdivision proposal.

Mr. Archer - All right. Thank you, Mr. Wilhite.

Mrs. Wade - Mr. Wilhite, would you explain a little bit about the Fort McHenry plan? Apparently, it is under consideration.

Mr. Wilhite - Yes. Apparently, there is a greenway plan for this area under consideration by the Planning Office staff. There is sidewalk along Fort McHenry Parkway.

The section on Toston Lane, that's already constructed, is missing at this point, but we anticipate the plan showing some sidewalk connections on Toston Lane to Fort McHenry Parkway which will also connect with this proposed sidewalk that staff is recommending within this subdivision.

Mrs. Wade - Is this something that staff is working on, at the request of the supervisor?

Mr. Wilhite - We are currently working on that. Other staff members have more details on that particular project.

Mrs. Wade - But, there is a plan being considered for a wider area there to connect the pedestrian access, okay. Thank you.

Mr. Archer - Are there further questions of Mr. Wilhite?

Mrs. Wade - Not from me.

Mr. Archer - All right. Then I believe we need to hear from the applicant.

Mr. Lewis - Mr. Chairman, members of the Commission, my name is Delmonte Lewis and I'm here representing the Holzgreffe's family partnership who owns Woodberry. The only thing I can say relative to the plan at all.

Mr. Archer - Mr. Lewis, excuse me, but we do have opposition. Would you like to reserve some rebuttal time?

Mr. Lewis - I assure you, I won't be that long.

Mr. Archer - Okay, thank you, sir.

Mr. Lewis - It's relative to the sidewalk, and I have not been able to get in touch with my client, although I've talked to some of the representatives and I heard about this at 3:30 p.m. yesterday afternoon. And during the staff/developer's meeting or anything else, I wasn't aware that a sidewalk would be an issue. But, let me say just this. There is no policy in the County that requires us to put a sidewalk, number one. There is no ordinance that requires us to put a sidewalk. I was told by staff that some other paths have been dedicated and built, but I have driven through there and I can't find them. I can see some paths through the woods that have gotten there simply because people have walked in that route. But, they are covered with leaves and it's not paved or anything else. If we put a sidewalk on our side of Toston Lane, I want to make sure that everyone on the Commission understands that there's no sidewalk on the balance of Toston Lane up to Fort McHenry Parkway. That will have to be done by County monies and there is not adequate right-of-way so if the people there that have those lots are not willing to grant that then it would have to be a condemnation case. Whether that will

be done by the County or not, I have no idea. We don't want to put the sidewalk in because we don't think it's needed. If the Commission makes the condition that we have to put a sidewalk in, I would suggest that it be put on the other side of the street where there would be less impact because we have less lots on there. With that, I know what the opposition is here, that is the connection with Toston so I will say no more unless there are some questions by the Commission.

Mr. Archer - Thank you, Mr. Lewis. Are there any questions of Mr. Lewis?

Mrs. Wade - I know how you feel about getting information at the last minute, Mr. Lewis. I was still getting things in the door at six o'clock last night.

Mr. Lewis - It is frustrating.

Mrs. Wade - Does anybody else then knows anything else about this, any information about the sidewalk thing?

Mr. Lewis - I would also like to point out that the reason the sidewalk is in Fort McHenry is because originally that was on the Major Thoroughfare Plan and it was a requirement as far as the sidewalk policy of the County was concerned.

Mrs. Wade - Well, it's not far from the school and it's not unrelated.

Mr. Lewis - That's true.

Mrs. Wade - So if you have to put it in you would rather put it on the east/west side?

Mr. Lewis - The opposite side of the street. I haven't seen the condition. I only heard about it yesterday.

Mrs. Wade - On the north side, which I guess is more east, basically.

Mr. Lewis - If it's going to be a condition, we would prefer to have it on the Block E side, which it would only impact three of our lots instead of five. And, I don't see that that should be an issue. I might point out that when you get into Lexington those lots back up to Toston so it would appear to me it would be less impact to be in the backyard than be in a side yard also.

Mrs. Wade - Okay. Thank you.

Mr. Archer - Are there any other questions of Mr. Lewis?

Ms. Dwyer - What about the little, I guess, nodule corners on Toston Lane? My note

says the traffic engineer must approve. What's the status of (unintelligible)?

Mr. Lewis - I met with the.... Do you mean the Hinson's bubbles?
Ms. Dwyer - I thought a Hinson bubble was a circle with something in the middle.

Mr. Lewis - This is a Hinson bubble. I met with the traffic engineer and he said he had no problem with those and he is supposed to get back with Mr. Wilhite. I hope that he did. But, what he told me is that he had no problems with those.

Mr. Wilhite - We've received an okay from the traffic engineer on that bubble design.

Mrs. Wade - I hadn't heard anything about a problem with it. They have been approving them in many places.

Mr. Archer - Okay. We have opposition. Is there someone here to represent the views of everyone? Okay, sir, come on up. We are not trying to prevent others from speaking but there is a ten-minute limit time rule, so if somebody could express all of your views you can save yourself some time.

Mr. Workman - My name is Keith Workman and I live at 1094 Spray Court in Lexington Subdivision. For the past couple of months we have met with the Planning Commissioner, Mr. Eure, Mr. Silber, Mr. Kaechele, Mr. Wilhite, and Mrs. Wade. We have had many conversations with Mr. Lewis here. We are not opposed to the subdivision. We don't know what the format is when to talk about this. What we are opposed to is Toston Road tying into Lexington. We have had, I think, very successful meeting with Mr. Lewis and the Planning Commission to have some proffers put on the impact of the new development as far as making sure the quality of development and the construction of Springfield Parkway being widen and this construction to try to minimize the impact on our neighborhood. But it still comes down to the bottom line, with the traffic we have right now with 150 neighbors and over 60 children and the fact that their street is a parkway, which is not a parkway because it does not go any where. We want to stop this road from going through so that we don't have additional traffic from about 300 more neighbors. Plus, what we think would be an unbelievable amount of traffic cutting through from Springfield to Gaskins to Broad Street trying to get to Innsbrook or whatever. It is a very nice cut through, if you look at the map. We don't think our neighborhood can have that with the amount of children, elderly and some handicapped people there. In fact, we already have speeding problems. I met with Mr. Eure about trying some improvements to Fort McHenry Parkway. One. Change the name so that people do not think it's the same road that goes through to Springfield Park Elementary School to trying a traffic system to where they are looking at lowering the speed from 35 down to 25 and, three, to put some more signs up as far as "No Outlet" "Children Playing" better signage to say that it is not an outlet. But, we feel if the connection to Toston Road goes through once some person hears about that in Innsbrook, 3000 people will hear about it in Innsbrook and we will be a cut through like other neighborhoods that parallel a bunch of stop lights. Therefore, we ask the

Planning Commission or the traffic division. We are not sure who addresses that, but, basically, to look at it again and please don't tie that road through.

We do have an emergency through Brunson Way. The house being constructed does have a chain link fence going through the opening, which looks large enough for a fire truck or whatever emergency truck would need to go through there and then we are on an understanding in our neighborhood that that would be used for the emergency access. And we also understand that there are many other neighborhoods in the west end of Henrico that have been successful in allowing that type of access to be left as an emergency access and not have other roads, like Toston Road, to be connected. There are an awful lot of neighbors there and then if you've ever been beside Innsbrook, the road next door to that is horrible and I feel sorry for those neighbors they went from a pleasant neighborhood to a speed zone and we don't want that to happen to our neighborhood. We have about 160 homes and we have about 155 that are occupied. We did a petition through the neighborhood. We got about a 95% response and 100% of those 95% are opposed to a road going through and I can produce that petition if I know who to send it to. The other 20 people we have here are people with children and people who love our neighborhood and we want to try to preserve what we can the best way we know how. I'm finished.

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

Mr. Vanarsdall - Yes. How about Anna Marie Drive? Where does that go?

Mr. Workman - As far as the neighborhood next to the Woodberry subdivision, they have Anna Marie Drive and Joseph Drive coming out of that neighborhood as far as their proposed plan, which allows that neighborhood and the Woodberry and Springfield neighborhoods to have adequate access back to Springfield. So, as far as that neighborhood, they really don't need to tie into Lexington as far as we can see. The roads right now are built and stop going into that wooded area to where they are going to have two accesses or they could have two accesses depending on what you all impose on them to get back to Springfield. A lot of our discussions were if we had Toston to tie in, what could we do to minimize the impact. We are very happy to get some of the proffers we had that would help slow that down. Overall, we are very opposed to that road being through. We hope that you all can see some other way, maybe put a cul-de-sac on the Woodberry side and just leave Toston alone on our side, please.

Mrs. Wade - Mr. Workman, are not most of the homes in Lexington on cul-de-sacs?

Mr. Workman - Yes. Fort McHenry Parkway, the original design, was supposed to go all the way through Fort McHenry and Nuckols Road and allow Springfield Park Elementary School to be a, road service to that. That's one reason we have the Parkway and that's one reason we had sidewalks and that's one reason we mentioned about the sidewalk, if Toston did go through is that right now we've got over 60 children in our neighborhood and I know those

other neighborhoods easily have that many because it's a beautiful neighborhood of families. We feel that Toston Road would become a raceway and that's why a sidewalk would need to be put in to protect them. Right now, it's dangerous enough. I think with people that don't live there are just trying to cut through they are going to go as fast as they can.

Mrs. Wade - Thank you.

Ms. Dwyer - Did you say there are approximately 150 homes in Lexington?

Mr. Workman - I think the total is 157.

Ms. Dwyer - And how many points of access?

Mr. Workman - Fort McHenry Parkway that's the only one.

Ms. Dwyer - One point of access for 157 homes?

Mr. Workman - Right. We have Brunson Way which is the last cul-de-sac. If you are going through the neighborhood, your last left turn is Brunson Way it has an emergency access that goes over to, I call it Old Innsbrook I don't know what the name of the road is, but that gravel road going through that guy's backyard and then a chain fence going across his back fence. Then he has an (unintelligible) driveway. We were told by our developer and real estate agents that that was the emergency access to be used in case a hurricane or something blocks the road. That access is still viable as far as yesterday morning. It's still clear to have a vehicle go through there if need be.

Mrs. Wade - But it, basically, goes through somebody's yard, across gravel and out to Thorncroft I think it is. Of course, that was intended to be the back door when Fort McHenry was supposed to be going through. So, it wasn't necessarily a permanent situation.

Mr. Workman - We were told that it was permanent, but those real estate agents are not always....

Mrs. Wade - They like to make things as appealing as possible.

Mr. Workman - I would say that we have been very fortunate to deal with people in your Planning Commission and Mr. Delmonte Lewis with, given the proffers on the development, which we are very happy with. We think that was well worth our time and we want to thank those involved for allowing that to happen.

Mrs. Wade - And you like the sidewalk.

Mr. Workman - If the road goes though, we would like to have the sidewalk. I think it's

dangerous. We've got traffic flying through Fort McHenry and we think that if they cut through from Springfield to Fort McHenry, it's going to be dangerous. It's dangerous now and we think it would be more dangerous with people who do not live in that subdivision and really are only using it as a means of getting through over to Broad Street. It looks like a very attractive cut-through.

Ms. Dwyer - I guess I just have a comment on your cut-through argument. I understand that you don't want the road but if you don't want to go to Springfield and Broad, there is a natural cut-through for Gaskins that has no turns, it's a straight shot, which is very close to Boscastle. So, it seems to me that that would draw most of your intended cut-through traffic for people who want to avoid Springfield and Broad, that they would chose Gaskins rather than making. I mean, I can't tell all of the turns on my map but it looks like the streets were designed in a very circuitous manner to discourage cut-through traffic. You would have to make at least five turns in order to get from Springfield to Broad through your neighborhood as opposed to a straight shot through Gaskins.

Mr. Workman - I agree with that logic but there is definitely a group of commuters that say if I miss the stop light, I'm going to do it. And, the road beside Innsbrook Road, Cox Road could not be a faster or cleaner or prettier road to go through but you still have a tremendous amount traffic going though the old Innsbrook neighbor beside that and it doesn't make sense to go through that neighborhood either. There are stop signs, there are turns, there are about just as many.... I get lost every time I go back there, but still there are people who know where they are going, like the child care place. One of my neighbors moved from that neighborhood because of that reason. She said it went from a pleasant neighborhood to, you might as well be living on Broad Street. We just don't want that to happen to our neighborhood.

Ms. Dwyer - So you think people will go through your neighborhood to get to Innsbrook?

Mr. Workman - They will use our neighborhood to get to Broad Street and then take a right or left on Broad because we do have a stop light at Fort McHenry.

Mr. Vanarsdall - It won't take them 30 days to find that route.

Mr. Workman - If one person gets to Innsbrook the rest of Innsbrook will know the next morning.

Mrs. Wade - But what Mrs. Dwyer said is true. Fort McHenry was designed in its current configuration in order to discourage and slow down traffic when we thought Fort McHenry was going through.

Mr. Workman - Part of our problem is that Fort McHenry Parkway, just in its name, in

not a Parkway and it's not the road that ties into Nuckols Road back there where the new Wheat First Building is where Nuckols Road cut behind. But, we have delivery drivers, we have tour buses. We've even had fire trucks go back through there that got to the very end, they see a dead end, they will back up turn around and go back through the neighborhood. And when they come out they are disgusted that they missed the turn onto Fort McHenry, they go up my neighborhood, see where it is, burn around through the cul-de-sac and by the time they are cussing and going about as fast as they can go.

Ms. Dwyer - But they were supposed to cut through.

Mr. Workman - On a lot of maps it shows it being cut through.

Ms. Dwyer - You said you discussed changing the name and that might be real helpful.

Mr. Workman - I talked to Ralph Cooke and he expects.... Since there are no addresses on our side of Fort McHenry that address Fort McHenry, even to Broad Street, Lexington Commons all address to Broad Street. There's no one to address on Fort McHenry to have any opposition to change the name. I sent a letter to Mr. Kaechele asking him to tell me what the procedure is and name it Lexington Drive or Lexington dead end. Just don't name is Lexington Parkway.

Ms. Dwyer - Dead end road?

Mr. Workman - Something to discourage drivers. I know our 88 map is supposed to come up for revision. I talked with Todd. We are going to try to hopefully get the name changed before that revision comes up. A lot of our speeding of traffic is the neighbors themselves. I just got through talking with the traffic engineer. They came out and repainted our road lines. They put a speed box up to do a study of speed. Right now we have one sign saying 35 mph, I think everybody pushes it to 45 mph. We had just a stop sign with no line. They painted a line at the Fort McHenry right turn so that there would be a stopping point. I would like to see the whole road turn 25 mph because it's not a parkway. When you enter our neighborhood and pass the shopping center entrance, from that point on it's all residential and it does not go anywhere and I would like for it to be slowed down to 25 mph like normal residential roads. That process has already happened, that was about three weeks ago when we had the little lines across the road to study traffic speed and the amount of people. We also had the maintenance crew come through and paint the lines and that has helped a lot. I also asked them to review the stop signs. The "No Parking" sign gets the people off of Fort McHenry Parkway, it kind of gives you a blind spot as you come out. As I said, I've been very happy with the response and the immediate application of what we have asked for. I just hope I can be as successful to stop the connection to Toston.

Mr. Archer - Are there any further questions? Thank you, sir. Is there anyone else to speak to the opposition.

December 15, 1998

Mr. Workman - Thank you.

Ms. Nolan - Hello. My name is S. Nolan and I'm on the social committee for Lexington neighborhood. I just want to speak to the sidewalk issue.

Mr. Vanarsdall - I can't hear you, can you speak into the mike.

Ms. Nolan - I just want to speak to the sidewalk issue. One of the reasons we wanted to have a sidewalk on the other side, should the road go through, is that I'm working with Celeste Young, president of the PTA for the school. We have been working with Mr. Kaechele to get a sidewalk, I think we called it Greenway, to go from our dead end to right there (referring to map on the screen). But, where our road dead ends we were going to have a school path that would cut through there and connect us to the school. There will be a sidewalk all the way through there. So, if there is no sidewalk for the children to come from the other side of Toston Lane, they are going to get run over before they hit the sidewalk in our neighborhood that would let them walk to school.

Mr. Archer - Ma'am, pardon me, but would you repeat your name once more for the record, I don't think we picked it up.

Ms. Nolan - It's S. Nolan.

Mr. Davenport - Good morning. My name is Eric Davenport and I live in Lexington on Taker Court. I have two things that I would like to address. All of our bus stops are on Fort McHenry Parkway, that's the road we are concerned about the speed on. If that's used as a cut through we have one bus stop where there are about 25 children there in the morning, and it's right when rush hour traffic is beginning and we are real concerned that one of our children may get hit by a car. The other thing I would like to address is the proffer concerning if Toston Lane is cut through, that it wouldn't be cut through until at such time the construction on Springfield is complete. The proffer that I have an issue with is, unless some government agency decides otherwise, and I wondered if somebody could explain that to the residents of Lexington.

Mrs. Wade - Well, it's pretty much forthright in what it says. I suppose if Public Works or the Board or somebody decided it needed to be cut through prior to the Springfield completion, which I find extremely unlikely, to occur, especially given the opposition to the whole plan. But they always have that (unintelligible) I mean, in case some unforeseen circumstances should occur in years later or something. We hope Springfield will be done before then anyway. They've started, haven't they, finally.

Mr. Davenport - Then, of course, another concern would be that that subdivision is probably going to take, with the number of homes, I mean, I know that our subdivision has

taken close to five years to complete and it's still not complete and we still have construction traffic through our own subdivision. Another issue would be, if that road is opened up, if Springfield is done in two years, we've still got a year, possibly two years, of construction traffic coming through our subdivision from the new Woodberry subdivision, which is, again, another safety issue as well as more traffic in our subdivision. Something else that our president didn't mention was we are all somewhat concerned that if there is another way to get into our subdivision, the amount of crime is going to increase. It would just give the criminals another way to escape through the subdivision. Whereas now if they are going to come into the subdivision and burglarize a house, they will have to go back out the same way, which is going to take them a longer amount of time. So, we also feel like it is going to increase crime as well. Thank you.

Mr. Archer - Are there any questions of Mr. Davenport before he takes his seat? Thank you, sir. We have three minutes left for the opposition.

Mr. Davis - Three minutes. Oh, I thought I had nothing. I want to thank you for allowing us to speak in opposition. My name is Craig Davis also from the same area as most of us here are. I do have to oppose opposition for the road going through. We do mention that we do need access, emergency access. We do have one access, as you know, from Fort McHenry Parkway. It does have two roads in, one road out, grant you it's at the same point but there are two roads in, one in, one out with a barrier between the two, which services probably about a good third of the homes that we are discussing, and that is the townhomes. So, they do have two ways to get in. Now, I understand that's at the same point, but the question that has been posed is if, for example, if a tree happens to fall down on one of the roads how will emergency vehicles be able to get into this area. Well, the probability of that happening is small. There's also the argument well what if a car happens to blow up and there are some gases fumes how do we have the emergency vehicles get in to service the homes in that area. That is a probability and I have to agree that that's a small probability.

However, I will argue that the probability of my child getting hit is greater. The probability of my home being vandalized increases. So we have to offset what is what we call safety, although we do have an emergency access, although we understand the emergency was given because Fort McHenry was eventually suppose to open up. The emergency access is still there for those probabilities that if a tree happens to block the road or the probability that a car happens to blow up. But, once we open up Toston Lane the probability of someone, such as one of our neighbors who happens to be blind, who walks the neighborhood quite frequently, of getting hit. The probability of one of our children getting hit. The probability of someone vandalizing our neighborhood increases, respectively. As we open up these neighborhoods more traffic does come through. Yes, we are in opposition, but we may fell. And if we do fell we do want some compromises. The compromises we are looking for is a sidewalk because there is efforts, there is works of building a trail from the end of Fort McHenry to the school, which would allow students, children, from both neighborhoods to walk that trail. We have got to provide sidewalks for their safety.

The second issue is that this road should not open up, if it must open up. Yes, we do have a proffer that say it will not open up until Springfield is completed, but more importantly until certain percentage of the homes, in which Mr. Monte Lewis proposes to build, are completed and occupied. That would prevent, I think, the biggest opposition we have and that is construction traffic using our access to get into those homes. Thank you.

Mr. Archer - Thank you, sir. Do you have any questions of him or anybody else,
Mrs. Wade?

Mrs. Wade - No. If Mr. Lewis might respond to the construction traffic concerns. Do you have any feelings about that? How is the construction traffic intended to get in?

Mr. Archer - Mr. Lewis, you have about six minutes.

Mr. Lewis - Well, we fashioned the proffered condition on closing that with that in mind. We estimate that the development that we propose will be completed approximately at the same time they finish Springfield Road. They are working on it now but I think they have a 2002 time limit for total completion. We will certainly advise our traffic to exit Springfield Road, there's no question about that. We will leave the barricade up there as long as the County wants us to, as long as we can get approval of our roads, you know as taken in the system. I don't have a problem with that. When we started designing Woodberry and Greensprings we realized this may be an issue so we did provide ourselves with two points of access. If Fort McHenry had been carried through, they would have two points of access. Unfortunately, that will never be. Whichever way this Commission decides we will abide by. We can cul-de-sac our street. We can have two points of access. So, the decision is made here. We did try to fashion every proffered condition to protect those people as much as possible. We will be more than happy to leave that barricade up there until the County tells us to take it down.

Mrs. Wade - Thank you.

Mr. Zehler - Mr. Lewis, how close is the school from your site?

Mr. Lewis - The school is....

Mr. Zehler - Is it within a mile?

Mr. Lewis - I don't know in distance, Mr. Zehler. But, if you could extend Fort McHenry Parkway, I would say not more than 1000 feet you would be at the school. The school would be on the right-hand side. If you come in from the other direction, Fort McHenry, you know, dead ends at the school. From Toston Lane, and this is a guess, I'd say 1000 feet.

Mr. Vanarsdall - Mr. Lewis, you said that in the beginning you provided for a second point of access. Where had you planned to put that?

Mr. Lewis - If you look on the screen, we have two points of access coming into Springfield Road. One of them is Joseph Drive and the other one is Woodberry, coming through Woodberry subdivision. Woodberry and Greensprings are really the same subdivision as such.

Mr. Vanarsdall - Well, you had two coming out on Springfield.

Mr. Lewis - Yes, sir.

Mr. Vanarsdall - What happened to that?

Mr. Lewis - It's still there. I still have two points of access that is constructed now out to Springfield Road.

Mr. Vanarsdall - Oh, I see, I thought you said you hadn't.

Ms. Dwyer - But, the adjoining subdivision only has one, Lexington. Could I ask a question of Mr. Wilhite?

THE TAPE STOPPED AT THIS POINT AND A PORTION OF THIS DID NOT RECORD BEFORE IT SWITCHED TO THE NEXT TAPE.

Mr. Vanarsdall - Why do you need to go out the back then?

Mr. Lewis - Why do I need it. I don't. The issue, Mr. Vanarsdall, is that Lexington has 150 homes, or whatever, on one point of access plus an emergency access. But, we have two points of access, which we really don't need as far as our development is concerned.

Mr. Zehler - The issue, Mr. Vanarsdall, is that they exceed the 50-lot limit therefore they need a second point of access.

Mr. Vanarsdall - I know.

Ms. Dwyer - The adjoining one, not Mr. Lewis' development.

Mr. Vanarsdall - But, I'm saying is why do they need to go through their neighborhood to go through?

Mr. Wilhite - I've been advised by the traffic engineer that Lexington has 247 homes on one single point of access.

Ms. Dwyer - That was my question. Because there are 157 single family homes but you new figure includes the townhouses, is that right?

Mr. Wilhite - Yes.

Mr. Workman - Ma'am, those townhouses do have another access going through (unintelligible was not at the mike, was speaking from his seat).

Mr. Archer - Pardon me, sir, but you are going to have to come up and speak. We need to get that on the record.

Ms. Dwyer - It looks like some of them may have additional accesses and some of them don't. Perhaps the traffic engineer can clarify that for us.

Mr. Workman - Again, my name is Keith Workman. The apartment complex at the entrance, (unintelligible) the entrance to Fort McHenry Parkway to Broad Street, which is called Gateway, I'm not sure what it is called. They have a main entrance also and that ties into Fort McHenry behind the shopping center. So, that additional 100 or so residences that are townhouses or apartments, they have a second point of access right there to get back on to Broad or to go through Fort McHenry.

Ms. Dwyer - They have access to Broad without going to....

Mr. Workman - Yes, ma'am. Their front entrance that fronts Broad Street, which is a road that goes to their swimming pool, where there activity building is.

Mrs. Wade - You are talking about the Gables.

Mr. Workman - Yes. The Gables. The Gables are the apartments and then we have three little off streets for townhouses that are beyond that.

Ms. Dwyer - And then they have access only to....

Mr. Workman - Only to Fort McHenry Parkway.

Ms. Dwyer - Those are the ones I was talking about.

Mr. Workman - Oh, I'm sorry.

Mrs. Wade - But their access is there right behind the shopping center.

Ms. Dwyer - Right. But, the point is, I guess, now there are 200 some units then that

have sole access on a single point of access, which is Fort McHenry. I think that's what Mr. Wilhite was clarifying, is that right?

Mr. Wilhite - Yes, ma'am. And, also, going through the apartments that would be private roadway so we can't consider that as access per our policy.

Ms. Dwyer- What was that figure? How many units on a single point of access?

Mr. Wilhite - It's 247 for Fort McHenry and Broad Street.

Mrs. Wade - Does traffic have any comments on this issue? Briefly, please, and then we will move on.

Mr. Eure - Good morning, I'm Todd Eure, assistant traffic engineer. With respect to the second point of access, as everybody is probably already aware. Fort McHenry was planned and built with the intentions of connecting through to Nuckols Road, and it was shown on the Thoroughfare Plan. The emergency access that was referred to was designated as a 20-foot temporary emergency access easement that provides access from Brunson Way at the upper end of Fort McHenry Parkway over to, I believe it's Thorncroft in the Innsbrook area. That access point has not been maintained very well, from the standpoint of it's, it basically runs between two houses that have been built in Lexington. The Fire Marshall has looked at it and has some serious concerns as far as it integrity as an emergency access point. So, based on our count, we looked at the P.I. sheets and counted 153 single family homes and there actually may be a couple of more that have been built since then, as well as the 94 units in Lexington Village for a total of 247. Public Works policy is any subdivision with single family homes over 50 units and any multi-family or townhouse units over 81, our policy is to recommend a second point of access. We don't get into what the odds are that an access point would be needed. It has been demonstrated in the County, just within this year at one of the subdivisions in Wyndham, where access was cut off due to emergency response from the Fire Department and residents within that subdivision had only one point of access and couldn't get in nor out of their subdivision for a period of hours. For example: If there is an emergency response down in the lower end of Fort McHenry Parkway, even in the divided portion, if the Fire Department had to come out there and put their hose lay across Fort McHenry Parkway, they close it to traffic and nobody can get in or out for whatever period of time they are out there. So, it is a very real need from a safety standpoint.

We do recognize the concerns that the residents of Lexington have regarding the traffic, the increase in traffic. They will see that we are working, as Mr. Workman said, to address many of their concerns that exist today in terms of the speed. We have done a speed study out there. We have already lowered the speed limit on the upper end of Fort McHenry, north of Spray Court, to 25 mph. We are reviewing the lower end as well. We are adding additional traffic control signs, stop signs, stop bars where appropriate and any additional signage that may help address the issue with respect to the confusion as to people that get into Fort McHenry

Parkway thinking they can get out on the upper end. Certainly, we would not be opposed to a name change if that's what they want to pursue. We have no problem with that as long as all of the procedures are followed, and that may actually help address some of the problems they have with people who come in thinking they can cut through back out to Nuckols. As they said, it does show up on a lot of the maps currently.

With respect to the second point of access, we also see it as beneficial for school transportation and provide some additional access point, which helps them with their routes. With respect to the concern about the bus stops on Fort McHenry Parkway, certainly, that is something that people transportation can review. However, at this point, their options are probably limited because they typically do not go into cul-de-sacs, and many of the streets off of Fort McHenry are cul-de-sac roadways. As far as the need for the second point of access for Woodberry, I did just give a rough count a while ago, based on the current they have, they are showing 56 lots that are south of Joseph Lane, which if they are south of Joseph Lane that does prevent access to the second point. So, they would, in fact, benefit from the connection to Toston Lane as well. With that aside, from the Lexington standpoint, we do strongly recommend that that connection be made. I'd be happy to take any questions.

Mr. Archer - Are there any questions of Mr. Eure?

Mr. Vanarsdall - I know you don't endorse a boulevard entrance. No one mentioned that, did they?

Mr. Eure - No. We typically do not accept the boulevard design as an alternative to the second point of access. One of the reason, as I cited, if the fire department had to come out there and do a hose lay they would go fully across the entire roadway.

Mr. Vanarsdall - I know exactly what you are talking about.

Ms. Dwyer - Mr. Vanarsdall, I think maybe if you had 51 homes that wouldn't be unreasonable but if you have 247 units on a single point of access I'm not sure the boulevard would work.

Mr. Vanarsdall - I understand.

Mrs. Wade - Thank you. I know we have always considered the possibility of these emergencies occurring to be very slight and yet somehow the fire and rescue people are very persistent in this regard. We argue this point about, virtually, every year, at least, about whether that's a real reason to keep the circulation more efficient. So, they would like to be prepared for most any contingency I suppose. Thank you, Mr. Eure.

Mr. Workman - I have a question.

Mr. Archer - Sir, you will have to be very brief, but come on up.

Mr. Workman - Keith Workman, again. Fort McHenry being the design of the Parkway is extremely wide all the way though the end of the neighborhood. So, as far as a tree or vehicle, we've got sufficient room to go around it. It's a very wide road. That's a part of the problem with speed. As far as emergency access, all of our homes are on cul-de-sac. No one addresses Fort McHenry. So, if we have a problem it's going to be a problem in the cul-de-sac being cut off, not Fort McHenry being cut off. That's another reason why we don't think we need a second point of access. We have a very wide road to go around things.

Mrs. Wade - Where are all these speeders coming from?

Mr. Workman - Honestly, some of them are neighbors, some are delivery people, and some are people who think they've got a way back to Nuckols Road or whatever. We've had tour buses to come through there. It's on the map showing that Fort McHenry original design had been completed all the way through to Nuckols Road. That's one thing I'd ask of Mr. Eure, I want better signage and the enforcement of that speed and if I speed I'd probably get a ticket. We've got a lot of little kids, we have a blind man, and we have a few that walk their pets. It's dangerous now and I think it will be much more dangerous if we have people who don't live there that are using this road to get from point A to B without going through stop lights.

Mr. Archer - Thank you, Mr. Workman.

Mr. Workman - Could I have the people that are here from Lexington to show that we took time out of our day to oppose something that affects our neighborhood. We love our neighborhood and we love Henrico County and we will put our time to where we think it is appreciated.

Mrs. Wade - I'm sorry you had to wait this long.

Mr. Workman - Thank you.

Mr. Archer - Thank you. Mrs. Wade.

Mr. Robinson - I have a question. Did I hear correctly that Fort McHenry is never going to open up.

Mr. Archer - You will have to come up, sir.

Mr. Robinson - I'm Frankie Robinson and I live in Lexington. I was just wondering. I heard that Fort McHenry is never going to be open up, is that true?

Mrs. Wade - Yes, I would say that's true, as much as never can ever be. In fact, the construction there may prohibit it now. I'm not sure how exactly it relates to the school grounds up there but it's been determined at this point that it is not to go through.

Mr. Robinson - Okay. Thank you.

Mrs. Wade - It's not all of you that object on the south end, but the people at the other end, the Woods, whatever it is, who face on Fort McHenry, were very positive about wanting it closed and the Supervisors agreed with that. And, the Supervisors, in some way, have the final say on all of this. I know we hear these same concerns from every neighborhood. In this case it would seem that there are some advantages to improving the circulation here. It was always intended, and the people, I notice there aren't any people here from Woodberry, I don't think there are, was in the meetings that we attended, they seem to be more positive towards this change than those in Lexington. Probably because many of them were already told and saw it on the map that the road was intended to go through. But, that was, as pointed out earlier in the discussion, is the reason Fort McHenry curves and stops and makes turn through the Lexington subdivision. The emergency access currently is certainly woefully inadequate. Most of you, as you said, live on cul-de-sacs so any slight increase that there could be on Fort McHenry would not directly impact your house and your yard. Of course, unless, it is on the side. When we add up the number of units on there it is way beyond, certainly, what the policy of the County is. We have tried to keep with that policy though the years and basically it wouldn't be open until Springfield widening is finished. My feeling would be now, and Mr. Lewis' subdivision, and they, of course, had acknowledge that they were going to have to build the road through if it were required at this stage and we are prepared to do that. So, I don't think the construction traffic would be a problem here. In fact, you might have a better combining of two neighborhoods than you would if it were cut off. Finally, if it should turn out, when it's cut through or if it's cut through, that your fears come to reality and there are a lot of people cutting through there, it's not impossible to put up a barrier and change the traffic situation in the interest of safety.

So, for those reasons, at this point, I would recommend, and since you said that if the road is cut through you want the sidewalk, I would move that Woodberry (December 1998 Plan) be approved with the road open, conditions Nos. 12 through 16, No. 16 providing for the sidewalk along the... Now I don't know if the south side fits in better with the overall plan or the north side here. You need to speak to that Mr. Lewis.

Mr. Lewis - Mrs. Wade, it would appear to me that the south side would certainly impact less of our lots and it would be at the rear of the lots along Toston Lane and Lexington, and you will notice we wouldn't have to cross that one cul-de-sac street to get to Fort McHenry. So, that's why we would suggest that it be put on the other side of the street.

Mrs. Wade - But, will it fit in with other sidewalks on the south side?

Mr. Lewis - There are no sidewalks on Toston Lane at all. If it would be, it would be in the rear of the lots whether than the side of the lots. On the north side of Toston those lots fronts so that the sidewalk would be along the side yard.

Mrs. Wade - Well, why don't we say you are going to build the sidewalk and the location to be determined administratively or something, when they get the whole layout plan.

Mr. Lewis - Do you mean after they complete whatever plan they are doing? I'd be glad to work with them on that and then if we do have a standoff we will come back to this Commission.

Mrs. Wade - So, you will construct a sidewalk along one side of Toston Lane through this subdivision.

Mr. Lewis - Through Woodberry, yes.

Ms. Dwyer - But, the object is to get to the school. Shouldn't it be on the north side, was that the thinking.

Mrs. Wade - I would guess so.

Mr. Lewis - The object is to get our traffic over to Fort McHenry.

Mrs. Wade - She is talking about the sidewalk, now. The students walking to school would be on the north side.

Mr. Lewis - But, you know we will have children that will be crossing the road from our 50 lots.

Mrs. Wade - Well, it does make more sense, let's leave it on the north side.

Mr. Lewis - I just felt like it would impact less lots if it's on the south side.

Mrs. Wade - I understand what you are saying. So, anyway, I move that Woodberry be approved with the connection. I thank you all for coming. Our comment before we vote on this. The Supervisors have the last word on this. You can always petition them now or you can wait, to say, until later when we see actually what is going to happen there. They have been known to cut off roads if it turn out to be to much of a problem. But, that is not really anticipated at this point.

Ms. Dwyer - Mrs. Wade, did you include the annotations and the added conditions?

Mrs. Wade - Oh, okay. The annotations on the plan, the standard conditions and Nos.

12 through 16.

Ms. Dwyer - Second.

Mrs. Wade - Thank you, Ms. Dwyer.

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

The Planning Commission granted conditional approval to Woodberry (December 1998 Plan), subject to the standard conditions attached to these minutes, and the following additional conditions:

12. The limits and elevation of the 100-year frequency flood shall be conspicuously noted on the plat and construction plans and labeled "Limits of 100 Year Floodplain." Dedicate floodplain as a "Variable Width Drainage & Utility Easement."
13. The final plat shall contain a statement that this subdivision is on an abandoned coal mine site. The wording shall be approved by the Planning Staff and the County Attorney, and shall be conspicuous on the face of the plat.
14. Before the final plat is recorded, the developer shall submit to the Planning Office a detailed report prepared by a qualified professional engineer specifying the proposed treatment of mine shafts and scars. This report shall be reviewed by the Design Division of Public Works, and shall be made a part of the construction plans approved for the subdivision.
15. Prior to requesting the final approval, a draft of the covenants and deed restrictions for the maintenance of the common area by a homeowners association shall be submitted to the Planning Office for review. Such covenants and restrictions shall be in form and substance satisfactory to the County Attorney and shall be recorded prior to recordation of the subdivision plat.
16. A County standard sidewalk shall be constructed along the north side of Toston Lane, along the frontage of Lots 1-5, Block A, as identified on this plat.

Mr. Archer - We will now start the next portion of our meeting. You will see before you on the screen a picture of a beautiful young lady. I need to tell you that last Thursday night at the zoning meeting we recognized Mrs. Wade for having to serve 19 consecutive years on this Planning Commission and beginning her 20th in January. Today represents a regular meeting, the 456th meeting she has attended. She may have missed one or two somewhere along the line.

Mrs. Wade - I have to be a nut. I would like to comment. They gave me a beautiful clock, which I appreciate and I've thought about a lot and looked at a lot. It finally occurred to me though when I looked at the little plate on the back. It isn't a clock at all, it's a stealth plaque. It's a kind of an inside joke here but I do appreciate it. Thank you.

December 15, 1998

Mr. Archer - I just wanted you all to be aware of the fact that we did do that and since we meet half the time at night and half the time at daytime, you may not have been privy to that meeting. Mrs. Wade was elated and she celebrated by denying the first three zoning cases. I think it would be suitable for all of you who have known her for so long to give her a nice round of applause. And, Mrs. Wade, we just decided that we are going to show this picture through 1999 and then we will stop. Thank you so much.

Mrs. Wade - Thank you.

Mr. Archer - Okay. Let's move along to the next case, Mr. Secretary.

Mr. Marlles - Mr. Chairman, the next case is POD-109-98. This was deferred from the November 17, 1998, meeting.

PLAN OF DEVELOPMENT (Deferred from the November 17, 1998, Meeting)

POD-109-98
Stillman Place

Engineering Design Associates for Feld Development Corporation, C & P Telephone, The Harvard Company, LLC and Ralph L. and Marsha R. Costen: Request for approval of a plan of development as required by Chapter 24, Section 24-106 of the Henrico County to construct a one-story, 28,000 square foot office/warehouse/showroom, a one-story, 25,530 square foot office/warehouse, and a future one-story, 6,184 square foot office/warehouse. The 5.54 acre site is located on the northeast corner of Stillman Parkway and Mayland Drive on part of parcels 48-A-70B and part of 58-A-21C and 22. The zoning is M-1C, Light Industrial District (Conditional). County water and sewer. (Three Chopt)

Mr. Archer - Is there anyone here in opposition to POD-109-98, Stillman Place? Mr. Wilhite.

Mr. Wilhite - The revised site plan has already been included in your packet. Staff has done the review and, basically, on the site plan, the footprint, of the building changes slightly although there is no changes in the square footage of the building as already mentioned. There is a slight adjustment to the stormwater basin at the corner of Stillman and Mayland Drive. Also, there is a revision done to the entrance onto Pemberton Road. The traffic engineer has looked at this. He is okay with the revision to the Pemberton entrance. The design engineer has gone through the water quality calculations. He's in position to recommend approval as well. Staff would recommend approval of this revised plan based on the annotations on the plan and subject to the standard conditions and the conditions listed on the agenda through No.

34.

Mrs. Wade - And you said VDOT approves of the entrance unto....

Mr. Wilhite - Yes. VDOT approved the entrance and the traffic engineer for the County has looked at it.

Mrs. Wade - And the road improvements that might be necessary there. You were going to look up the zoning case. I haven't seen the file for it, the approved case with the proffers, to double check on the buffer there. Did you have a chance to look that up?

Mr. Wilhite - Yes, ma'am. There was no proffered buffer along Mayland. The only thing governing it would be the 10-foot setback to the parking lot. There is a 10-foot transitional buffer which would be adjacent to the RTH neighborhood here. But that would come in to play with the development with the rest of this property, right there (referring to rendering on the screen).

Mrs. Wade - It's only 10 feet across from the RTH?

Mr. Wilhite - Ten feet between Office and RTH. But, this particular portion of the property is not directly across from the RTH portion.

Mrs. Wade - Okay. Now, down here on the conditions, all of the repair work entirely enclosed. Outside storage shall not be permitted. Now that does not include vehicles?

Mr. Wilhite - Yes. They intend to park some vehicles here. There is an enclosed cage lot that would not necessarily, vehicle parking would not be included in there.

Mrs. Wade - Which is one of the main things he wanted to do here, and that will have a wall and around the back there. This says temporary masonry screen wall, that's until that building is completed in the middle there.

Mr. Wilhite - That's correct. The wall would match the footprint of the building, future building, that would connect the two and it is masonry.

Mrs. Wade - What kind of masonry?

Mr. Wilhite - The outside would be brick.

Mr. Wade - To match the building.

Mr. Wilhite - Yes.

Ms. Dwyer - When you say outside do you mean the front?

Mr. Wilhite - The side facing the parking lot towards Mayland Drive.

Ms. Dwyer - The other side would be what?

Mr. Wilhite - The other side I think is block, I believe.

Mrs. Wade - On the drawing it looks like it is split face. I don't see anything on here that just says plain CMU. I don't know if it matters because you won't be able to see it.

Ms. Dwyer - Right. Well, I guess I was more interested in Stillman, the part facing Stillman. Is that brick also?

Mrs. Wade - Well, you won't be able to see any of the screened wall from Stillman.

Ms. Dwyer - Well, it looks like there a bit on the side of the building.

Mrs. Wade - That's the front.

Ms. Dwyer - Is that the front that faces Stillman?

Mr. Wilhite - Yes, the front is facing Mayland Drive, actually. The rear of the wall will be inside the building once the building is constructed.

Ms. Dwyer - My question is, you know, the wall of the building that faces Stillman and that faces the parking lot towards Mayland, that's all brick, is that correct? I don't have any architectural so I can't tell.

Mrs. Wade - You can't tell much from the ones that we have. I think it is supposed to be the same all around, isn't it, Mr. Wilhite?

Mr. Wilhite - The architectural that they provided did match the ones provided at the time of the rezoning case and it's a part of the proffers.

Mrs. Wade - Maybe they can clarify that.

Mr. Wilhite - Yes. I think they will have to clarify that. It is rather hard to read.

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

Mrs. Wade - No. Otherwise, it looks pretty much like what they presented at zoning time.

December 15, 1998

Mr. Archer - Mrs. Wade, would you like to hear from the applicant?

Mrs. Wade - Just if she would answer that question, please, about the materials.

Ms. Isaac - I'm Laraine Isaac with Engineering Design Associates. I have an elevation and it's been colored. I hope it shows up. The Stillman side, this side, I guess, facing Mayland and the Pemberton side are all brick. The back of the building is split face block and it will be block on the back of that temporary wall because it's going to need it for stability, until the future building is built. That is not visible from anything except for the back of the shopping center.

Mrs. Wade - So, it will be brick and split face block?

Ms. Isaac - But even the brick is being, the detail on it, is brick.

Mrs. Wade - Did that answer your question, Ms. Dwyer?

Ms. Dwyer - Yes.

Mrs. Wade - And they understand that there will be no storage outside other than the vehicles.

Ms. Isaac - Right. The only other thing I would like to comment on is that this is M-1 zoning and the portion of the development, if you see the drawing in front of you, there is the Costen Building on the left, there is the wall and then the office warehouse area to the right. We have provided parking, so that can be developed completely as office space, if there are users who want office space. So, we try to plan ahead to make sure we have enough parking so that we don't run into any problems in the future with users.

Mrs. Wade - You don't have any site coverage problems or anything do you?

Ms. Isaac - No.

Mrs. Wade - Yes. I can see some need to be flexible in that regard.

Ms. Isaac - It creates a bookkeeping nightmare for everyone when you have to start going in and saying you can't lease this building because we've already used all of our office parking.

Mrs. Wade - All right. Thank you.

Mr. Archer - Are there any further questions? Thank you, Ms. Isaac. Mrs. Wade.

December 15, 1998

Mrs. Wade - All right, things seems to be in order. I move POD-109-98 be approved, subject to the standard conditions, the annotations on the plan, No. 9 amended and Nos. 23 through No. 34, as listed on the agenda, be approved.

Ms. Dwyer - Second.

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

The Planning Commission approved POD-109-98, Stillman Place, subject to the standard conditions attached to these minutes, the annotations on the plan and the following additional conditions:

9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for review and Planning Commission approval prior to the issuance of any occupancy permits.
23. The right-of-way for widening of Pemberton Road as shown on approved plans shall be dedicated to the County prior to any occupancy permits being issued. The right-of-way dedication plat and any other required information shall be submitted to the County Real Property Agent at least 60 days prior to requesting occupancy permits.
24. The easements for drainage and utilities as shown on approved plans shall be granted to the County in a form acceptable to the County Attorney prior to any occupancy permits being issued.
25. The entrances and drainage facilities on Pemberton Road (State Route 157) shall be approved by the Virginia Department of Transportation and the County.
26. A notice of completion form, certifying that the requirements of the Virginia Department of Transportation entrances permit have been completed, shall be submitted to the Planning Office prior to any occupancy permits being issued.
27. The developer shall provide fire hydrants as required by the Department of Public Utilities in its approval of the utility plans and contracts.
28. All repair work shall be conducted entirely within the enclosed building.
29. Outside storage shall not be permitted.
30. The certification of building permits, occupancy permits and change of occupancy permits for individual units shall be based on the number of parking spaces required for the proposed uses and the amount of parking available according to approved plans.
31. Any necessary off-site drainage easements must be obtained in a form acceptable to the County Attorney prior to final approval of the construction plans by the Department of Public Works.
32. Insurance Services Office (ISO) calculations must be included with the utilities plans and contracts and must be approved by the Department of Public Utilities prior to the issuance of a building permit.
33. Approval of the construction plans by the Department of Public Works does not

establish the curb and gutter elevations along the Henrico County maintained right-of-way. The elevations will be set by Henrico County.

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

LANDSCAPE PLAN

LP/POD-40-98

Studio Plus at Paragon Place

McKinney & Company: 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 2.11-acre site is located at the Paragon Place Office Complex, 800 feet west of Bethlehem Road and 250 feet south of Glenside Drive on part of parcel 93-A-1C. The zoning is B-2C, Business District (Conditional). **(Brookland)**

Mr. Archer - Is there anyone in the audience in opposition to LP/POD-40-98, Studio Plus at Paragon Place? No opposition. Mr. Strauss, sir.

Mr. Strauss - Thank you, Mr. Chairman. Staff has reviewed the landscape plan and can recommend approval of the plan as annotated with one additional annotation, which we are handing out to you this morning. Staff was made aware that there was some concern by the adjoining property owners to the east. They wanted to see some additional landscape screening along this property line. That property would be Paragon Place, which is over here (referring to screen). Staff encouraged the applicant to contact a Mrs. Murman who called the office in order to resolve any issues they had. Mr. Stacey Burcin is here from McKinney and Company. They are the applicant's representative. They have contacted Mrs. Murman and reached an agreement and basically what that agreement is, they are going to plant some additional leyland cypress at the height of seven to eight feet as clouded on that sheet that was just handed out. They will delete one shade tree and provide the additional screening. According to what Stacey said, that's satisfactory to the adjacent property owner. So, with that, I'll answer any other questions you may have. Other than that, we can recommend approval of the plan with that additional annotation.

Ms. Dwyer - I just have a general question. There seems to be some different plant materials used in what we are more accustomed to seeing. It looks interesting to me, like the European hornbeam.

Mr. Strauss - The lace bark elm is a tree we are seeing more of and it has another more common name. Staff is interested in seeing alternate types of trees and that is an acceptable type and that is very similar to an elm without the disease problems. I don't know if there is anything else unusual here but we did like the change of material. I think zelkovas are getting harder to find now.

Ms. Dwyer - I guess the lace bark elm was one that I had notice. It's nice not to see so much leyland cypress everywhere. This is a positive comment/observation.

Mr. Strauss - Thank you, we appreciate that.

Mr. Archer - Are there any further questions? Do we need to here from the applicant?

Mr. Vanarsdall - I don't, unless some of the other members would like to.

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

Mr. Vanarsdall - I move LP/POD-40-98, Studio Plus at Paragon Place, be approved with the annotations on the plan and the standard conditions for landscape plans recommended by staff.

Mrs. Wade - Second.

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

The Planning Commission approved, LP/POD-40-98, Studio Plus at Paragon Place, subject to the annotations on the plan and the standard conditions for landscape plans.

PLAN OF DEVELOPMENT

POD-123-98
Short Pump Town
Center

McKinney & Company for F. G. Pruitt, Jr., MJGT Associates, LLP, George A. and J. B. Page, Henry C. and J. B. Foster, BCFM Corporation, Andronkias and Evangelia Moudilos, Theodore and Folini Kefalas, Forest City Commercial Group and Shoppes at Short Pump, LLC: Request for approval of a plan of development as required by Chapter 24, Section 24-106 of the Henrico County to construct a one and two-story, 928,173 square foot regional shopping center with a 21-screen, 5,414 seat movie theatre. The 147.19-acre site is located along the north line of West Broad Street (U.S. Route 250), approximately 1,300 feet west of Pouncey Tract Road (State Route 271) on parcels 36-A-13, 26, 27, 28, 29, 30, 31, 32, 34A, 35A, 36, 37 and 38. The zoning is B-3C, Business District (Conditional) and WBSO, West Broad Street Overlay District. County water and sewer. (Three Chopt)

Mr. Archer - Is there anyone in the audience in opposition to POD-123-98, Short Pump Town Center? No opposition. Mr. Wilhite.

Mr. Vanarsdall - There are two items on the addendum also.

Mr. Wilhite - All of staff's comments have been received at this point. The proposed development before you, as indicated to us by the developer, is to be developed in one phase. The applicant is here to present in more depth the architectural design and layout of the center. Concern has been expressed by Police over some of the lack of the details on the site plan. Forest City Development has been in contact with Kim Vann from the Police Department, and staff would encourage them to stay in contact with Kim up to the approval of the building permits and the site plans for this development. As pointed out to you, there is an addendum with two new conditions stated on there. Staff has also been working out, with the developer, some wording on conditions Nos. 33 and 36. Condition No. 33 deals with outside storage. This is a typical worded condition that appears on all of the shopping centers we approve in the County and would prohibit outside display of merchandise unless there are designated areas on the site plan showing where these areas would be. In this particular case, with the plaza concept that they have here, they want to reserve the right and the ability to have an outdoors kiosk and carts. They would stay within the pedestrian plaza areas. And there is wording recommending a change to condition No. 33 to say "No merchandise shall be displayed or stored outside of the building(s) or on sidewalk(s) except in the pedestrian plaza area and other locations specifically approved at the time of landscape plan approval." Staff is recommending that the landscape plan come back before you.

As well, addendum item No. 36 that deals with the joint access drives between this project and the properties to the east and the west, there has been some new wording worked out that they will have to read to you and staff will have to recommend. Condition No. 36 would read: A drive connection shall be provided serving the properties immediately adjoining to the east and west of this site at the locations as shown on the staff plan dated December 15, 1998, either with the development of the property adjacent to the proposed roadway or within four years of the opening of the shopping center or any phase thereof. With those changes in the wording, staff would recommend approval of this site plan. Are there any questions? I'd be happy to answer them.

Mr. Archer - Are there any questions for Mr. Wilhite?

Ms. Dwyer - I have a question about that particular addendum item. I think access appears to be an issue in this case. What if the adjoining property owners, this is private property, what if they don't want folks to have access to this project though their private property?

Mr. Wilhite - Are you referring to the east or the west side or both in general?

Ms. Dwyer- Both.

Mr. Wilhite - I know with Downtown Short Pump it was a condition of approval that that joint access be constructed to the property line.

Ms. Dwyer - So, that is not going to be a problem?

Mr. Wilhite - Yes. Now as far as the property to the west, no plans have been approved. In fact, immediately adjacent to the left, over here, is the Virginia Power Substation and they have an easement that runs along the property line to this. We have not seen plans over here yet, but it has been anticipated that this central drive would continue all the way down to Gayton Road.

Ms. Dwyer - North Gayton?

Mr. Wilhite - North Gayton, yes. And that's what the County has been envisioning for this area.

Ms. Dwyer - And that's yet to be rezoned, that property to the west?

Mr. Wilhite - Yes, ma'am.

Ms. Dwyer - (unintelligible). Then chances are, we could address that when that property

Mr. Wilhite - Very much so. It could possibly be addressed with proffers at rezoning time.

Mrs. Wade - This is supposed to fill a need for a road parallel to Broad through this property, basically, this whole strip and allow people to go back forth without having to go out on to Broad every time. Mr. Wilhite, are PODs required for each outparcel or is that....

Mr. Wilhite - Yes, ma'am. PODs would be required for the outparcels. The only thing being approved here is everything within the ring road, the theatre and the main shopping center. We have been provided a master plan and it also appeared in the proffers showing development around the ring road, but those would be separate PODs.

Mrs. Wade - I had notice that there was some parking north of the ring road. There is a note on here about that. What is the status of that?

Mr. Wilhite - In order to meet the parking requirements for shopping centers, that would have to be included within the shopping center boundaries. They have agreed to do that. In fact, actually, there is more of a disagreement between certain sets of plans they had

submitted to us. One showed that within the bounds of the shopping center and the other did not. That's been worked out and they will show that as a part of the shopping center. That is before you for approval.

Ms. Dwyer - With traffic flowing east and west, as we were just discussing, traffic that doesn't want to go out onto Broad Street, to go though here they would have to come, say, from the Short Pump Ice Rink and they would have to go around this ring road in order to get to an outlet that would take them west beyond this property, is that correct?

Mr. Wilhite - That's correct, yes.

Ms. Dwyer - The ring road is going to carry all the traffic coming into the shopping center as well as flow through traffic.

Mr. Wilhite - That is what is anticipated once development has occurred to the west, yes.

Mrs. Wade - Mr. Wilhite, this does conform to the overlay district requirements and, apparently, most of the guidelines too.

Mr. Wilhite - Yes, ma'am, staff believes so.

Ms. Dwyer - What is the total square footage shown here?

Mr. Wilhite - I think, according to the caption it's 929,000 square feet and I believe there is also 10,000 square feet of outdoor dining to be designated in here as well.

Ms. Dwyer - Is that an additional 10,000 feet?

Mr. Wilhite - I believe that is already counted into the total.

Ms. Dwyer - And that doesn't include the future hotels and office?

Mr. Wilhite - No. The development on the outside is not factored into that.

Ms. Dwyer - Would you happen to know what the square footage of Regency Square is?

Mr. Wilhite - Roughly, similar, but I'm not sure.

Man in Audience - Close to a million.

Ms. Dwyer - Close to a million?

December 15, 1998

Mr. Archer - Are there any further questions?

Mrs. Wade - Do you have some exhibits, Mr. Burcin?

Mr. Burcin - Good morning. My name is Stacey Burcin with McKinney and Company. I'm here today on behalf of Forest City Commercial Development and Tommy Pruitt in the approval of the shopping center. Mr. Ian Bacon with Forest City is here today. Also, another member of the development and design team is here, Mr. Nelson Bracken with Thompson, Vantulett, Stainback, & Associates, is also here. We have been working with the staff for numerous months on this. We have acknowledged all of staff's conditions and we would agree to every condition and annotation that's been provided on the plan in addition to the additional comments that were provided today. We can present to you today some of the clarification of the architectural treatment, if that is what you like. We do have an exhibit that we can present to you. I didn't know if you wanted to get to that level of detail today.

Mrs. Wade - Well, yes.

Mr. Burcin - You would? Okay.

Mrs. Wade- We don't have one of these everyday, here. And, fortunately, the preliminary meetings and work have taken care of most of the other kind of issues.

At this time Mr. Burcin put up the exhibit for show and discussion.

Mr. Burcin - I'll discuss briefly the site plan.... We don't seem to have that on the screen at this point. The core of the site plan is a pedestrian oriented shopping center created with pedestrian plazas located down the middle of the shopping center. This is somewhat of a main street concept with also a town square created in the middle of that. Mr. Bracken, can give you a little more of the details of what we have done in there as far as traffic calming and so other items in there.

Mr. Bracken - My name is Nelson Bracken. I'm an architect with TVS Associates. As far as the traffic calming devices, the main street runs along this direction, east to west here, and another segment on this side. We have developed the street area so that there are pedestrian walkovers that are focused on the department stores or the anchors, the majors, and creating different subplazas as you move down the street. They are slightly raised so they provide complete access, pedestrian movement going across the street, which would calm the traffic also here at this intersection as well. Traffic would move out in around the central plaza leaving that a total pedestrian environment with the exception of emergency vehicles.

Ms. Dwyer - Running through the middle is a street as well as parking places as well as sidewalks?

Mr. Bracken - Yes.

Ms. Dwyer - This is an example, this left section?

Mr. Bracken - Yes, ma'am. This section here, the immediate area, adjacent to the building is a 15-foot-wide sidewalk, angled parking, a one directional street, a landscaped median and the opposite in the other direction.

Ms. Dwyer - And these are traffic circles, correct, at each end?

Mr. Bracken - At these location or at each end?

Ms. Dwyer- I'm assuming that's not a traffic circle, that traffic can't, and that' is.

Mr. Bracken - This is a traffic circle. That is a pedestrian area. There will be a monument or other landscaping features in the center to help draw people into these different areas.

Ms. Dwyer - And then the intersection is.....

Mr. Bracken - The intersection is a tee intersection, a right turn only. You could go right out or if you came in this direction you'd make a right and continue on the street. You would not be allowed to go across that.

Ms. Dwyer- Will there be a physical barrier there?

Mr. Bracken - Yes, there will be a physical barrier with landscape material.

Ms. Dwyer - Is what runs through the middle, is that a sidewalk or landscape?

Mr. Bracken - The green strip that runs down the street is landscaping.

Ms. Dwyer - But, there is no sidewalk down the center.

Mr. Bracken - There is no sidewalk down in the center. These are the wider crosswalk areas as well as at the main intersection.

Mrs. Wade - You did indicate that during busy times and special occasions you might close off the whole.....

Mr. Bracken - Yes, at special occasions or special shopping days, we would have the option of closing off the street, either here at the end, or at this end, to let this be a total

pedestrian environment, particularly on heavy shopping days, Christmas season, back to school season or any other special events.

Ms. Dwyer - I guess when I heard it was pedestrian oriented I didn't expect to see traffic flowing in the middle of it along with all the pedestrian oriented amenities. Obviously, you don't think that there are too many traffic pedestrian conflict in that center area.

Mr. Bracken - We worked to minimize those incidences where there could be problems. We will have some sort of signal here to help stop the traffic to give total movement, here. There is a large island. There's a divided area in the center there that's protected by bollards as you move across. You are only looking in one direction for the traffic and when you get to the center you have a safe zone and then before you can move on across the other way there is a slightly raised area. It will be concrete module unit pavers, which will have a ripple affect on your tires. It will be a calming device as you make a slight rise of six inches of about a length of eight to ten feet.

Mrs. Wade - I did have a little bit of concern that if you were going in there, and looking for a place to park and it was all filled up, that there might be a lot of traffic going in and out trying to find a spot in there. As a practical matter, I'm not sure how that would work out.

Ms. Dwyer - I had a note between "5C" and "5B." There appear to be a narrow passage way. It's above where it says zone 17.

Mrs. Wade - We talked about that yesterday.

Mr. Bracken - Directly, here?

Ms. Dwyer - Right, that passageway between the two. Is that pedestrian or.....?

Mr. Bracken - This is a pedestrian walkway, like an alleyway that would lead through. It's an opening between the two buildings. There will be tenant storefront on both sides looking into that. It's meant to be totally glass and merchandise as you go through that zone. So, there are no dark areas. It's very visible. There's a drop off here for people on this side, handicapped parking, a very short direct access into the heart of the center.

Ms. Dwyer - And the police commented on that alley.

Mr. Burcin - In that regard, we have talked with Ms. Vann with the Crime Prevention through Environmental Design Division of the Police Department. We have agreed that we will continue to coordinate this review as we assign tenants to these locations. A lot of the details that Ms. Vann was looking for has to do with placement of cash registers and that type of details that we don't have at this time. Security of the center is very important to us. We

certainly don't want any type of incidents that would create a bad name for this center. So, we will be coordinating directly with the Police Department all the way through this process up to as building permits go. As far as her making specific comments to that hallway, she alluded to it in her comments as one of the areas of concern she would like to look at further, and we agreed that we would meet with her and address that.

Mrs. Wade - And you have your own security people on the site, all of the time?

Mr. Burcin - Yes. There will be security on staff.

Mr. Bracken - We want to do everything possible to make this a very safe environment out here for all people.

Mrs. Wade - And you are also working with the Fire Department to be sure there is ready access in case of emergency.

Mr. Bracken - Yes. We met yesterday to discuss that and it was deemed satisfactory.

Mr. Marlles - Mr. Chairman, I think it's probably worth commenting that this is a fairly new design concept for Henrico County. I think staff is very excited about this because what I think the developers are proposing is to provide a lot of the design concepts that make downtown areas, especially a small downtown area work, while trying to design out some of the problems you find in traditional downtown. We are very excited that this might lead to maybe enhanced pedestrian areas, and we are convinced that this is going to be a quality development, and, really, would be on the cutting edge as far as commercial development in the Richmond area.

Mrs. Wade - And you indicated that you will have a lot of the leasing done before you even start construction.

Mr. Bracken - Yes.

Mrs. Wade - You've done a good job trying to screen the loading areas. I believe that's in accordance with the proffers also from Broad and other outside.... Did we decide about the material in there? We were talking about what kind of material that you were going to put in those loading areas.

Mr. Burcin - Regarding the loading docks and service courts that will be provided on the center, especially those facing the exterior of the perimeter of the center. There is a little bit of a conflict in comments from both Police Department and Planning. In that one department requested that there be no screening provided, no landscaping, nothing, leave the loading docks wide open in visible. The other saying to completely gates them off and screen them. What we have done is... we are still working with both departments. We are providing

somewhat of a compromise in that we are providing masonry walls that will match the adjoining buildings on the various service courts, but there will not be provided, at this point, any gates. So, that the police, during normal patrol, can drive around the ring road of the property, can look into these service courts and look for suspicious activity that might be occurring in these service courts. The loading docks themselves will be tucked away off to the side and behind the walls. The walls will be up to 12 feet, approximate height, so they should adequately screen the various components that would be in a service court, the trash compactors, the dumpsters as well as unloading vehicles. As far as the materials, again, they will try to match the building that it's attached to as far as the screen walls.

Mrs. Wade - As far as the screen walls on the outside, anyway.

Mr. Burcin - Right. On the inside, obviously, the buildings will be matched on all sides. We may have to take some special attention on the inside as to make sure it is durable. It's something that is not going to be damaged with say if the compactor gets pushed a little far against that wall and bumps into it, so that it would not damage the building. So, we will have to do some special designs in that respect.

Mrs. Wade - Well, there's a proffer, a usual proffer that prohibits visible untreated CMUs.

Mr. Bracken - Those areas that are directly visible, we will take special attention to those and adhere to the proffers.

Ms. Dwyer - Will the pedestrian walkways be covered, the sidewalks along the edges of the buildings?

Mr. Bracken - The edges of the buildings, there will be awnings, canopies, we do have some arcaded walkways in different areas that are intermediate as you go down the streetscape. So, there are a variety of treatments.

Ms. Dwyer - So, are all the sidewalks covered, then, or is it just....

Mr. Bracken - Intermittently.

Mr. Archer - Okay. Are there any further questions from the Commission?

Mrs. Wade - We are going to have to take some chances with the weather. That's all that I have. Is there anyone else?

Mr. Archer - Is there anyone else with a question or comment? Okay. Thank you, gentlemen.

Ms. Dwyer - I have one more question about the architecture. Is there a unifying theme in terms of materials or architecture style that you can identify for us?

Mr. Bracken - What we have done is looked at the architecture that's indicative of Richmond and northern Virginia and the Atlantic region here. And, incorporated the qualities of the brick and glass, mercantile styles that speak to the legacy of this region. If you want to determine a style it would be the characteristics of something that would span the last 50 to 60 years of this region, of this city.

Mrs. Wade - If there is anyone in the audience that would like to take a look at this please come forward. It is mostly brick and glass.

Mr. Bracken - There is a rich variety that you find here in Richmond, and we have reflected that variety within the designs of this center.

Mrs. Wade - The outparcels are suppose to be somewhat compatible too, which of course would give you a lot of variety judging by this.

Mr. Archer - Is there anyone else who would like to view this exhibit before they take it down?

Mrs. Wade - Will these walls be facing each other? I feel like we are back in the old hometown.

Mr. Archer - Thank you, sir. All right, Mrs. Wade.

Mrs. Wade - This is going to be a big thing for the area. I hope we will have some better access to the interstate in the not too distant future. They are in conformance with the overlay and certainly the zoning case and they answered the outstanding questions pretty well. So, I would move that... and it's been done by our concern as many, many, shopping enterprises and other throughout the country, a lot of experience in these matters, so we certainly wish them success. I'll have to get out and shop a lot. I move, therefore, that POD-123-98 be approved subject to the annotations on the latest plan, Nos. 9 and 11 amended, and add No. 23 and change No. 33 as Mr. Wilhite indicated, "No merchandise shall be displayed or stored outside of the building(s) or on sidewalk(s) except in the pedestrian plaza area and other locations specifically approved at the time of landscape plan approval."

Mr. Wilhite - Pedestrian plazas and other locations specified at time of landscape plan review.

Mrs. Wade - Okay. And, then, No. 35 and No. 36 has been amended, and I didn't get all of that, but as Mr. Wilhite read.

Mr. Wilhite - Number 36 has been modified.

Mrs. Wade- Relating to the access drives on the east and west to be more specific about the timing for those. I think that covers it. I would move that it be approved.

Mr. Vanarsdall - Second.

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

The Planning Commission approved POD-123-98, Short Pump Town Center, subject to the standard conditions attached to these minutes, the annotations on the plan and the following additional conditions. Mr. Donati was absent.

9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for review and Planning Commission approval prior to the issuance of any occupancy permits.
11. **AMENDED** - Prior to the installation of the site lighting equipment, a plan including depictions of light spread and intensity diagrams and fixture mounting height details shall be submitted for Planning Office review and Planning Commission approval.
23. The easements for drainage and utilities as shown on approved plans shall be granted to the County in a form acceptable to the County Attorney prior to any occupancy permits being issued.
24. The entrances and drainage facilities on W. Broad Street (U.S. Route 250) shall be approved by the Virginia Department of Transportation and the County.
25. A notice of completion form, certifying that the requirements of the Virginia Department of Transportation entrances permit have been completed, shall be submitted to the Planning Office prior to any occupancy permits being issued.
26. The developer shall provide fire hydrants as required by the Department of Public Utilities in its approval of the utility plans and contracts.
27. Outside storage shall not be permitted.
28. Any necessary off-site drainage easements must be obtained in a form acceptable to the County Attorney prior to final approval of the construction plans by the Department of Public Works.
29. 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.
30. Insurance Services Office (ISO) calculations must be included with the utilities plans and contracts and must be approved by the Department of Public Utilities prior to the issuance of a building permit.
31. Approval of the construction plans by the Department of Public Works does not establish the curb and gutter elevations along the Virginia Department of Transportation maintained right-of-way. The elevations will be set by the contractor and approved by

- the Virginia Department of Transportation.
32. The ground area covered by all the buildings shall not exceed in the aggregate 25 percent of the total site area.
 33. No merchandise shall be displayed or stored outside of the building(s) or on sidewalk(s), except in the pedestrian plaza areas and other locations specifically approved at the time of landscape plan approval.
 34. The existing 10 foot and 50 foot access easements shall be abandoned prior to the issuance of any building permits in this development.
 35. The right-of-way for widening of W. Broad Street as shown on approved plans shall be dedicated to the County prior to any occupancy permits being issued. The right-of-way dedication plat and any other required information shall be submitted to the County Real Property Agent at least 60 days prior to requesting occupancy permits.
 36. A drive connection shall be provided serving the properties immediately adjoining to the east and west of this site at the locations as shown on the staff plan, dated December 15, 1998, either with the development of the property adjacent to the proposed roadway, or within four years of the opening of the shopping center, or any phase thereof.

PLAN OF DEVELOPMENT

POD-119-98
Great To Go Store #3 –
Lakepointe @ Innsbrook
(POD-136-85 Revised)

Grattan Associates, P.C. for Sidney J. Gunst, Jr. and Robert M. Atack 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, 4,400 square foot convenience store and restaurant addition with fuel pumps to an existing bank site with a 1,562 square foot future expansion. The 2.338-acre site is located at the northeast corner of Dominion Boulevard and W. Broad Street (U.S. Route 250). The zoning is B-2C, Business District (Conditional). County water and sewer. (Three Chopt)

Mr. Archer - Is there anyone in the audience in opposition to POD-119-98, Great To Go Store #3 – Lakepointe @ Innsbrook? No opposition. Mr. Whitney.

Mr. Whitney - The revised staff plan that was included in your packet, it is on the screen up here now, staff had not completed its review to include it in your packet. However, I would say that the addition on this revision is for some parking spaces at the front of the bank and a proposed convenience store. With that, traffic engineering recommended, to avoid any further conflict with the drive-up teller lanes, that they make this area one way through the site. So, the Broad Street side toward the north, on the east side of the site, will be one way. With that, the Department of Public Works recommends approval this plan, as does staff, with the annotations on the original staff plan, additional conditions on the agenda. In addition, staff is

recommending that No. 9 be amended for the landscape plan to come back to this Commission. The proffers for this site point to landscape plan being approved by the Planning Commission. With that, I'll take any questions that you may have.

Mr. Vanarsdall - They are going to take the drive-thru out?

Mr. Whitney - The drive-thru tellers will remain. The bank will remain.

Mr. Zehler - Where is the location of the underground fuel tanks?

Mr. Whitney - I'll have to refer that question to the engineer. The representative for the applicant, Stuart Grattan, is here with Grattan Associates.

Mrs. Wade - Do you think the buffers, the space and so forth here are comparable to what else is in the area here at Innsbrook? Is it not a part of Innsbrook still?

Mr. Whitney - It is a part of the shopping center and a part of Innsbrook. We had some discussions about the landscaping that could be achieved in the area along Broad Street and Dominion Boulevard. Staff did raise a concern that there were many easements though here. However, again, Mr. Grattan can maybe answer more specifics on that question about these easements and what areas we will have left to landscape.

Mrs. Wade - I really do need to look at this some more. I find it, and I don't think bizarre is too strong a word to use in this case, but all the meetings we have had through the years about Innsbrook and the surroundings at Innsbrook, east, west, south, dealing with the Quality Inn and everything else that goes into the area and then suddenly I haven't heard a word from anybody about this and it's been deferred, for what, two months. So, I going to say that I need more information about this case and defer it until the 26th of January. And, I'm sorry if Mr. Grattan spent his morning here in vain but we need to get together and somebody show me more about what you plan to do here. So, I would move that POD-119-98 be deferred until the 26th of January.

Ms. Dwyer- Second.

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

The Planning Commission deferred POD-119-98, Great To Go Store #3 - Lakepointe @ Innsbrook (POD-136-85 Revised), to its January 26, 1999 meeting. Mr. Donati was absent.

PLAN OF DEVELOPMENT

POD-118-98
Springfield
Park Office **Jordan Consulting Engineers, P.C. for HBR Associates and Barton Real Estate:** Request for approval of a plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code to construct two, one-story office buildings totaling 20,577 square feet. The 1.945-acre site is located along the west line of Springfield Road (State Route 157) approximately 300 feet north of Gaskins Road on parcels 48-A-15A and 48-A-16. The zoning is O-2C, Office District (Conditional). County water and sewer. **(Three Chopt)**

Mr. Archer - Is there anyone in the audience in opposition to POD-118-98, Springfield Office Park? No opposition. Mr. Wilhite.

Mr. Wilhite - The last issue left on this project had to do with water quality requirements, and we were able to work those out as of this morning. So, staff would recommend approval of this proposed development with the annotations on the plan and the standard conditions.

Mr. Archer - Are there any questions of Mr. Wilhite? No questions, Mrs. Wade?

Mrs. Wade - No. I have maybe one for the applicant and that's all.

Mr. Archer - Okay. Would the applicant come forward, please.

Mr. Mills - Mr. Chairman and members of the Commission my name is Malachi Mills. I'm with Jordan Consulting Engineers and I represent the applicant in this case.

Mrs. Wade - I see you have resolved your water quality issue but there are still some, I think, arch trees are they not, do you have some tree protection measures in mind for those?

Mr. Mills - Yes, ma'am. When we had our staff/developer meeting we know that there are some conditions to maximize tree save as much as we can. There are some large growth trees and excellent specimen trees that are likely to survive the construction. We have highlighted two, I believe it's a 16 and a 24 inch white oak tree along Springfield Road, along the frontage. There are two more that we feel possibly are in harms way of some of the grading that Mr. Wilhite and I have discussed that we are going to expand our tree save to pick up two more large, I think, they are both white oak trees as well. Frankly, we are just going to have to track them because there are some three to one slopes that do come close to the proximity of them. There's a possibility, because they are freestanding and strong trees that they may survive the construction. We are just going to have to take some stronger measures maybe in (unintelligible) to look at and see what happens to the root system after construction.

Mrs. Wade - The first two you mentioned, though, you are going to take them.

Mr. Mills - Yes, ma'am. I don't think there will be any trouble at all that they won't survive. They are enough away, they are about 15 to 20 feet from any curb and gutter. The other two are within 10 feet of some of the curb and gutter construction and about a two-foot grade differential, and there is concern that we will damage the roots to an extent that it will just be a hazard in the end.

Mrs. Wade - I understand. Thank you. The roof seems awfully high on these buildings. Are they in portion to the size of the building, the roof height? It looks like a lot of roof for a, it's not a very big building. It's only one story, isn't it?

Mr. Wilhite - Yes. The design silhouette of these two structures are in keeping and compatible with the Springfield Vet Center that was approved last month. There was a rendering with the proffers for the rezoning case, which Springfield Vet does match and this does fit in. Now, there are some slight differences in materials. Springfield Vet was primary brick and wood siding, this would be brick and stucco for these two office buildings but the architectural appearance is very close to Springfield Vet Center.

Mrs. Wade - All right. Thank you. Is there anybody else?

Mr. Archer - Are there any other questions? Mrs. Wade.

Mrs. Wade - I move POD-118-98, Springfield Office Park, be approved subject to the standard conditions, the annotations on the plan, and conditions Nos. 23 through 25.

Mr. Zehler - Second.

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

The Planning Commission approved POD-118-98, Springfield Office Park, subject to the standard conditions attached to these minutes, the annotations on the plan, and the following additional conditions. Mr. Donati was absent.

23. The right-of-way for widening of Springfield Road as shown on approved plans shall be dedicated to the County prior to any occupancy permits being issued. The right-of-way dedication plat and any other required information shall be submitted to the County Real Property Agent at least 60 days prior to requesting occupancy permits.
24. The easements for drainage and utilities as shown on approved plans shall be granted to the County in a form acceptable to the County Attorney prior to any occupancy permits being issued.

25. The entrances and drainage facilities on Springfield Road shall be approved by the Virginia Department of Transportation and the County.
26. A notice of completion form, certifying that the requirements of the Virginia Department of Transportation entrances permit have been completed, shall be submitted to the Planning Office prior to any occupancy permits being issued.
27. The developer shall provide fire hydrants as required by the Department of Public Utilities in its approval of the utility plans and contracts.
28. A standard concrete sidewalk shall be provided along the west side of Springfield Road.
29. Outside storage shall not be permitted.
30. The certification of building permits, occupancy permits and change of occupancy permits for individual units shall be based on the number of parking spaces required for the proposed uses and the amount of parking available according to approved plans.
31. Any necessary off-site drainage easements must be obtained in a form acceptable to the County Attorney prior to final approval of the construction plans by the Department of Public Works.
32. 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.
33. Insurance Services Office (ISO) calculations must be included with the utilities plans and contracts and must be approved by the Department of Public Utilities prior to the issuance of a building permit.
34. Approval of the construction plans by the Department of Public Works does not establish the curb and gutter elevations along the Virginia Department of Transportation maintained right-of-way. The elevations will be set by the contractor and approved by the Virginia Department of Transportation.
35. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the Planning Office and approved prior to issuance of a certificate of occupancy for this development.

SUBDIVISION (Deferred from the November 17, 1998, Meeting)

**Fort King
(June 1998 Plan)**

Foster & Miller, P.C. for Stern Homes: The 7.0 acre site is located along the south line of Fort King Road, approximately 700 feet east of Pemberton Road on parcels 68-A-23, 24, 25, 27, and part of parcels 68-A-22, 26 29 and part of parcel 68-A-2-E-1. The zoning is R-2A, One-Family Residence. County water and sewer. (Tuckahoe) 17 Lots

Mr. Archer - Is there anyone in the audience in opposition to subdivision Fort King (June 1998 Plan)? No opposition. Mr. Wilhite.

Mr. Wilhite - On your addendum there is a revision to condition No. 12 that staff is

recommending. There are two existing homes along Pemberton Road which will be tied into water and sewer with this development and this condition addresses the timing of those tie ins. The developer would like to have some more flexibility to work out those connections and rather than have it done prior to recordation of the subdivision plat, we worked out some proposed wording to allow him to make sure the hook ups are done prior to occupancy permits being issued for the two lots directly behind these, which would be Lots 3 and 4, Block B. With that change to condition No. 12, staff would recommend approval of this subdivision.

Mr. Archer - Thank you, Mr. Wilhite. Are there any questions of Mr. Wilhite from the Planning Commission?

Ms. Dwyer - No questions from me.

Mr. Archer - Is there anyone else? Would you like to hear from the applicant, Ms. Dwyer?

Ms. Dwyer- No.

Mr. Archer - All right. You can make your motion.

Ms. Dwyer- Before I make a motion, I just want to say that I thank the developer in this case for removing the two stem shape flag lots, which we originally had on the subdivision plan and we are happy to see those gone by the wayside and replaced with a much improved subdivision plan. With that, I would like to move for conditional approval of Fort King (June 1998 Plan) subject to the annotations on the plan, the standard conditions for subdivisions served by public utilities and the additional condition No. 12 as it appears on our addendum revised as of today's date.

Mrs. Wade - Second.

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

The Planning Commission granted conditional approval to subdivision Fort King (June 1998 Plan), subject to the standard conditions attached to these minutes, the annotations on the plan, and the following additional condition. Mr. Donati was absent.

12. The existing homes on Lots 3 and 4, Block B, shall be connected to public water and sewer prior to the issuance of any building permits for Lots 7 and 8, Block A, as shown on the plat.

SUBDIVISION

December 15, 1998

N. Gayton Road Extended
(December 1998 Plan)

Foster & Miller for BBH Associates and William S. & Ellen R. Hockaday: The 2.033-acre site is located on the north line of W. Broad Street (U.S. Route 250) at N. Gayton Road Extended on part of parcels 36-A-45, 46, and 47. The zoning is B-3C, Business District (Conditional) and R-6, General Residence District. County water and sewer. (Three Chopt) 0 Lots

Mr. Archer - Is there anyone in the audience in opposition to N. Gayton Road Extended?

Man In Audience - I have some concerns about the sewer and the drainage that serve this project. It might be better to address those at the POD.

Mr. Archer - Okay. We will get to you as soon as the staff report is done. Thank you. Mr. Whitney.

Mr. Whitney - Thank you, Mr. Chairman. Ms. News is handing out a revised plan to you. This revised plan is clouded. It shows the addition of the area to be dedicated to the proposed ramp to I-64. With this revision, staff received a letter. In the letter from Foster and Miller, the engineer, they indicated that the ramp dedication would occur when some of the apartments were developed, when their POD came in. I talked with Spud Mistr with Foster and Miller, and indicated to him that the proffer indicates that the road dedication would occur prior to any certificate of occupancy for any building on any portion of the property. So, he has agreed that the dedication will include North Gayton Road Extended as well as the ramp, all on one plat.

Mrs. Wade - Suppose if someone sells this, would this still apply?

Mr. Whitney - Yes, it would.

Mrs. Wade - Do we have any idea of when they intend to begin building on that? We don't have a POD for that yet, do we?

Mr. Whitney - No. There has been no POD submitted as yet. I have not been given any indication of when they plan on submitting it. But, if they sold the property to somebody else, the proffer would still apply and the dedication of the road would have to occur. But, in any event, Dominion Chevrolet has a POD that you will here, as the next case, so prior to them getting a certificate of occupancy the dedication will be done.

Ms. Dwyer- Are they dedicating and building the road?

Mr. Whitney - There are construction plans in the process of being finalized at this time. I believe they are building half of the road adjacent to the Dominion Chevrolet site, which will be right at the corner of W. Broad Street and North Gayton Road Extended. There are a slew of representatives here if you have any questions.

Mr. Archer - Are there any further questions of Mr. Whitney before we turn it over to the slew?

Mrs. Wade - It's been intended for a long time that Gayton extends north and bridge I-64 and continue around to Pouncey Tract at Shady Grove.

Mr. Weinberg - Can I just clarify one point? The ramp won't be done by subdivision plat but will done by deed, because if you will recall, that proffer has rights of reversion, that if the County doesn't build it in 15 years, but it all will be dedicated. The best information I have, Summit will be coming in for a POD at the end of February or March.

Mrs. Wade - Thank you.

Mr. Whitney - As far as that issue, Mr. Weinberg, the assistant director and I have discussed it and there are only two ways we can dedicate right-of-way: through a subdivision or a letter of necessity. I believe a deed would not be an avenue that we could achieve that dedication. Mr. Silber just walked in and he affirms what I just stated about the dedication of the right-of-way.

Mrs. Wade - Well, it will be dedicated, it's not up to us today to decide it in some legal fashion.

Mr. Whitney - No, it's not.

Mrs. Wade - We don't need to specify that.

Mr. Whitney - Are there any further questions?

Mrs. Wade - I know a lot of work went on regarding that, I believe, after we finished with the cases and worked with Public Works and the Board of Supervisors regarding the roadway extension. That's all I have about that.

Mr. Archer - Okay, if there is no other discussion, we do have a gentleman who would like to make an observation.

Man in Audience- Perhaps it would be best to address my concern with the Dominion Chevrolet portion. The concerns that I have are not with the alignment of the road (unintelligible) with the drainage and sewage that serve (unintelligible).

Mr. Archer - So, do you want to wait until the next case, sir?

Man in Audience- Yes, sir.

Mr. Archer - All right. Mrs. Wade, would you like to hear from the applicant?

Mrs. Wade - No. I move then that subdivision North Gayton Road Extended (December 1998 Plan) be approved, subject to the standard conditions, the annotations on the plan, and conditions Nos. 10 through 12 as listed on the agenda.

Ms. Dwyer - Second.

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

The Planning Commission granted conditional approval to North Gayton Road Extended (December 1998 Plan) subject to the standard conditions attached to these minutes, the annotations on the plans, and the following additional conditions. Mr. Donati was absent.

10. The limits and elevation of the 100-year frequency flood shall be conspicuously noted on the plat and construction plans and labeled "Limits of 100 Year Floodplain." Dedicate floodplain as a "Variable Width Drainage & Utility Easement."
11. A County standard sidewalk shall be constructed along the east side of N. Gayton Road Extended.
12. Any necessary off-site drainage easements must be obtained prior to final approval of the construction plans by the Department of Public Works.

PLAN OF DEVELOPMENT & TRANSITIONAL BUFFER DEVIATION

POD-127-98
Dominion Chevrolet -
W. Broad Street

TIMMONS for BBH Associates, The Linhart Company and William S. & Ellen R. Hockaday: Request for approval of a plan of development and transitional buffer deviation as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code to construct an automobile dealership consisting of 3 4, one-story buildings totalling ~~69,629~~ 71,400 square feet. The 10.133-acre site is located on W. Broad Street (U.S. Route 250) at N. Gayton Road Extended on part of parcels 36-A-45, 46 and 47. The zoning is B-3C, Business District (Conditional) and W. Broad Street Overlay District. County water and sewer. **(Three Chopt)**

Mr. Archer - Is there anyone in the audience in opposition to POD-127-98, Dominion Chevrolet W. Broad Street? Okay. We will get to you, sir. Mr. Whitney.

Mr. Whitney - First of all, I would like to point your attention to the addendum. The applicant has provided us a letter requesting a transitional buffer deviation for this POD. In addition, they have added a fourth building for a Pontiac GMC showroom, which will now bring the approval for a total of four one-story buildings totaling 71,400 square feet.

Ms. Dwyer - Could you elaborate on the transitional buffer deviation?

Mr. Whitney - Yes, ma'am, I will. The revised plan that you've received, the clouded area shows the additional showroom and on this is the staff recommendation for the transitional buffer deviation. In essence, we have on the easterly property line and on the northerly property line, the first adjoining A-1 the second adjoining R-6, a requirement for a Transitional Buffer 35. What they are requesting in affect is to reduce that area to a 10-foot landscape area around the perimeter of the site.

Ms. Dwyer - Are you talking all three sides that are not....

Mr. Whitney - Actually, I'm only talking about two sides, the east side which would be at the bottom of this sheet and the north side on the right-hand side.

Ms. Dwyer - But, what about around the loop road?

Mr. Whitney - The loop road, which is the property line for Dominion Chevrolet, would be on a boundary to the outparcel which is also B-3, so there would be no requirement for a buffer along there.

Ms. Dwyer - That's not the BMP, that's an additional potential space for an outparcel here?

Mr. Whitney - That outparcel does have the BMP on it. Anyway, in the northerly area of the Transitional Buffer 35, the owner of the R-6 piece across the access road has asked to provide the transitional buffer 35 on their side and have control of that. Dominion Chevrolet on their side will have an additional ten foot area for landscaping. Along the access road from W. Broad Street, E. Henley Drive, there is a variable width landscaping area that they are requesting here to a minimum of about 10 ½ feet. The site plan indicates the size of the areas that will be a part of that landscape area along the access road.

Ms. Dwyer - The 35 feet that you mentioned, that is actually on the R-6 property, you said, the 35-foot buffer on the R-6 property across from the body shop?

Mr. Whitney- Yes. It would be across the access road from the body shop.

Mrs. Wade - Did we get a letter about that? Of course, this is off site.

Mr. Whitney - I have not received it in writing as yet. I stand corrected, I just received

it in writing.

Mrs. Wade - We are not entirely comfortable with this arrangement.

Ms. Dwyer- Wasn't this R-6 zoned at the same time?

Mrs. Wade - Yes. And the two are, you know, in collaboration here. Now, this says they agree with the deviation. It doesn't say anything about them compensating on their side.

Mr. Condlin - If I may, BBH is the current owner of that property that's zoned R-6 that's immediately adjacent to this property. They have agreed with the transitional buffer deviation, they are the current fee simple owner. William Johnson is here from BBH as a general partner and he can speak to that issue if you like but that's something that they have agreed to that they are willing to place on there. That's what they prefer to do as far as the maintenance on their side. That was a part of the overall transaction with Linhart, with Summit, with BBH.

Ms. Dwyer - Will there be a 35 foot buffer on the R-6 property, and that's in addition to any rear yard setback?

Mr. Condlin - I'm not aware of the actual extent of that buffer that they were going to comply with the requirements, otherwise with the granting of this deviation. Either Jay or Mr. Johnson could speak to that issue as to what's going to apply on the R-6 property.

Mr. Weinberg - I'm Jay Weinberg. As I understood it, there was going to be 10 feet on Andy's side and 25 feet on the Summit side, which made a total of 35 feet. But, not 35 feet on the Summit side in addition to the 10 feet on the....

Ms. Dwyer - What kind of a buffer is that? Is that going to be in addition to any rear yard setback, on the Summit side?

Mr. Weinberg - I don't know. I haven't seen their final plan.

Mrs. Wade - They have moved the water line, as I understand it, out of the buffer on the apartment side to the road some place. So, at least it isn't going down behind the curb there, as I understand it. How tall is the wall around this area in the back?

Mr. Condlin - I believe that's eight feet behind there, a masonry wall. That will be the same material as the building that would go along behind the landscaping, between the landscaping and the building.

Mrs. Wade - And the building is of what material?

Mr. Condlin - It will be concrete panel and E.I.F.S. of the same color, the same material as the front of the building.

Ms. Dwyer- Will the whole wall be covered in E.I.F.S.?

Mr. Condlin - The wall itself will be concrete panels. The concrete panels they are proposing will match the building itself. There won't be any E.I.F.S. on the wall itself. It will be painted to match the E.I.F.S..

Mrs. Wade- And they understand that there's not to be car storage in this space back there.

Mr. Condlin - Yes, ma'am. We will abide by the ordinance requirements. We understand the ordinance requirements as they are interpreted by Planning Office, assuming they don't get too strict on the outside storage. We brought this issue up with Mr. Webb a number of times as to how you define outside storage and what's a use and we have taken exception on occasion but we are planning on abiding by his interpretation of the ordinance by requiring the parking outside of that setback requirement. It does not take the entire, a setback line you can see it there are some parking spaces behind that walled area, not immediately adjacent to the wall but next to the building. In other words, it will be parking inside and parking on the other side of the building.

Mrs. Wade - The concern here now is that you have got 10 feet and then you've got the road, however wide that is, you've got 25, you might have a three-story apartment building there which would be looking right over into this yard.

Mr. Condlin - Yes, ma'am. I would say that I'm not sure that that's any difference than what would be accomplished by the buffer. Otherwise, we've work with the Summit Properties. They are aware of our plans. They have a representative that we've talked with on a number of occasions and we think that they are satisfied with it as far as the R-6 property goes. It serves as much as a 35 solely on our property and it's something they prefer as well as we do on this issue.

Mrs. Wade- I'm making a big issue of this because the interpreter in the Planning Office has indicated that this is a use which would require a 40 foot setback if they store cars and things out there. Based on that interpretation, this is why we are being specific.

Mr. Condlin - As a point of interpretation, he has actually told me, and, again, not putting words into anyone's mouth, the zoning enforcement officer has told me that any parking of any cars at one point would be deemed a use therefore violating the setback and that would include sell for display. Obviously, we are not going to display cars back there, that was never an issue. Our concern was something if someone wanted to park a car to get their oil changed and they just park it, ran in and got their oil changed, he said yes that would be a use that would violate the setback restrictions. We've talked to them, we are, operationally, going to try to avoid that as best we can and keep people out of that area and just use it for parking, employee parking, customer parking.

Ms. Dwyer - Are there any utilities running through this meager 10-foot length (unintelligible)?

Mr. Conlin - waterline was, we moved that out of a portion of that, portion of that, otherwise, I am not sure what other utilities if they are to be perpendicular.

Mr. Loving - Monte Loving. I am with TIMMONS. There's no utilities running through that 10 foot buffer. We have moved the water line to the other side of the road.

Ms. Dwyer - How about along the other road? I am not sure what it is called.

Mr. Loving - We have worked that out with the Utilities Department. They have allowed us to relocate that water line in the center of that access road. The only utilities that would cross it would cross it in a perpendicular manner as well as Virginia Power and the cable and telephone would not be located in that area, also.

Mr. Zehler - Except for perpendicular? To get across that?

Mrs. Wade - The only public roads here are Broad and Gayton Roads. The others will be private?

Mr. Loving - Yes, ma'am. They all will be privately held, maintained. There will be restrictive covenants that have been contracted to be placed on all of the roads that serve all of the out parcels for Dominion Chevrolet and the apartments.

Mrs. Wade Which is why they don't necessarily come under the 35 foot overlay, but they are transitional. If it were a public road it would have to have 35 feet all the way up the side here. What are these two spaces here behind this body shop that are long and parallel to it?

Mr. Loving - I believe they are just parking spaces. They are just parking spaces for the movement of the vehicles. They put them sideways there.

Mrs. Wade - I would refer you all to something that I found last night that I had in my papers regarding the O/S District and it differs towards these plans, and so forth. There are some comments in there about B-3 and what is allowed, and automotive uses are distinguished and I don't know whether staff looked at that lately, but I feel sure that Mr. Webb looked at it, but there was some comment in there about what is allowed in B-3 and there seemed to be some specific reference to automotive uses, so if that is a problem, you all might...

Mr. Whitney - Yes, in a B-3 District for automotive uses, sales, repair, etc., it is pretty specific on what can be stored outside. I think the language is "All discarded vehicle parts, inoperable, damaged or inoperable motor vehicles are to be stored inside an enclosed building, or as provided herein."

Mrs. Wade - There was some reference, though, to cars that were towed there and could be stored outside for 30 days.

Mr. Whitney - That is the inoperable motor vehicle portion of that, but they have excluded doing towing on this site, I believe, through a proffer.

Mr. Loving - I don't agree with that.

Mr. Whitney - You have not?

Mr. Loving - No. I mean we have got a body shop here. But we have agreed to abide by the proffers, but what I understand is that we have some spaces that are next to the building that are screened or walled in that we can place the vehicles as long as they don't violate the setback requirements, or we can put them in a building which are both the options that we are planning on from an operational standpoint.

Mr. Whitney - I think the 30 days comes in for the inoperable motor vehicles removed from the highways in emergency situations, but in any event, that needs to be either in an enclosed building or screened from view, as provided in the development standards for the B-3 District.

Mrs. Wade - OK. Thank you. Well, let's see. They have to be screened from view.

Ms. Dwyer - What are the standards for approving a transitional buffer deviation?

Mr. Whitney - The way the Code is written, if it meets the spirit and intent of the landscape section of the Ordinance, the Planning Commission can approve a deviation or modification, I think is the word that is used. It sets it up for somewhat of a case-by-case basis.

Mr. Zehler - I have a question for Mr. Condlin. The piece that we are seeing that is not being used, right on the corner there, what is the proposed use for that piece?

Mr. Condlin - Well, again, I defer to Mr. Weinberg. I believe the problems that we have indicated, that, if you remember, there was a zoning case that we amended the proffers to speak of, first to be a convenience store, that had to be located a certain way and if it was other uses, they designated how the building would have to be located, but I can't think of any specific plans at this point as to who or what they are going to be putting on that corner.

Mrs. Wade - And they had in some conceptual site plans, but I don't think..

Mr. Weinberg - Yes, it is Proffer No. 27 as Amended.

Mrs. Wade - And they have to be approved by the Planning Commission, I think it says.

Mr. Weinberg - Yes. The exact locations, footprints, configurations, sizes and details of the building and parking lot are illustrative, that is, we pushed the building as far forward to Broad Street and Gayton and may be revised from time to time for engineering or regulatory reasons and other reasons approved at the time of Plan of Development review. And, of course, we have another proffer that lists all of the things that can't go there. We have not, my client has not marketed that piece yet. We have all on our plate that we could handle with the automobile dealership and the apartments.

Mrs. Wade - It is probably prohibited by proffers that state car dealerships cannot be, as I recall.

Mr. Weinberg - I believe that is correct, Mrs. Wade.

Mr. Zehler - You could also request it by...

Mrs. Wade - That is always true.

Mr. Weinberg - I am sorry.

Ms. Dwyer - Mr. Whitney, if the transitional buffer requires 35 and the wall, is the wall alternative that we are looking at? It is 8 feet tall.

Mr. Whitney - The wall was not included in the request for a deviation. That was to screen that area behind the body shop, in my opinion, when the proffer was written for this, it was to screen them from storing discarded vehicle parts, vehicles being repaired and what not. It did not have to do with the deviation.

Ms. Dwyer - I thought we were using the screening alternative for having a wall in lieu of a transitional buffer, which reduces the buffer by twice the size the height of the wall. That is not what it was?

Mr. Whitney - No, because it is not the same thing, because the area is being provided on the other side of the access road. It is not a reduction. It is a relocation, so to speak.

Ms. Dwyer - Relocation.

Mr. Whitney - So, the height of the wall reducing the buffer does not apply in this case.

Ms. Dwyer - Do we have the authority to allow an off-site buffer? Or is that something that should be a deviation?

Mr. Whitney - I don't have the answer to that. I don't know.

December 15, 1998

Mr. Marles - I am not sure that I have ever heard of that question coming up, although I believe that is a requirement that could be discussed at the time the future POD comes up for the adjacent property.

Mrs. Wade - I would not think we could do that now, basically, but that is why we wanted the letter to be sure that it was what they intend to do, although how legally binding that might be...

Mr. Weinberg - It was certainly our understanding when we met with Mr. Hinson and all members of staff that that would be permitted and incorporated in our POD, that 25 feet, 35 feet, 10 on their side and 25 on ours, and let me say this. As representing the apartment developer, we are very sensitive to the need for landscaping along that area, but we have been working very closely with Mr. Linhart all along and his counsel and engineers and we don't have any feeders that we can implement so that it is mutually beneficial.

Mrs. Wade - This current site is generally here in the rear, I took a detour through there yesterday, and only a couple of old cars were back there. Basically, it appears to be in good shape. But, as far as what they are going to do there, we probably ought to get rid of the wall and just leave it exposed and that would solve some of the problem. What might happen back there...

Ms. Dwyer - Except landscaping. I guess I am just not clear about what it is you are doing. It seems to me that we are taking a required buffer and taking a piece of it and putting it on a separate parcel across the road, and I just, is there a place in the ordinance that says that we can do that? At first, I was assuming that we were using the wall alternative, but...

Mrs. Wade - I guess, basically, we have to say well, do we think that the wall and the 10 feet are enough? If we think they are, I guess it is sort of academic, but we are certainly expecting more across the road.

Mr. Whitney - Ms. Dwyer, I am requesting that we go to side bar right now. I can read the general requirements at the bottom of the transitional buffer requirements if you like. I don't know the answer to your question. I am not an attorney.

Mrs. Wade - I hope he is going to have room here to do whatever he needs to do on this site. He has to figure that out. I think it is interesting, we are trying to work with a business that has been in the County for a long time and is seeking to move to another location in the County, and...

Mr. Weinberg - If I may, I think it is clearly, I think the wall and buffer, as you said, Mrs. Wade, the wall and the buffer together we were hoping to make up for with the 25 feet on the apartments to make up for the request. But, the wall is also an important part for these activities that go on in the body shop which had to be placed at some location on the site and the requested location almost consistently was, "Get that thing as far back from Broad and Gayton as is humanly

possible," which is what we tried to do. We have set it back as close to the setback line as we thought that we could., but then, we got the problem with the apartments. There is only so many places. We tried to accommodate the apartments and the County's request by placing the wall in there. We have got a gated area in there to allow for activities to occur, to get them into and get them out, and for the customer parking, and that is one of the other uses for the wall. I'd hate to get into a situation where you asked us not to put the wall up because it is part of our ability to operate. You know, we can't park the car there. We have got to get the car into the building, somehow, and I think this would allow us to move a car into the building. That is one of the facilities that we have got.

Mrs. Wade - I thought the entrances were at the end of that building.

Mr. Weinberg - Yes, they are, but we have also got some activities that occur in the back, including the parking, that is allowed next to the building, that we have allowed for parking of inoperable vehicles, as a kind of an overflow.

Mrs. Wade - Of course, all activities are supposed to occur inside the shop.

Mr. Johnson - I am Bill Johnson. I am the property owner on the other side of that road, and I think Mrs. Wade's statement about the 8 foot wall and the 10 foot buffer gives us 26 feet of buffer there, and the buffer that we would be putting on the other side of the road is going to be in excess of the 35 feet that is required. I have no problem with that.

Mrs. Wade - Twenty-six feet?

Mr. Johnson - Well, the eight foot wall counts twice that, right. Isn't that the way the ordinance is written? So that is 16, and then they have also got another 10, and what I am saying is that the buffer that we will be putting on the other side of the road, will..

Mrs. Wade - We want as much buffer as we can get, and we are a little leery of putting it across the road, but it is doable. Thank you, Mr. Johnson.

Mr. Archer - Are there further questions? We did have a gentleman in the back . Is there anything else, Mrs. Wade, before he comes up?

Mrs. Wade - No, I think that is all.

Mr. Brown - My name is Chris Brown and I live at 18130 Old Three Chopt Road and I am speaking today on behalf of three households, my own household, myself and my wife, Susan Angelo and their family and my parents, Mr. C. Carlton Brown and Laura G. Brown, and my brother -in-law and sister's family, Larry and ___Crestle and family, and we have three concerns that we would like to raise with this development. The first one, and I will give them in ascending order of importance, the most important being last. The first one just has to do with architectural

treatment. Of course, the project began as a single dealership and then it went to two dealerships, and now it has gone to three dealerships. We were concerned, since from my own home, we would be looking up to the rear of the project. We were concerned about the architectural treatment, the details and the colors. A few moments ago, and I guess it has been an hour ago now, one of the County staff people let me see a new drawing that has just come out with some elevations, and from this drawing, it looks like we don't have so much concern with the changes. It is real insulated from us by buffering elements, but we would still like to see the color treatment before it goes into construction and I think that is a concern that we have left on that point. Our second point is, among the three households that I am speaking for, we share a pond from which all of the drainage for this project flows into, and we have a proffer that was agreed upon during the zoning phase that protects the pond, and limits the amount of flow that goes into it. One major concern that we have here is that as we looked over all of the drawings, we didn't see any details about the BMP itself. We don't see any details about any of the engineering that shows the outfall to our pond; therefore, we don't have anything to really look at to evaluate the impact to our pond. That is our second concern. Of the drawings that we have seen so far, we see no details of the BMP, we don't see enough details of the road to see how drainage from the road would affect us, and we don't see any splinter box or any engineering that shows the flow into our pond. In fact, the drawings don't show our pond at all. The third and most important point that I'd like to address is for the off-site plans for sanitary sewer and storm sewer, that serve this project, they come within, the lines come within 75 feet of our house and within 15 feet of a shallow well, and we know that the geology there is heavily rock. There is a lot of granite that is fairly close to the surface, 10 to 7 feet at places, and it looks like, from looking at the off-site plans for the sewer and the drainage that it is going to require an excavation of, I guess at least 10 to 12 feet wide in places 20 or more feet deep, and we are very concerned with that much rock being so close to our house. The first point I would like to make about that is that, if there is any possibility to - we know that this excavation would serve both the sanitary sewer and the drainage - and we know it would be possible to get the approvals for those two separately. We, of course, would like to insure that if blasting or rock breaking has to occur that close to us, that it be done once, so it would be our strong preference that that be worked out so that both approvals be granted before anyone starts breaking rocks near us. But, a far more important concern, and thankfully the developer has expressed a willingness to work with us on this, is that my wife is currently undergoing chemotherapy, and if any one of you have had any experience with that process knows, she has good weeks and she has bad weeks. During the good weeks we would be able to move her from the site when they would be blasting or they would be jack hammering or breakage of rock, but we have to be able to plan that ahead of time, so if there is any possible way that the County can help us to come to some specific terms with the developer to accommodate that need, we would be very grateful, and specifically what we need to know, we would like to be informed well ahead of time before any rock excavation, and, of course, we would appreciate the flexibility, too, so that it doesn't happen in a critically bad week, in which case it would cause tremendous suffering, and if we can move it to the other three weeks of the month, then if we had enough advance notice we would be able to accommodate the excavation. And, her schedule of treatments right now, if all goes well, she will only have one more treatment. We are not exactly sure when that is going to occur now, but we would like, we are very, very concerned about this issue and we would like to ask for what we can get to work this out with the

developer, and we would hope that we would have some specific way to address that concern before there is an approval for excavation. Those are all of my concerns. Thank you very much.

Mr. Archer - Thank you, Mr. Brown. Are there any questions before he takes his seat or comments?

Mrs. Wade - No, we understand this will have a tremendous impact on your neighborhood. I think the applicant needs to respond and then we have an expert here from Public Works and Public Utilities who might address your other drainage and things, and I believe our Secretary will tell you that we are not in the approving the BMP business, and that is why we don't have all of the details, we are neither allowed nor are we technically capable of approving many of the drainage facilities and water quality facilities.

Mr. Johnson - I am Bill Johnson, the adjacent property owner. I met with the contractor yesterday on the storm sewer and sanitary and we are planning on doing the blasting for both of them at the same time in that area so that we will not have to come back and I am planning on getting with Mr. Brown after this meeting to set up a time for the contractor and I to meet with him on a schedule of when we can work out getting there to do the work. Also, the contractor, in order for his insurance to be active in case there are any damages, he has to have blasting surveys done, so I am planning on having someone that does the blasting surveys to meet with us, so we can coordinate going into the houses out there and doing whatever inspections they need to do to make sure everything is covered, so I will be setting that meeting up with Mr. Brown when we finish here.

Mrs. Wade - OK.

Mr. Condlin - I would hope that would be both the stormwater and blasting issues. Obviously, this is just a preliminary approval you can't come forward with a final approved signed plans for the stormwater, regardless of the issues, because we have to abide by all the rules and regulations, which we are willing to and we have talked with in working out the schedule to do the blasting and also to provide plans as is the normal circumstance for the stormwater detention pond and the drainage issue. I have also got with me the colors for the E.I.F.S and the paint for the masonry wall. I don't know if you want me to pass it by, but I did say it for the record and we are going to provide those to Mr. Whitney for the file as they have been proposed.

Mrs. Wade - Well, I have seen them. Are you all interested? It is pretty much what was shown originally with the zoning case.

Mr. Condlin - This is the E.I.F.S which is the No. 101 which has the star next to it. Let me say the color rendering of the plans and the bottom on the blue here, signature blue, SW1798 is the blue color and 2130, which is the middle color, would be the painted, and I have been told by my architect under penalty of death that I need to get that E.I.F.S rendition back so I can provide an extra copy to the Planning Office.

December 15, 1998

Mr. Archer - Mr. Brown, before I pass this back, do you want to review the color chart?

Mr. Brown - Yes, I would.

Mrs. Dwyer - What is the gray that you are showing us?

Mr. Condlin - This is...

Mrs. Dwyer - And these are accent colors?

Mr. Condlin - The gray would be.

Mrs. Wade - And the awnings are blue, as I understand it. Considering the fact that you all gave the Planning Commission determining word on architectural, those colors are a little different, although it is pretty much what you gave us in the beginning.

(Talking among each other regarding colors and elevations - unintelligible)

Mrs. Wade - He can do that on the side there? OK. I think, perhaps, the role of our Public Works and Public Utilities people is to say what the role of the County will be in terms of the BMP, if you would summarize, Mr. Bandura.

Mr. Bandura - I am Steve Bandura with Public Works Department. The role of drainage and the BMP in this case, it is clear that in this proffer that there are certain conditions that have to be met, and Public Works will not approve any plans unless these conditions are met, and that is the assurance that they have.

Mrs. Wade - So, basically, they have to get their final plan approved before you sign off and any activity can begin.

Mr. Bandura - Right. An activity to begin in what regards, there are supposedly phasing the off-site storm sewer for Gayton Road Extended, which concerns Mr. Brown here as far as the blasting of those storm and sanitary sewers. That is what we have before us right now.

Mrs. Wade - The blasting does not start before you have approved their plan?

Mr. Bandura - There is no specific plan approval to put the pipe in the ground. There is a plan approval, but the conditions, the off-site easements need to be recorded, erosion control bonds need to be submitted to Public Works before the plans will be signed off to put that portion in the ground.

Ms. Dwyer - Would Mr. Brown have an opportunity to look at the detailed plans for the

BMP with you?

Mr. Bandura - Yes, we will be happy to meet with him. We have been meeting with the engineers and in contact with Mr. Brown extensively on this, and any information that we have, we will provide or have provided, and we will be in contact with him. Everything that we have has been shared.

Ms. Dwyer - But before it gets final approval, can he be included in that loop early on?

Mr. Bandura - Yes, ma'am. We will meet with Mr. Mills and Mr. Brown to go over what is before us and say this is what we are looking at. This is what our comments are, if there are any, and this is what we intend to approve, and let them comment or put theirs in.

Mrs. Wade - Basically, we realize that this land drains in that ground towards Mr. Brown.

Mr. Bandura - That is correct.

Mrs. Wade - But every reasonable step to be taken requires that there will be as little adverse impact as possible.

Mr. Bandura - Yes, we will insure that minimal impact does occur.

Ms. Dwyer - What affect will the excavation have on the shallow well?

Mr. Bandura - I am not qualified to answer that question. The Health Department deals with the wells. That might be addressed to them or a technical engineer?

Mrs. Wade - I think Mr. Brown came today to get his concerns on the record and we had an extensive meeting last week with Mr. Bandura and Mr. Amos and Mr. Thompson and it was explained in quite a bit of detail, the steps that Public Works and Public Utilities take to help protect adjacent properties, and at the same time achieve the desirable in terms of the water and keep the siltation out as much as possible. I doubt that the Gayton project is going to be so different from some others that we have had that in spite of all good intentions that you can't completely eliminate the erosion and control the soil, but every practical thing should be done in that regard. I thank you.

Mr. Bandura - Are there any other questions?

Mrs. Wade - I understood Mr. Thompson to say that you all had to sign off on certain things before they could act, but...

Mr. Bandura - The only things we sign off are as far as the agreements and the bonds and easements being recorded.

December 15, 1998

Mrs. Wade - OK. That is why we are not empowered to approve these things. OK.
Thank you.

Mr. Archer - Mr. Johnson, did you want to say something about the water question?

Mr. Johnson - Snauvell Engineering, that is the Geotech people, they will be the ones doing the blasting survey and when we go out there and meet with Mr. Brown we will be looking at the well and, you know, to make sure that we don't damage and they will have to tell us what we have to do to ensure that.

Mr. Brown - Would it be possible to let us know well beforehand when rock breaking would occur. That is an ideal, and the duration?

Mr. Johnson - That is what I want to meet with you on tomorrow so that we can schedule it to meet your schedule.

Mr. Brown - OK.

Mr. Archer - OK, thank you, Mr. Johnson.

Mrs. Wade - And I gather he will do what he can to prevent as much hardship as possible.

Mr. Brown - The only other comment I would have is that if we would have a chance, and more importantly, if our engineer would have a chance to see the drawings on the outfall to our pond prior to beginning approval of work on that. I would appreciate that.

Mrs. Wade - Well, you would have to work with the engineers and public works on that, because as you know, we are not approving that and we are not sure when that will be done.

Mr. Brown - I would just like my concerns on record.

Mrs. Wade - Yes, I understand.

Mr. West - Hi. My name is Junie West with TIMMONS, representing the applicant. As far as Mr. Brown being a part of the review process, that is not something that I think that we should put into the minutes or put into the approval. They are not a part of the approval entity. To show the courtesy of reviewing of the plans I don't think is a problem, but I don't think that they should be a part of the approval process with the plans.

Mrs. Wade - And I don't think anybody said that either.

Mr. West - Right. I just want to make sure of that and I don't think that should be made

a condition of the approval of the plans. As a courtesy, yes, we would be happy to provide that.

Mrs. Wade - I don't think I have heard anybody say that either.

Mr. Vanarsdall - I don't think that was the intent, Mr. West.

Mr. West - OK. I will be happy to answer any questions pertaining to it.

Mr. Archer - Are there any questions for Mr. West from the Commission?

Mr. West - Thank you.

Mr. Archer - Thank you, sir. Any further questions or comments? Mr. Whitney.

Mr. Whitney - I just have one other thing to clear up. Condition No. 29 as staff recommended, the applicant, actually, Mr. Conklin, had objected to that condition and we have come up with some rewording on that and I would like to read that into the record. Mr. Webb had reviewed it this morning to see if it would apply to the situation for the vehicle storage area, potentially the problems that we may have back there. No. 29, "Storage of refuse, tires, salvage, damaged or scrap vehicle parts and vehicles awaiting repair shall be as permitted and regulated by Chapter 24," which refers to the B-3 Business District and the automotive portions in there that pertain.

Mrs. Wade - I would like to suggest also that we put, and we have done this sometimes in the past, and also it may be superfluous, either a condition or a note on the plan that there will be no cars stored or displayed in the buffer areas.

Mr. Whitney - I would be happy to annotate the plan to that effect.

Mrs. Wade - Please. Just as a reminder. I believe that there probably is a proffer or something that says displayed only on prescribed...

Mr. Whitney - Did you want that wording buffer areas or landscaped areas?

Mrs. Wade - Landscaped buffers. They are not all going to be landscaped?

Mr. Whitney - Well, with the deviation request, it is shown as landscaped areas.

Mrs. Wade - Well, I know the front has to be and side in connection with the Overlay, on the buffer areas...

Mr. Whitney - OK. I will use that language.

Mrs. Wade - And then the landscaped areas internally, too, for that matter. The islands we know are not going to be used for display purposes. You are going to add that annotation?

Mr. Whitney - Yes, ma'am.

Mrs. Wade - And in looking at these towers that we have got here, I am not sure how they fit in with this sign situation, but you will have to deal with the sign approver in the Planning Office regarding approval. Otherwise, therefore, we have amended No. 29, and you are going to put that in an annotation instead of a condition, about displaying only in the areas, but not in the buffers and landscaped areas. I move that POD-127-98 be approved subject to the standard conditions, annotations on the plans including the ones discussed about not parking in the buffers and the landscaped areas as prescribed, and No. 9 and No. 11 Amended and No. 29 Amended as read regarding outside storage as provided in Chapter 24 in the Ordinance, and Nos. 23 through 35 with No. 29 Amended.

Ms. Dwyer - Mrs. Wade, may I ask a question about No. 29 as it was just amended. That means that refuse, discarded vehicle parts can be stored in the rear as long as they are behind that wall. Is that what it seems to be?

Mr. Whitney - That means that if they are stored behind that wall, they must meet the minimum 40 foot rear yard setback for that storage area.

Mr. West - I believe the condition reads. No outside storage of scrap material.

Ms. Dwyer - Except as permitted in Chapter 24. Is that what it reads?

Mr. West - Well, it was my understanding that it had to do with the vehicles itself. There were no plans, and the request was that we not store any scrap material outside and have exterior storage with the understanding that putting it in a dumpster didn't mean we had to put a concrete wall beside the dumpster screening area.

Mrs. Wade - Well, there is some of it outside of the dumpster screening today, yesterday there was. Maybe you need a bigger dumpster or something.

Ms. Dwyer - Well, as I was reading extra storage provisions in B-3, it says, refuse, discarded vehicle parts, tires, salvage materials shall be permitted on the premises if they are screened from view either by a wall or fence or something, and I am just wondering if you intend to have that kind of thing behind this wall?

Mr. West - No, it is not the intent. It is scrap material and it is either indoors or they are going to throw it away in the dumpster area that would be screened in.

Ms. Dwyer - I guess just having heard that amendment just a moment ago, and just taking

a quick glance at the ordinance, it looks like that amendment is saying that outside storage is permitted if the Ordinance would permit that kind of storage behind the wall.

Mr. West - Right. That is not the intent of the operation that he has got. I had actually submitted something a little different than that and this is what they came back with and what we have agreed with from the Planning staff, and which the Zoning Conformance Officer took a look at and approved with this wrecked vehicle issue.

Ms. Dwyer - It also says that vehicles can be displayed as long as there is 10 feet between them and the right of way, so presumably, you could park a car 10 feet away from Broad Street?

Mr. Whitney - We are with West Broad Street Overlay District here.

Ms. Dwyer - So that supersedes the Ordinance? There is a conflict, I guess.

Mr. West - We do have a proffer that goes to that issue that requires that we have to designate where the parking area is, so it was shown thereon with a 35 foot buffer with no car spaces in there.

Ms. Dwyer - So it would certainly supersede a condition then in the POD.

Mr. West - Yes, ma'am.

Mrs. Wade - But I think she maybe didn't hear what you said about if you are going to do any storing, it has got to be 40 feet off of the property line in the back there. That is where the Zoning Conformance Officer got involved in it.

Mr. West - Yes, ma'am.

Mrs. Wade - Whether it is screened or otherwise, if that is the main purpose, storage, it has to be 40 feet. Anyway, I think that covers everything that I have. I move it be approved.

Mr. Zehler - Second.

Mr. Archer - We have a motion by Mrs. Wade and a second by Mr. Zehler. All in favor let it be known by saying aye. All opposed say no.

Mrs. Wade - Aye.

Mr. Zehler - Aye.

Mr. Vanarsdall - Aye.

Mr. Archer - Aye.

Ms. Dwyer - No.

Mr. Archer - The vote is four to one. The motion is carried.

The Planning Commission approved POD-127-98, Dominion Chevrolet - West Broad Street, subject to the standard conditions for developments of this type, annotations on the plans, and the following additional conditions. Mr. Donati was absent.

9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for review and Planning Commission approval prior to the issuance of any occupancy permits.
11. **AMENDED** - Prior to the installation of the site lighting equipment, a plan including depictions of light spread and intensity diagrams and fixture mounting height details shall be submitted for Planning Office review and Planning Commission approval.
23. The easements for drainage and utilities as shown on approved plans shall be granted to the County in a form acceptable to the County Attorney prior to any occupancy permits being issued.
24. The entrances and drainage facilities on West Broad Street (U.S. Route 250) shall be approved by the Virginia Department of Transportation and the County.
25. A notice of completion form, certifying that the requirements of the Virginia Department of Transportation entrances permit have been completed, shall be submitted to the Planning Office prior to any occupancy permits being issued.
26. The developer shall provide fire hydrants as required by the Department of Public Utilities in its approval of the utility plans and contracts.
27. A standard concrete sidewalk shall be provided along the north side of West Broad Street (U.S. Route 250) and the east side of North Gayton Road Extended.
28. All repair work shall be conducted entirely within the enclosed building.
29. Storage of refuse, tires, salvage, damaged or scrap vehicle parts and vehicles awaiting repair shall be as permitted and regulated by Chapter 24.
30. Any necessary off-site drainage easements must be obtained in a form acceptable to the County Attorney prior to final approval of the construction plans by the Department of Public Works.
31. Deviations from County standards for pavement, curb or curb and gutter design shall be approved by the County Engineer prior to final approval of the construction plans by the Department of Public Works.
32. Insurance Services Office (ISO) calculations must be included with the utilities plans and contracts and must be approved by the Department of Public Utilities prior to the issuance of a building permit.
33. Approval of the construction plans by the Department of Public Works does not establish the curb and gutter elevations along the Henrico County maintained right-of-way. The elevations will be set by Henrico County.
34. Approval of the construction plans by the Department of Public Works does not establish the

curb and gutter elevations along the Virginia Department of Transportation maintained right-of-way. The elevations will be set by the contractor and approved by the Virginia Department of Transportation.

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

SUBDIVISION

Clarendon Farms
(December 1998 Plan) **TIMMONS and Rick Melchor for Clarendon Associates, LLC and Attack Properties, Inc.:** The 38.21- acre site is located at the intersection of Mylan Road and Bogart Road ¼ mile east of the Arthur Ashe Elementary School on part of parcels 129-A-45A, 130-A-5B and 130-A-6N. The zoning is R-3C, One-Family Residence District (Conditional), M-1C, Light Industrial District (Conditional) and R-5C, General Residence District (Conditional). County water and sewer. **(Fairfield) 74 Lots**

Mr. Archer - Is there any opposition to subdivision, Clarendon Farms? No opposition.
Mr. McGarry.

Mr. McGarry - You are being given a revised plan that I will discuss after I briefly discuss the background on this case. A tentative plan for Clarendon Farms was presented to the Commission in January of 1995, which authorized 126 lots. They did not have a second point of access, so the Commission granted approval for only 46 lots until a second point could be provided. This plan takes the residue of that 1995 plan and shows 74 lots on it. It has Meadowview Park to the north, steep ravines to the east, and industrially zoned property located to the south, and then the existing Clarendon Farms to the west. This plan does show a second access point, however, it is located within the development where we still have 58 lots on a single point of access. That will occur at Mylan and Bogart Road. That is still significantly better than 126 lots proposed back in 1995. This plan, staff feels, does allow logical extension of that 1995 plan. The revised plan does two things. No. 1, it shows a BMP location which is required and should one be required it will go on Lot 48, and secondly, it shows a road connection across Lot 15 to the abutting parcel. That parcel is called the Honeycutt parcel and it is accessed by an easement only and has no public road frontage. Further, the developer owns land on three sides of the Honeycutt parcel, so in order for it to accommodate future development, it would be a logical point of access for the Honeycutt parcel as well as the residue. That having been said, staff recommends approval of the 58 lots on the single point of access, and the standard conditions plus Nos. 12 through 14. I would be happy to answer any questions.

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

Mr. Zehler - Did I hear you say that you recommend approval of 58 lots on one single point of access?

Mr. McGarry - That is correct.

Mr. Zehler - Staff has?

Mr. McGarry - Staff can recommend that you all accept that, yes. It is better than 126.

Mrs. Wade - This must be a first.

Mr. Archer - Mr. Zehler, I can give you a little background on it. Mr. Melchor and I discussed this at a meeting last week and then yesterday again I met with him and Mr. McGarry in the Planning Office, and we determined that this is somewhat a deviation from our normal but not by such a wide margin, and owing to the fact that the configuration of this, makes it a little bit difficult to similar lots, we didn't think the 58 lots was that much of a deviation.

Mr. Zehler - I agree with you, Mr. Archer, but looking at this plat, if 58 is being looked at today, how many do you look at that are sitting there that are already there that are using the same point of access?

Mr. Archer - How many was that, Mr. McGarry?

Mr. McGarry - From the intersection of Mylan Road and Bogart, to the right of the plan, should be a total of 58 lots, but it is at that point that you will have your second point of access if you go south on Bogart Road.

Mr. Zehler - But if you come off of the cul-de-sac at that intersection, there is one point of access which you have already included, and I probably can see 35 lots back there now with one point of access, then your 58 lots that you are approving today, so essentially you add that with your 58 and you are getting close to 80 some lots with one point, single point of access. You only have one single point of access until you get to that intersection of Mylan Road there. And, if you go straight across to...

Mr. McGarry - We count the 58 lots on single point as you begin eastwardly on Mylan Road. The existing subdivision does not count in those 58 lots because at that point they can leave one of two ways.

Mr. Zehler - No, you don't understand what I am saying. Come here, one second kid. I want to tell you something. You don't have a second point of access until you get to right here. That is not a single point of access and that is not a single point of access until you get to right here. Correct? How about from here back? Single point? But if he takes the existing 58 plus 40, that is 90 on a single point of access. (Mr. Zehler and Mr. McGarry are discussing the plans at the

podium.)

Mr. McGarry - We would not count this because at this intersection you have a choice of going in two directions.

Mr. Zehler - You've got to get to that intersection first though.

Mr. McGarry - Right.

Mr. Archer - Any other questions from Mr. McGarry or does anybody need to speak to the applicant? I realize this is a little bit out of the ordinary, but due to the configuration of this subdivision, it is hard to do a lot better, and I think we are only exceeding by eight lots instead of 100, so based on that, I can recommend approval and so I move for approval subject to the annotations on the plans, standard conditions and added conditions Nos. 12, 13 and 14.

Mrs. Wade - Second.

Mr. Archer - We have a motion by Archer and a second by Mrs. Wade. All in favor let it be known by saying aye. All opposed by saying no.

Mrs. Wade - Aye.

Ms. Dwyer - Aye

Mr. Vanarsdall - Aye.

Mr. Archer - Aye.

Mr. Zehler - No.

Mr. Archer- The vote is four to one. The motion passes.

The Planning Commission granted conditional approval to subdivision Clarendon Farms (December 1998 Plan), subject to the annotations on the plans, the standard conditions for subdivision served by public utilities, and the following additional conditions. Mr. Donati was absent.

12. A County standard sidewalk shall be constructed along the north side of Mylan Road.
13. Each lot shall contain at least 11,000 square feet, exclusive of floodplain areas.
14. Prior to requesting the final approval, a draft of the covenants and deed restrictions for the maintenance of the common area by a homeowners association shall be submitted to the Planning Office for review. Such covenants and restrictions shall be in form and substance satisfactory to the County Attorney and shall be recorded prior to recordation of the subdivision plat.

SUBDIVISION

Telegraph Run, Section C
(December 1998 Plan)

Wingate and Kestner for Commerce Stuart Desmond Martin and Norwood Davis and Commerce Company, L.C.: The 12.68-acre site is located along the west line of Telegraph Road approximately 150 feet north of the intersection of Telegraph Road and New York Avenue on part of parcels 43-A-26 and 43-A-28. The zoning is R-2A, One-Family Residence District. County water and sewer. **(Fairfield) 27 Lots**

Mr. Archer - Is there anyone here in opposition to Telegraph Run, Section C? Mr. McGarry.

Mr. McGarry - I spoke this morning with Bodie, Taylor and Puryear, the engineering firm who will take over the subdivision plat and handling construction plans and final plat approval after today's conditional approval. The reason for that is that Wingate and Kestner has indicated they will no longer be involved after conditional approval. There are two design issues, which are addressed by the annotations on the plan. First, the plan, the entrance road has been adjusted to respect the Major Thoroughfare Plan for Connecticut Avenue, which contemplates connection between U.S. Route 1 and Telegraph Road. And, then, secondly, there are three landlocked parcels abutting the property to the north, and staff has shown the number of stub roads to be provide to that and it is increased from one to two roads. With that, staff can recommend approval of this plan, with the annotations, and conditions Nos. 12 through 14. Are there any questions?

Mr. Archer - Mr. McGarry, I only have one question. What problem does it create for us by having Wingate and Kestner no longer representing the applicant after this point and time? Does it do anything to us from a legal standpoint?

Mr. McGarry - No, sir.

Mr. Archer - The conditions and annotations are enforceable upon whomever...

Mr. McGarry - That is correct.

Mr. Archer - Any other questions of Mr. McGarry from the Commission? Does anyone need to hear from the applicant? OK, with that, I move for approval of subdivision plan Telegraph Run, Section C, (December 1998 Plan), subject to the annotations on the plan, standards conditions for subdivisions served by Public Utilities, and the additional conditions Nos. 12 through 14.

Ms. Dwyer - Second.

Mr. Archer - Motion by Archer and second by Dwyer. All in favor let it be known by saying aye. All opposed say no. The motion passes.

The Planning Commission granted conditional approval to subdivision Telegraph Run, Section C (December 1998 Plan), subject to the annotations on the plans, the standard conditions for subdivisions served by public utilities, and the following additional conditions. Mr. Donati was absent.

12. Prior to requesting final approval, a draft of the covenants and deed restrictions for the maintenance of the common area by a homeowners association shall be submitted to the Planning Office for review. Such covenants and restrictions shall be in form and substance satisfactory to the County Attorney and shall be recorded prior to recordation of the subdivision plat.
13. With the request for final approval, the applicant shall provide a survey plat, which shows all yard setbacks for the existing dwelling on Lot 27.
14. Prior to final approval, the applicant shall apply to the Real Property Department for the vacation of the unimproved portion of Bristol Street north of New York Avenue.

PLAN OF DEVELOPMENT

POD-126-98
9915 Greenwood Road
Mayton & Associates, Inc. for William C. Betts: 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 1,540 square foot auto repair building on a site containing an existing two-story, 1,680 square foot furniture sales and office building. The 0.50-acre site is located 150 feet north of intersection of Mountain Road and Greenwood Road on parcel 42-8-B-1. The zoning is B-3, Business District. County water and sewer. (Fairfield)

Mr. Archer - Is there anyone here opposed to POD-126-98, 9915 Greenwood Road? OK, we will get to you in a moment. Ms. News.

Ms. News - This approval is for the addition of a two-bay auto repair building on an existing site. Code requirements have been met and staff recommends approval.

Mr. Archer - Are there any questions of Ms. News by the Commission? Well, Ms. News, I suppose there will be some questions raised today. We will hear from the opposition and then we will have questions. Do you want to come on up now?

Mr. Gott - My name is Charles Gott and my original concern was having a berm for light and noise, and come to find out they are going to put some trees in. I also think they should

have a fence between a residential section and the property because of the fact that they will be storing cars on the outside and there will be the chance of thieves wanting to come up and break into them, and they are not there to guard them, and also to help protect the cars, too. They wouldn't be cutting through our property. When they built the bingo parlor over there, we made that a condition and the Board went along with it. They put a berm up, fence and trees. Another concern also came up. Parking these cars out there. Some of them are in disrepair or need repair or are waiting for repair, whatever the case may be. They will be having oil leaks and so forth. Now, I find out they are going to have the drain for the parking lot going down an open ditch next to my neighbor's house, which will run on down across Longdale Road or under it, actually, behind some other houses, facing both Connecticut Avenue and Rhode Island Avenue, and there is one on Brook Road. That's the run off area also for the, well, it is not a Bingo Parlor any more, but I think some engineers have moved into it and made an office building out of it, but they still have the parking lot with the run off. So, there will be oil, transmission fluid, radiator solvents, and so forth in that parking lot. We get those right here out on the highway, so, you know, cars moving all of the time, so I know that setting still they will be there.

Ms. Dwyer - Where do you live sir?

Mr. Gott - I live in the second house from the drainage ditch.

Ms. Dwyer - On Greenwood?

Mr. Gott - No, I face Washington Road.

Mrs. Wade - You are in the middle of three houses?

Mr. Gott - Correct.

Mr. Archer - Is that your house sir, that the hand is over?

Mr. Gott - Correct. We had initially, down there where the cut-over, that is actually not an access, that is a people-made crossover power line there, into Washington Road there? We had some problems with people coming down there and using it for a little drinking spot or whatever the case may be, but we got that straightened out. But, again when you start to get transients, you have got Randolph Village over here, which is public housing. That would be a prime source for them to get a few stereos for their cars, whatever. And, then they would have a quick access out of the back way through our property.

Mr. Archer - What was your last name, sir?

Mr. Gott - Gott. G O T T.

Mr. Archer - So, what you are recommending, or what you are asking is for is a fence?

December 15, 1998

Mr. Gott - Correct. Some kind of a security fence comparable to the one...

Mr. Archer - And a berm of some type?

Mr. Gott - If the fence is high enough, I don't see where you would need a berm. But, it probably wouldn't hurt anything to have a little something there to keep the drainage from coming back across the yard.

Mrs. Wade - Don't they first have a transitional buffer here? 35 feet? This B-3 and R-4.

Mr. Gott - You see, when you start to getting drainage running across your property, a buffer does not do you much good.

Mrs. Wade - No. I was thinking in the terms of the fence.

Mr. Gott - OK.

Ms. Dwyer - Is part of the parking lot inside the buffer? It looks like the backup space intrudes into the buffer.

Mr. Gott - I am not sure. I think the existing building is still there, or no, that is part of the parking lot. The existing building is closer to the drainage ditch, and theirs is sort of in-between. At one time they had gas and kerosene sold out of that place. It just to be a little Mom and Pop Store years ago, and they took the tanks up and everything, and again, I wouldn't be surprised if there were not some drainage problems there already. Old storage tanks, gas tanks.

Mrs. Wade - This is an open drainage ditch?

Mr. Gott - That ditch going down there is an open drainage ditch. Correct. It runs from Greenwood Road to down there on Longdale.

Mr. Archer - Ms. News, would you come back up, please? Could you indicate on the map where the drainage ditch runs for us please?

Ms. News - Yes, as a matter of fact, it runs right along here. I've got representatives from the Department of Public Works here to address drainage concerns. They are prepared to answer your questions.

Mr. Archer - There is no obligation on the owner to establish a fence.

Ms. News - That is correct. At the time the adjacent property was developed, that B-3 property, that was developed prior to our transitional buffer requirements and the parking lot is

within 10 feet of the property line, and at that time, with the approval of that POD, a fence and a row of pine trees were approved. Since then, with this POD, we have the transitional buffer requirements and they are providing the transitional buffer at the rear of their property and the planting. We are not approving the planting at this point, but they have indicated that they are willing to provide, they will be providing all the planting as required by Code. Therefore, the fence is not really required.

Mr. Archer - And at this point in time, someone from Utilities looked at the-what could be - the drainage problem and it has already been approved?

Ms. News - The drainage for this site has been approved. Yes.

Ms. Dwyer - It still looks on my plan, Ms. News, as if the back up space from the parking lot intrudes on that...

Ms. News - Yes. There is that intrusion into the buffer of the five feet there. We are dealing with an existing site and trying to meet the parking requirements. That was very tight. We are just barely meeting parking throughout that site, so there is that slight infringement into the buffer right there.

Mr. Archer- Is this torn down?

Ms. News - The house is not being torn down. The house is existing and they are adding this two-bay auto service.

Mr. Archer - Is the applicant present? Could you come up, please?

Mr. Betts - I am Bill Betts.

Mr. Archer - Mr. Betts, I am sure you heard the concerns that have been registered by Mr. Gott today. Is there anyway that you can think of something that you can do to accommodate what he is concerned about?

Mr. Betts - When I originally brought this in, the requirement was that I put in a fence. Sorry. Because of the setback and the buffer that was residential. The recommendation was made to us that we drop it back, move the building back, and put in the tree line, which I think is more expensive and a lot prettier than a fence. Now, I've been in that building since - a little over a year - and I haven't seen people walk down that drainage ditch ever or use that fence line for anything. I just don't see people there. As far as the concern about vandalism, I park my car there in the evening, sometimes leave it there overnight and there is no problem. We have a truck that we leave there 24 hours a day. No problems. We haven't had any problems in that area that I know of. Now, if I need to put up a fence, I will put up a fence, but I don't think I should have to put up a fence and the trees. That is an added expense. Especially when I already meet Code with the trees.

December 15, 1998

Mr. Archer - Ms. News, in terms of a fence, how do you think the Police Department would look at having a fence (unintelligible).

Ms. News - Yes, that is true. It is at the rear of the property. I am not sure how visible this site is from the road back there, whether it would block vision or not. There is a row of pines across there already existing on the other side of the utility easement, so you've already got a pretty extensive buffer for views.

Mr. Archer - Mr. Gott, do you understand what I am saying, sir, about having a fence. We have a gentleman in the Police Department, someone who looks at these things in the Environmental Protection Area. Fences don't always do what we tend to think they do in that you have got two sides, in that while you may be preventing someone to some degree from committing a crime, you are also hiding them at some point when they do commit the crime.

Mr. Gott - What I was talking about was stopping an access straight through. If they are in there committing a crime, vandalizing a car, the police come up Greenwood Road, they would have a place to go to get away from the police, down through our yards. We had a case of that happening back when that convenience store up there was a 7-11 before that other place was built, the Bingo Parlor. There is a wooded area back in there and there is an open area back in there that they used to use. The people from Randolph Village would come over there and smoke a little dope and what have you and the police jumped them one time and they came down in my yard, my next door neighbor's yard, which has a complete fence around it plus dogs in it. And they were running from the police because they had a quick access, exit anyway.

Ms. News - I would add, in looking at a fence for this area, it would be difficult to fence off this property so that there was no access off the ditch, because the ditch is a public easement and you would not be able to cross it with a fence most likely. You can ask the Department of Public Works.

Mr. Archer - Mr. Betts, in reference to what Mr. Gott said, how much of a fence would you willing to construct to somewhat alleviate what he is talking about, if any?

Mr. Betts - Is this in addition to the trees?

Mr. Archer - It would be in addition.

Mr. Betts - I mean, if we are talking about constructing a fence,

Mr. Archer - The primary purpose of it would be to prevent people from running from the police. Many people do that in relatively blind areas. I say that for one or two reasons. I don't we can just logically assume that everybody who lives in public housing is a thief and that they run from the police. I mean, the police are there to try and alleviate crime when and where it happens.

Mr. Betts - Mr. Archer, I understand your questions. I have to respond. I am right at the point of budget on this entire project, and to put in a \$3,000, \$4,000 or \$5,000 fence is going to knock it right out. I mean, in addition to the trees. The point that Ms. News, made, I can't fence across that ditch.

Mr. Archer - I am sorry, I did not hear you.

Mr. Betts - You could bring the fence angled up beside the house, you know, for a secure area, and you wouldn't have to cross the ditch, right up against the other fence. The ditch would still be open.

Mr. Archer - I can't quite imagine what you are talking about.

Ms. News - Can you see the...

Mr. Betts - Right there. Where they couldn't go out to the ditch without coming back out around the house, which is on the road, and that is not 5 feet off of the road.

Ms. Dwyer - Along that area? Is that what you are talking about?

Ms. News - I think what he is talking about is taking the fence and turning it back into the house. I would offer another suggestion. Perhaps we could do something similar with the plant material, because he is required to provide shrubs in this area. Perhaps we can plant some unfriendly, thorny shrubs back in there, and loop that around with that transitional buffer planting along the side of the house, and try to make the plant materials form a hedge.

Ms. Dwyer - Something with thorns?

Mr. Archer - I remember we recommended a similar plant over on Chamberlayne Road and that would be very uncomfortable if you, bayberry, is that what it is?

Ms. News - Yes. Barberry. There are any number of thorny bushes and barberry plants that could probably solve the problem. The transitional buffer requires 10-foot plants anyway. I think he has to put 25 of them and put additional small trees in there, so we could try to look at the planting in such a fashion as to make a hedge in that area.

Mr. Archer - Now, I need to ask one more question. In terms of Mr. Gott's concern about possible contaminants, probably leaking from automobiles, is that something that we could monitor, and if it becomes a problem, or is it something that has to be resolved today?

Ms. News - Yes. The Department of Public Works reviews this for environmental concerns, and I can have them explain the exact requirements. They could probably do a better job

at that.

Mr. Rollins - Mr. Archer, my name is Gordon Rollins. I am a design engineer with the Department of Public Works Department. The Chapter 10 Erosion Control Chapter provides if anything does occur from the site, it can be reported and then they can cite the owner to get it cleaned up. There is nothing in our ordinance to put in an oil-water separator on this site. There is no gasoline distribution on the site. And everything inside the shop drains into the, I believe the interior floor drain.

Mr. Archer - I guess what you are saying is that should this prove to be a situation where some action is warranted, it would have to be taken by the owner anyway.

Mr. Rollins - Yes, it would be.

Mr. Archer - Thank you.

Mr. Betts - Where does the floor drain go? Does it go into the sanitary or into the storm sewer?

Mr. Rollins - It would go into your sanitary sewer.

Mr. Betts - And any other stuff on the parking lot would drain...

Mr. Rollins - The parking lot would drain out to the area, I guess, the south, and discharge into overland flow into the ditch, and there will be no structure there, just open spaces in the parking lot. Curb and gutter and the timbers would allow the water to drain over to the ditch bank. It would be surface flow.

Mr. Archer - OK. Does anybody have any further questions? Well, Mr. Betts, I think we've done the best that we could do to solve this situation. It may not be everything that everybody wants, but I think it would be in everybody's best behalf if you would plant the sort of plants that Ms. News is talking about that would possibly be a crime prevention item. Would you do that?

Mr. Betts - Yes.

Mr. Archer - And I would also assume that since this is your property that would be affected by theft, that if further steps were necessary, you would take whatever steps that are necessary to protect your property, and also, hearing from Public Works, we do understand if the discharge should become something that is necessary to handle, that we would handle it at that time, and I guess we need to make it a condition. Do we need to make it a condition, Ms. News, about the plant material?

Ms. News - The landscape plan will come back to us, and we could make a note in the

file, that someone reviewing it would keep that in mind.

Mr. Archer - I think that is going to best the best that we can do. We can do that and still be able to prevent crime, and hopefully that will do that. And, with that, I move for approval of POD-126-98, subject to the annotations on the plans, the conditions for developments of this type, and the conditional conditions Nos. 23 through 28.

Mr. Zehler - Second.

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

The Planning Commission approved POD-126-98, 9915 Greenwood Road, subject to the annotations on the plans, the standard conditions for developments of this type, and the following additional conditions. Mr. Donati and Mr. Vanarsdall were absent at the time of the vote.

23. The easements for drainage and utilities as shown on approved plans shall be granted for the County in a form acceptable to the County Attorney prior to any occupancy permits being issued.
24. The developer shall provide fire hydrants as required by the Department of Public Utilities in its approval of the utility plans and contracts.
25. Any necessary off-site drainage easements must be obtained in a form acceptable to the County Attorney prior to final approval of the construction plans by the Department of Public Works.
26. 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.
27. Insurance Services Office (ISO) calculations must be included with the utilities plans and contracts and must be approved by the Department of Public Utilities prior to the issuance of a building permit.
28. Approval of the construction plans by the Department of Public Works does not establish the curb and gutter elevations along the Henrico County maintained right-of-way. The elevations will be set by Henrico County.

APPROVAL OF MINUTES: October 27, 1998

Mr. Zehler - Mr. Chairman, the minutes are next.

Ms. Dwyer - No changes to the minutes.

Mr. Zehler - Second.

Mr. Archer - We have a motion for approval of minutes by Ms. Dwyer and a second by

Mr. Zehler. Is that the way it was?

Ms. Dwyer - I move the approval of minutes of October 27, 1998.

Mr. Zehler - Second.

Mr. Archer - We have a motion for approval of minutes by Ms. Dwyer and a second by Mr. Zehler. All in favor say aye. All opposed say no. The minutes of the October 27, 1998 Planning Commission were approved.

AT THIS TIME THE COMMISSION DISMISSED AND PROCEEDED TO THE COUNTY MANAGER'S BOARD ROOM FOR THE WORK SESSION PORTION OF THIS MEETING.

DEVELOPMENT TIMETABLES PROJECT – Work Session

Ms. Harper- Thank you, very much. The purpose of today's work session is to follow up on the presentation I made to you last month on the Development Timetables Project. I have put in front of you for those of you who didn't bring it, the slides and there is going to be a portion of those slides that I am going to use from the Power Point presentation that I gave. If you remember correctly, last month we talked about the project to improve the site plan review and subdivision plan review process that has been going on for approximately a year. Now, at the last Work Session, you heard that I mentioned that I would be making presentations to the development community. The Fire Marshall has arrived. We are fortunate to have some staff here today from each department. We want to have a resource that is available to you all in case you do have a specific question from Fire and from Public Works and Utilities. Frank or Pat will be here shortly. They have made a few trips up to check and see if you all are here yet.

What I thought we would do today is try to approach going into detail and answering any questions you have on the recommendations for change. So, you can start providing me feed back or questions or follow up for the people from different agencies, so we can move ahead. In the process of trying to get comments on the Manager's recommendations, I have begun meetings with the development community. Yesterday was the first one. I had about 23 engineers and developers here in this room for a presentation from 12:30 until 2:30 p.m. yesterday. Thursday morning I have another presentation, I don't know how many will come up. I did a mailing to about 140 or 150 people that are developer types, lawyers and people who had expressed an interest in the project, or we knew had filed applications in the past few years, and those are the people that we gave the opportunity to attend one of the three different presentations on the Projects recommendation. So, yesterday I did one, Thursday I do another one, and next Monday afternoon, I have another presentation, and it is the same

December 15, 1998

presentation you saw except I do try to help them understand more details about the types, because they are the actual filers of the applications, I do go into a little more details with them on some things, which I am going to begin to do today. My thought for today, and you can see how this fares with you, is I will be glad to answer, initially, any questions that you have thought of that you would really like to get an answer to today. What, after our presentation a month ago, is really at the top of your list. I don't want to miss any of those. Plus, my thought is that we will start talking about this Plan Review Process, the change in the Plan Review Process. While you as a Commission normally deal very seldom with the actual application being distributed to the departments and all of that, the Plan, the checklist that is going to be used in the future that is recommended by the Manager, is different than the current POD Checklist, which means what you see on the plan is not the same exact level of detail that is currently, so we want to talk with you about that somewhat so that will help you understand what will be different about the Plan. Then, I thought I would focus on the Subdivisions, the changes to the Subdivision Ordinance, versus the changes to the POD or Zoning Ordinance because the differences between those two, they are two different Codes and actually covering them all today would probably be too lengthy, but we would divide it into Subdivision and Zoning Ordinance and talk about the Preliminary Plan Option of Rezoning next time, also, when John Merrithew can be here, too, because John was part of the authoring that portion as far as the Zoning Ordinance. So, my proposal today is to talk about the Plan Review Process and changes to the Subdivision Ordinance that the Manager is proposing, and next time the Preliminary Plan Option, and the other changes to the Zoning Ordinance which would affect the POD process. Is that OK, or what would you prefer me to do? OK. What I have handed out to you, you will recognize the slide that we used before, the Proposed Plan Review Process, what I have given you is those two pages, and attached to that is a page that says Feasibility Layout Plan, and in the one after that, the current list of what is required on a POD right now. So, I am going to remind you that I am going to go through the list of how the process is being proposed to be in future. This, of course, the engineering community was very interested in. This one, as I mentioned to you, is the Feasibility Layout Plan. And we will look at that Checklist in a moment, but again, the process would begin by that plan being submitted on any working day to the Planning Office. I am sure you are aware, from looking at the calendar that you adopt every year, that there is a cut-off date now and a meeting date, so that means in order for an application to be heard by the Planning Commission on a certain date, for instance today, it would have been filed six weeks before hand on a date - and that was the deadline date - 4:30 p.m. on that date. The Manager is proposing that be changed, and in the future on any day a plan can be submitted. On any day a plan can be submitted now. But, if it is prior to that meeting date, then they are assured of being on the meeting agenda if the plans are complete. So, the goal is to try to find a way to prevent the peaks that we have been having when all the plans are due in for your meeting on that day, six weeks ago, we had to deal with all of those plans at one time, causing a peak in the workload, and everything is geared towards getting it to the meeting today. So, it is kind of like watching a snake eat something, as he eats it you can see it go through his body and as it goes through the system

you have this long continual system, you have got to watch that frog that he just ate, and it is sort of watching a system and watch that high number of plans go through, and as each person reviews them, they are having to deal with the rush to get to that meeting. The change to the rolling deadline, and by the way, staff does have some kinds of concerns of how to implement the rolling deadline, and we will be working on the details of that. It would mean that plan would come in anytime, but the applicant would not be assured of when it would be on the Planning Commission agenda yet. When they submit their plan, they would then, the Plan Coordinator, remember, determines if the plan submittal is complete. Questions come up: How long will that take to determine if it is complete. Again, administratively, we are going to have to set a goal for that. My thought is, at this point in time, in 48 hours. Within 48 hours there will be a determination that that plan submittal is complete. When it is complete what happens? Complete plans are distributed to all review departments and then that is when, when those plans are distributed, that begins the two weeks, the clock, for comments to be prepared by staff on that plan. And then we look at what happens after that is plans are distributed. The comments are distributed to the applicant. He has to look at that.

Ms. Dwyer - If he has some problems, does he still have....(unintelligible)

Ms. Harper - They currently have two weeks to distribute plans and this is going to be an issue that we are going to have to try to work out, some sort of queuing line for when things are filed to try to make the work load manageable. Right. We are going to have to deal with that. The goal is to try to have comments back in two weeks, because what they have asked for, what the development community needs is not to receive their comments when they walk into the room and are sitting down at a table for the first time and they see their comments. They want their comments a week in advance because they want to be able to address the revisions that are needed in those comments. They want to be able to come up with answers and resolve the problems, so when they get to the Staff-Developer Conference, they come in with some responses and then what the critical part is of the Staff-Developer Conference in the future would be, is that is when the Plan Coordinator would decide when it is ready to be on the Planning Commission agenda. So, you are right. The goal of hoping that we can do it in two weeks and one week for the comments to be back, the Feasibility Layout Plan is more schematic. It is not as much detail as you are currently seeing. It is not as much detail as staff is currently seeing because the development community wants to be able to determine feasibility. That is the key word. Feasibility of a project. They don't want to have spent a lot of money on engineering costs and then find that the project is not feasible. The level of detail that they provide at the beginning will be reflected by the comments that they receive back. For instance, if they don't give us as much information as needed to be detailed, they are not going to get detailed comments. This is going to be especially true with water and sewer plans. For the first time, water and sewer plans are going to have to be submitted with the plans, the drainage plans, and the layout plans. So this is going to be different than in the past. They have had the option of whether or not they submitted their water and sewer plans in

advance.

Mr. Vanarsdall - If I file a case with the Planning Office, how many sets do I have to file?

Ms. Harper - Now, it depends on whether it is a Subdivision or a POD.

Mr. Vanarsdall - If it is a POD?

Ms. Harper - It is 14 sets.

Mr. Vanarsdall - So every department gets a whole set of plans?

Mr. Zehler - Do they comment on those plans and send them back to the Planning Office?

Ms. Harper - The person in the Planning Office assigned that plan, and you are getting into a real detailed level of review right now, but yes, they submit, they will hopefully use e-mail, we are going to use e-mail to get comments and annotations hopefully back to the development community. The actual roll of plans of the Planner in the Planning Office that is assigned that plan, whether it be Ted or Mikel or Leslie or Jim, whoever is assigned that plan, would actually have to see those plans to be able to compile all of the comments.

Mr. Silber - Would the Planning Office be coordinating the comments, or would the comments be going...(unintelligible).

Ms. Harper - That is another detail that will be fine for you all to work out. The idea is to get the comments, detailed comments not standard comments; there is a lot of criticism about standard comments. In other words, if you are missing a drop-inlet, you don't just check a standard comment. A drop inlet is missing, You can't check that. You have got to have something on a comment that says A Drop inlet at the corner of Koppers and Horsley is missing. Or something, you have got to have a detailed comment. These comments would be e-mailed back to the developer. Have the e-mail address or faxed or whatever the preference is, fax, or they can come by and pick them up.

Mr. Silber - By that department or the Planning Office.

Ms. Harper - By the department. The applicant would be dealing one on one until we get this Project 10 done. It is going to be e-mails. I mean, we would like to offer the option of having e-mails available to, for instance, an engineering firm with each

department responsible. I believe Public Works is already starting to do this. I don't know if you want to share what you are doing.

Mr. Thompson - What we would probably do in this instance is send our comments to the Planning Coordinator and see whether he wanted to e-mail or electronic sending, and the engineer can look at the individual comments or wait for that Staff/Developer Conference where it would all be combined. It is up to him. The concern would be the individual comments, that we not change anything, make changes until we have the Staff/Developer meeting.

Ms. Harper - The whole idea is to give the staff, and, again, this is something the Planning Commission doesn't usually get involved in, is how we are going to compile all of these comments with the goal of trying to be sure the Staff/Developer, the goal is to have the engineer have the comments prior to the Staff/Developer Meeting, preferably one week prior, because that goal is when they get to the Staff/Developer Meeting, they will be able to provide provisions, alternatives, so that then their plan will be ready to be heard by the Planning Commission.

Ms. Dwyer - (Unintelligible) because it seems to me that part of their job is...

Ms. Harper - Well, they are saying that what they typically are doing now to determine feasibility is they shop their plan. They will come to the County and they will make an appointment with someone in Public Works and they come to Planning and make an appointment with someone in Planning, someone in Utilities, and they go an individually have these meetings as opposed to having a combined look at everything. That is going on right now. OK. And that intrudes a lot and is not coordinated in its fashion, and this is to hopefully overcome that. And, then there would be for plans, after they finish with the Planning Commission, or staff, whatever it is, there would be a signature on the plans. The level of detail would still have to be done before they get signed plans. You would not have to have the level of detail that you currently have at what you are seeing or what we are seeing to prepare for the Planning Commission. Bob Thompson headed up the working group that talked about it and you may want to look at this list that is on the third page back on that handout, and Bob, maybe, can walk you through this and give you an idea of why these items were selected and how they differ from what we currently have. Do you want to come up here, Bob, you think it would be easier - easier for the taping.

Mr. Bob Thompson - Our subcommittee was made up of both County and private development personnel, and it really became quite obvious that from the private sector they were not interested in doing any more detailed plans up front. What they wanted to do was slush out those issues which they thought were the major stumbling blocks before they

went too far down the road with the project. We came up with a list under POD and Subdivisions of those items that both County staff and the development community felt would be required in order to assess all of the major issues. It was interesting in that the private sector engineers and the County staff prepared their list separately. It was kind of a homework assignment and when we compared them, there were virtually no difference between the two lists, so we felt fairly confident that this list addresses the major points. The thought here is that we won't get bogged down in detailed engineering calculations at this point. What we are looking for is that the layout meets all of the requirements, the standard policies, and that it can be engineered and it can be shown pretty much in a two-dimensional concept as to how it would layout with regards to access, locations of buildings, the general location of the BMP, outfall information, proffered conditions, all of those things would be addressed with this plan. After it does receive Planning Commission approval, then the detailed construction plans, the actual volumes of water in each pipe, the amount of water flow, and sanitary sewer flows, all the calculations would be submitted to Utilities and Works and those types of calculations, the things would be necessary before the plans were signed. By getting that information out of the way up front and not having that submitted, we felt like we could turn the plans around in the two-week time frame and concepts discussed openly at this first Staff/Developer Meeting and make a decision either from the developer's point of view or from the County's point of view whether the plan is feasible and should proceed on to the Commission, and that is kind of how our Committee approached this. They really were not interested in giving more information up front. They really wanted to focus on the feasibility term on this plan.

Mr. Silber - I know how we want things to be general and I know we all really want.. So often, we don't have information here that later becomes a problem after the Planning Commission has already approved the plans, it comes to mind the location of the easement and the (unintelligible). I don't know how to work through that. Maybe some of the details relative to buffer areas, landscape areas, ability to landscape a plan are really important, or you may be approving a plan or the Commission may be approving a plan that later can't support the landscaping, buffering or...

Mr. Thompson - Well, that is good question, Randy, because that was one issue our committee really had trouble coming to definitive answer on. Jim Strauss worked pretty hard on the landscaping piece, but the initial thought was to include the landscape up and require that; however, that would require approval of the landscaping at the very beginning before getting the detailed plans and does not allow the option of bringing the landscaping plan back at the end, which tends to be a good give and take type of thing, particular when you have opposition to the site, to make sure that it is addressed once everybody gets a feel for it. Our recommendation was to show conceptually the landscaping and make everyone aware of those areas that would be landscaped, but then to allow that option of having the landscape plan come back separately in a separate track, so to speak, if that were necessary.

Ms. Dwyer - (Unintelligible)...does that level of...

Mr. Thompson - Yes, we would know the setbacks. We would also know where we would have a drainage layout. Now, we don't know the actual calculations, but under this guideline we are going to know what the concept is and the outfall information would also be provided in environmental areas, wetlands and things that can't be disturbed would be shown. Water and sewer connection points are going to be shown. Where is the water and sewer coming from. Now, the size of those lines, what meter requirements aren't going to be specified at this point, but we will know how the water and sewer is coming on the site, so we would have an idea of where those utility connections are going to be and the easements are going to be with this plan.

Ms. Harper - There is no reason why this can't be changed. Just what I would say is don't put anything in this list that is unrealistic. We are not currently able to get anymore (unintelligible) the developer is going to have regular trouble with his list. What we have found with Virginia Power is that they don't use the easements they have. They go out and put lines down where they want to or where it is convenient, or whatever, and so, I think if we are going to require the engineer to have that on the plan submittal, and VEPCO won't give them any permission, then, how do we overcome that? Now we can't ask for information that is not available.

Mr. Whitney - Was there any discussion in your committee about maybe providing an LCA survey, with the Feasibility phase of the study. That is the survey I am familiar with, when the developer is looking at a property, they often pay for just a survey to know what encumbrances are on a property. There are several PODs that I have had discussions with the engineer and they have made an LCA survey available to me, so you know what you are starting out with. It may change, but that is what Virginia Power and Bell Atlantic has prepared into it, but you do have something. There is a document and may have the option in the POD or maybe the Subdivision (unintelligible) to help staff get a...

Mr. Thompson - Well, that specific survey was not mentioned in our committee by anyone, but as Angela said, we certainly can add to this list things that are readily available and would easily be identified by the developer.

Mr. Whitney - Maybe we could ask the development community if they would have a problem doing that.

Mr. O'Kelly - All of this sounds like our current preliminary plan process we have had in place for years.

Mr. Thompson - That really was the starting point of one of our committee's work, Dave. Greg Koontz, who was on the committee, has gone through a couple preliminary plan reviews and I guess was not really satisfied with his experience, to put it as politely as I can, with the time. He didn't feel like he saved any time by going through, and that discussion, the first meeting we had, kind of focused on how can we make that system work in a more structured environment, and we really blue skied this whole thing. We threw open the zoning concept plan, which is when you get zoning and plan approval at pretty much the same time. We offered that up as an alternative, and we talked about all sorts of things. What became very clear from the developer's side was that they did not want to do detailed work up front until they knew that the project was feasible. And, from the County's side, we did not want to tell them the project was feasible until we knew what it was that they were proposing from certainty, and it was kind of a blending that brought this list together. This list was what both sides feel like could be provided without the developer providing a lot of effort up front. Obviously, having to do some homework and the County having some certainty of what the project was going to look like and some assurances that it would meet all of the standards we had, and that we would have at least enough to make reasonable comments back to them on, and as I said, the two sides of the lists were almost identical to what we needed. It is somewhat close to the preliminary plan idea, and the idea here is to have detailed information for the Planning Commission to make detailed, in sense that it is spelled out exactly what it is the project is going to look like, and the feasible elements of it, so the Planning Commission can act on that information, but not to get bogged down in the real engineering details of the process.

Mr. O'Kelly - The real problem is after the Planning Commission meeting the engineer wants to know when can he get his plan signed.

Mr. Thompson - We will address that after the Planning Commission. What we wanted was to get to the Planning Commission. We were looking at the total time line. Angela will be going through the rest of that, but there has been a turnaround time after the Planning Commission's meeting. Having addressed these issues, the developers feel like they get these points out, which are the sticking points in a lot of cases that come back and require redesign or the plan to come back to the Commission, if we can get consensus on the issues addressed up front, the developers feel like they can get the plans back in and through the system in a 30-day turnaround time after the Commission. But, it is these issues that need really to be addressed up front. Now, the members of our subcommittee from the development community fully recognized that they are responsible for the engineering details. Once they agree to this as being feasible and they get all of the County's comments, if they suddenly say they don't have enough water or enough sewer, they understand that that is their problem, not the County's problem. They say that in the committee, but they do understand that all they are asking for is to make sure that water and sewer are available to the site. They have to make the calculations to determine that it meets their requirements.

Ms. Harper - To help clarify, you have to look at the future and the Manager's proposal is completely different than the present, when it comes to the plan. OK. Currently, there is a plan of development checklist which is the fourth piece of paper there. OK. That piece of paper comes in, all those rolls of plans come in, they meet a deadline, they are, therefore, scheduled on a meeting and they are reviewed by all agencies and that level of detail. Then, after they are approved by the Planning Commission with comments, they go through the signature process. In the future, there would not be that checklist. It is not like we are talking about adding the preliminary plan or using the preliminary plan. We are talking about that list on the back wouldn't exist anymore as far as a requirement checklist. We are not doing this Feasibility Layout isn't required in addition to the POD. OK. What happens is you have the Feasibility Layout Plan which is the plan which gets to the first Staff/Developer meeting, whether it be staff approval or it be Commission approval. After that, it gets Commission approval, it gets through that first Plan Coordinator who decides it is ready. If it goes to the Commission and it gets signed and approved and all of that is done, and then they begin and there will be a checklist developed. It has not been done because we don't know if they are going to buy into this concept. You have to realize that all of these little details about it afterwards and we haven't done all of the checklist and everything yet. But there will be a checklist, which is a Plans for Signature Checklist, and it will be the Plans for Signature Checklist, which will be every single thing we need to know to build it and construct it, and it will not be something that the Commission has to see, just like you don't currently see the Signature Plans, and it will have all of that to it. Now, the difference is that if a plan were not to come to the Planning Commission for any reason, then they can file, they probably will not have to file an FLP at all. They will just be able to file plans for signature and they are out of here. Excuse me, go ahead.

Mrs. Wade - Has anyone (mike not picking up - unintelligible).

Ms. Harper - I don't know. I will ask Bob if he has done that. Have you done that yet?

Mr. Thompson - Actually we are getting some additional things. The list encompasses. We are getting proffered conditions. It is pretty much the same checklist.

Ms. Harper - I will do one for you. The Manager feels that it is absolutely critical and it will actually be a time saving in the long run for a developer to have the water and sewer plans reviewed simultaneously. One specific example of that is that typically water and sewer plans run at least two weeks behind the POD schedule. That means that after you have approved a plan, a POD, the water and sewer plans are trailing two weeks behind and digging up everything you thought were going to be available for landscaping and utilities are going to be coming in, and no longer will that area be there. But by having the

utilities shown on plans and where the connections would be, we will hopefully be able to avoid a lot of that re-review and also the same thing will be true at the signature part of the process, the tail end of the process, where it comes in for design. Those actual design plans sometimes have had to be redone because they went all the way through the design, all the way through the process and got signature by Planning and Public Works, and then here comes the water and sewer plan trailing along behind and they put the sewer line underneath the BMP. Well, that is denied, so where does it go? So, then you have to come in and destroy all of the green space that you had out there. So, hopefully, by doing it together we are going to avoid a lot of that problem, but, was there another question, John.

Mr. Marlles - I am trying to look at this from the perspective of the Planning Commission. The Planning Commission is going to be getting less detailed information on the feasibility plan and you probably are going to be more incumbent upon the rezoning stage to try to focus in on the intensity of the area as part of the development and work out any details at that stage, whereas, right now, I think there is at least the ability to try to deal with certain issues that have arisen in the case, but you know you have the Plan of Development stage coming along later on where you can work out the details, but there is going to be less ability to do that, but certainly more at the rezoning stage to focus in on the central areas and get proffers.

Ms. Harper - That's a really good point. My observation is, though, for the past 10 years the Planning Commission is doing an awesome job at focusing in at the rezoning stage on the details, whether they be architectural, whether they be buffers, setbacks, bay doors for industrial areas, which way they face. You all have really done an awesome job when it comes to that, so I do think that you have a lot of proffered zoned land undeveloped out there that has the information that is going to have to be responded to by that number 11 on there, proffered conditions. And, whenever there is a condition on the Subdivision, those proffered conditions that you all have been so meticulous in requiring, whether it be where a lot is faced, or how much additional reserved setbacks will be, from like John Rolfe Parkway, or whatever it might be, those are going to be what can be used to look at the sensitive areas of the plan, and remember, our overall proposal still shows you all seeing all of the plans of development that are adjoining R and A that has a livable home on it, so it is not as if, in fact the questions I got yesterday from the engineers were, Well, does this change how much the Planning Commissioner can ask me to as far as architectural details and aesthetics. And, I said, No, it really doesn't. You know, it does not change that. Whatever plans they see, you will be focusing on all of the sensitive areas.

Mr. O'Kelly - We really do not have the authority under the State Code to deal with these matters unless it is proffered.

Ms. Harper - That is a whole different topic, for sure. We have never

had a requirement in the Code that said, You have to present, you know, architectural materials and details on every piece of land, developed into a ...

Mr. O'Kelly - Every POD has a requirement for submitting floor plans, uses, building heights and elevation drawings.

Ms. Harper - Right. But the Code doesn't require quality of that.

Mr. O'Kelly - I am concerned what we are going to be getting on submittals of architectural details through the proposed feasibility plan process.

Ms. Harper - Well, I would say if the Commission thinks, and I would, it appears based on Ernie, a case with Ernie or a case with Dave for Varina? I'm sorry, you just referred to a case. In Brookland, it was Ernie's case. Proffered conditions, in many cases, already address that, but if you feel that there should be an addition to the checklist in that way, we can add an addition to the checklist. I just know that is an issue for everyone.

Mr. O'Kelly - You have to have some known standards to check for details... (unintelligible)

Ms. Harper - Well, let's be sure we realize that there is a big difference between standards for architectural detail and standards for requiring brick and slate roofs, and all of that. We have to be real careful. The BOCA Code sort of limits us in that area, but if we want to have minimum standards similar to what we currently have, that would be OK. I just clarified that when we were reviewing that. I don't think the Committee focused on that, too much. I don't remember, Jim, do you remember what happened on that your committee because I didn't come to all of your committee meetings - on the proffered condition or on the whole area, the checklist, when it comes to architectural details. Did you remember the discussion on that?

Mr. Strauss - I don't know how we can review a plan without at least having a (unintelligible)...

Ms. Harper - That was in the drainage outfall information if I understood, correctly, is that not included in drainage outfall?

Mr. Strauss - The less information we have on the checklist, the less information we can give to the Commission, and the Commission has posed the question about... (unintelligible).

Ms. News - (Unintelligible)

Ms. Harper - Well, my understanding was it was in the drainage outfall information, but am I incorrect?

Mr. Thompson - It is in everything in here. And, if you recall in our subcommittee, and you were a part of the discussion, all of this information was raised together. I mean, there is not one item, we have all looked at topographic inches on the existing site and proposed by, and obviously building locations at that point of roadway traffic. All of it reflects the grading of the site. For instance, you can show a driveway in here that is going to a road if it is an elliptical difference, you The topography is something that is going to be required on any site. (Unintelligible).

Ms. Harper - OK. I think one of the things we need to do, obviously, the staff has some concerns and today is the day for the Planning Commission to express their concerns, and we will continue to talk on our concerns, but I want to be sure I understand what the Planning Commission wants, and we, each of the departments were represented on these committees. We are going to continue to work on the checklist, because I know the development community is interested, too. Yes, Mary.

Mrs. Wade - Unintelligible.

Ms. Harper - At zoning time you are concerned about utility information? All you have is whether it is available to the site or not, right. You do not have that.

Ms. Dwyer - Unintelligible.

Ms. Harper - Well, that is a valid concern and I think the way we can approach that is by working with the, you know, John Merrithew's group, and trying to be sure that we have an understanding of the review of zoning cases when it comes to utility requirements in site plans, whether they be subdivisions or site plans, to be sure we can try to take that into effect. We can, perhaps, get better information from Utilities, too, that would give a better guesstimate of where the utility might be located on the site than we are currently getting. But, it is a good point. OK. I would like to try, are there other items that the Commission has questions about regarding the plan, and I promise staff we will have a meeting, and go over all of this in detail. OK. If not.

Mr. Archer - What is the time frame for this?

Ms. Harper - We don't have one until we know how you and the Board will have a retreat at the end of January to hear the presentation on where we are at that time, and based on their decision of what they want rolled out and how many checklists and how many

ordinance amendments we have to do to do that, it will depend on when the kick-off date is.

The Manager hopes it will be the Spring, but, at this point, until we kind of know the breadth of how many ordinance amendments and how many public hearings we are going to have to have, it is kind of difficult for me to say. But, I will keep you up to date on it every time we meet, and I will let you know something different. OK. What we would like to do, if there are no more questions on the process, and this is an interactive things, so as you think about what you need on the plan, just call me or drop me a note, or we are taping this, so we will have the notes and we will have the staff and the engineering community are going to be giving me comments of what they want changed. So, it is going to be a compilation of a lot of the recommendations that we are going to be doing. But, I want to move to the proposal. As you remember, I was hoping that we would be able to focus today on, you remember we talked about the geodetic control network. I am going to ask Al Frauenfelder to come next time and go over the information related to the GIS System because there is a lot of detail there and I surely can't answer all of those questions, but I know you have some interest in it and it would require a change to the subdivision ordinance and the zoning ordinance to incorporate those points that are needed to tie in our plans. Now, if you remember, one of the major changes to the subdivision ordinance that we were talking about was giving the authority to the Director of Planning or staff, as you want to call it, to coordinate the review and approval of minor subdivisions. You may remember that later we were talking about pretty much all subdivisions being reviewed administratively, but this proposal is made separately in case the other decision is made that it is not appropriate. So, we want to talk about things as minor subdivisions and how different would minor subdivisions be. I'd like to remind you of what characterizes a minor subdivision would be a piece of property that adjoins an existing dedicated right of way and the proposal would be for 10 lots or less. Or, it could be a resubdivision of a lot within an existing subdivision. I know you are familiar with several of these situations that show up on your agendas where you have a larger piece of land, with maybe larger than necessary for it zoning category and now they want to subdivide it into 2 lots or 3 lots, and it has to come to the Commission. Quite a few of those have come up in Three Chopt and in Tuckahoe. Or a plat for a road dedication. There are only two ways to dedicate roads to the County and one would be, you have to have a hearing of necessity, and Mr. Thompson can tell you all about the importance of those, or you have to have it through the process of subdivision, which would be with a subdivision. You can have a subdivision with no lots, and just a road. As you know, through your master planning process and your rezonings that these roads are shown either on the major thoroughfare plan, or they are, perhaps, shown on a master plan that has been approved. But, this would allow the staff to approve a plat for a road dedication with no lots created. The last one, yes Dave?

Mr. O'Kelly - I was just curious about where the 10 lots came from.

Ms. Harper - Well, the Manager was comfortable with this. The Manager, there was a committee system, you all, and there were five lots, actually I think it was five lots

recommended. In looking at your cases for the past seven months, there were seven months of cases I reviewed from January to July, and in those cases, there were a considerable number of cases that have come before you that did fit into the minor subdivision. One had eight lots that were on an existing right of way that had to come to you that were just right along the street. Just like right down the road, and there was no, it was adjoining R, it wasn't anything controversial about it, so in presenting to the Manager, I recommended the 10 lots because there was no harm done. I mean, it is in the existing right of way. He did not feel comfortable doing it with no existing right of way. And, the plat for road dedication with no lots created because usually those roads have already been seen publicly, either on the Major Thoroughfare Plan or to a Master Plan. They have been exposed and it is not like a road coming out of no where. It is usually a lot, a road that is being created, based on other tools that the staff or the Public Works Department or others had used. So, the public in the sense, has seen them, either through the Master Planning process or through the Comprehensive Planning process. But, you are proposing that there be approval, you are suggesting why not allow approval of 10 lots or less without dedicated right of way being in existence.

Mr. O'Kelly - I would not feel comfortable personally without having the Commission's input on street dedications, especially stub roads.

Ms. Harper - Well, there is always the potential. The Planning Commission hears appeals of the Director's decisions and in all of these cases, I am sure you all know that the Director of Planning will have discretionary power to be able to bring to the Planning Commission anything he has concerns about, whether it be subdivisions or a POD, if there are stub streets or something like that situation. If it would be helpful to you all, I can go back through those cases and show you which ones we are talking about. I know you in your own districts probably remember seeing cases in which there is just a large lot off of a road that is now divided into two lots. You know, when it comes and goes through the whole, six week filing deadline ahead of time. This is to create one lot. It goes through the whole six-weeks in advance, and then it goes through the Staff/Developer Conference and it waits, and it waits at the meeting for all the - now you all have this Consensus Agenda - the Expedited Agenda, which hopefully saves them some time now, but the proposal is in these cases, it is not a rezoning. It is not a change of use. It is simply to allow another lot, and if there are any aspects of this that are controversial, then obviously, we need to know that. But, we were not aware that there were any aspects of it. Is the No. 10 controversial? Is the plat for road dedication? Typically, within a seven-month period you might have one, maybe two road dedications with no lots. There are only 10 lots or less, I believe within that seven month period, you had five or six ones that had lots of, one 8 lot, and the rest of them were 5, 4 and 3 lots that were on existing right of way that was dedicated already in the County system. So, it is very few cases that are in that category. Are there any controversial points here that the Planning Commission would like to raise for me that we should reconsider?

Mr. O'Kelly - I would feel more comfortable, Angela, with plats for road dedication going to the Planning Commission if they were not identified on the Major Thoroughfare Plan.

Ms. Harper - OK. That is a good one. OK. Any other questions or comments? OK. Lets move to the next topic. This is authorization for the Planning Commission to be the agent on selected conditional subdivisions. And, this is the one that said, When proffers require Planning Commission review and approval, and you remember I did say, I am not aware that has ever happened. Now, what I would say is that once the process were to change, and in the future if staff were to be the official usual agent for review of subdivisions, then, obviously, when you had a case before you that you were concerned about the layout of that subdivision, maybe because you were concerned about where the lots would face, or you know, how they would rear up to a street, or how they would be adjoining a particular historic home or something, that you could request a proffer. You could ask and encourage the applicant to have a proffer which would allow the Planning Commission to review it, if you felt staff couldn't handle it. The applicant can request Planning Commission review and approval at any time. When he files his case he can request that, or if there is an appeal of the Director's decision from any cases we review. Now, you almost have to review this in tandem with the next one which deals with All other conditional subdivision applications would be reviewed by staff. Now, the one that we did not go through has been, you remember the conditional, the PUP for the controlled density, now the PUP, Provisional Use Permit for Controlled Density, is not included in this. That is a whole different process which we will talk about separately. Tell me what concerns you have about not seeing all of the subdivisions or I would appreciate any comments you have regarding that. Obviously, the point of that is the property is already zoned, there are no notice letters required or public hearing required on subdivisions at this time. And, again, I mentioned that by the discretion of the Director of Planning to use judgment to determine any of them that need to be referred to the Planning Commission because of controversial issues.

Ms. Dwyer - What did you mean by proffers required...

Ms. Harper - That would mean, for instance, suppose you had a case like any case, a zoning case before you that maybe had multiple residential zoning districts, maybe it is 1,000 acres and they have a lot of different zoning districts, and they aren't able to provide you much detail in the process. We would just make a proffer at the time it came in. Just say the Planning Commission would be required to review all subdivisions. It can be done. It is similar to what we do sometimes with PODs when there is not necessarily a POD required, but we require a POD just because it is a proffer to require one. It just gives you an extra level of handholding on a particular piece of property if you feel that it is in a critical location.

Mrs. Wade - Would that also be in flag lots?

Ms. Harper - I understand from Mr. Hinson, who, unfortunately is not with us today, but Harvey in the process of a residential density study that the Planning Office is doing, John, why don't you bring them up to date on that? You want to come up here because of the tape.

Mr. Marlles - That particular suggestion was discussed at the VACo Conference by the Board and staff has been directed to prepare such an amendment and Mr. O'Kelly, in fact, is working on that, so we hope that in January to bring a resolution to the Planning Commission authorizing us to go ahead with that amendment.

Ms. Dwyer - Unintelligible...flag lots?

Ms. Harper - I think you are going to see that amendment before you see the changes that I am proposing. I was there at the Board meeting. They feel very strongly that we have not received any quality planning, we haven't reached any quality planning goals with having flag lots, and all we have done is test the creativity of every engineering firm out there, and every AutoCAD system to come up with pretty sad design, and we can already see them built in communities now, so we know how difficult it is to actually live in a house that is actually sits on a flag lot, so that should be to you, you think in January, John? A resolution. So, you can look forward to that. OK, let me see, I want to be sure, any other questions about subdivisions, because I was going to talk about the PUP for Controlled Density, too.

Mr. ? - (Unintelligible)...Twin Hickory Development. Are we saying that something like that would not go to the Planning Commission?

Ms. Harper - Well, with Dave O'Kelly's additional language, it would go to the Planning Commission because the intent was if it was already on the Major Thoroughfare Plan, or it had been approved as a part of a rezoning case as Master Plan in a rezoning case, that it would have already had a public hearing. His suggestion to add that, and, I know all of the roads in Twin Hickory have not had a public hearing - I don't believe they have. There are a lot of little residential streets in there if I am picturing what you are saying. Right. So, with the addition of what Dave commented on, I think we have taken care of the problem of having that major network come in all at one time. The idea the Manager had was something like a Lauderdale Drive. You know, Lauderdale Drive was brought in. It was actually on the Thoroughfare Plan. It had been on the Regional Thoroughfare Plan. It had been on the Master Plan. It had been everywhere. It had been talked about for a long time.

Mr. Marlles - But I think that on Twin Hickory there are collector roads that are coming in that are not part of the subdivision, which have been identified during rezoning, and in fact, formed the boundaries in there. The plat is necessary to dedicate that right of way so

those roads will be together in the system and they are not a part of (unintelligible) to the subdivision.

Ms. Harper - Well, we will definitely keep looking. We will look into that and see if we can come up with some language that will make everybody comfortable with that. Probably if I saw what you had, it would make it easier for me to know what I've got to deal with, so maybe I can look at that. We usually don't have that many roads come in at one time with zero lots. The other aspect, I know you all want to get out of here, there are actually two more, but one is short. The Provisional Use Permit approval that you currently do, you currently are authorized to do, you recommend to the Board of Supervisors for all controlled density subdivisions. Now, for Ms. Quisenberry, the controlled density subdivision is different. It is a portion of our Code that allows no more density on a piece of property, but does allow a smaller lot size for each individual lot. For instance, in the R-3 Zoning District, if you were to have a regular subdivision, not a controlled density subdivision, you would be required to have 11,000 square feet in every lot and also meet certain road frontage requirements and setback requirements. In the controlled density, you are allowed to reduce that to 8,000 square feet. You still have certain lesser requirements for setbacks, side yards and road frontages. But, that is already existing in the code, and there is a requirement, if a developer wants to do a controlled density subdivision, then they have to apply for a Provisional Use Permit, which is more than those subdivisions that you saw on your agenda today. They have to actually file, it is basically the same process as a rezoning. They come in and they request a Provisional Use Permit for the zone and the layout for a subdivision. And it goes to the Planning Commission and it is recommended to the Board. What we are suggesting is time savers. That instead of coming back after he has gone through and gotten the Provisional Use Permit, we are suggesting that the plan that goes through this process not be just a layout schematic plan, but it actually be a conditional subdivision plan, so that when the Board approves that plan, after your recommendation and all of the public hearing that would have gone into this, because you know how many people came out to Brookhaven, and I think that was the last one we had, that you would actually have the approved subdivision plan and it will have saved the developer six weeks, minimum, to refile and then have a conditional subdivision plan. And, they will be able to do just what they do now. Final subdivision plan to the staff and then record lots, so this a simple matter of now saying that the Board of Supervisors would actually approve. It would be the only conditional subdivision plan they would approve, but it would be the one in the case of controlled density. Are there any concerns about this? OK. Not even staff. The other one deals with the Extensions of Conditional Approval for your Subdivisions that appear at the very beginning of your agenda. In fact, Ted McGarry, used to handle those. I don't know if he does or not anymore, but, Ted, do you still do conditional subdivisions extensions? Rotate them? OK, Kevin does it some. At the beginning of the agenda, it is asked at the conditional level if they have not gotten all of their final approvals, that they have to come in and request these every year, and this is to make it possible for this to be done administratively instead of them having to be done on your agenda. Obviously, if there is an issue on a subdivision, as you well know, and the staff has any concerns, for instance, 10 extensions of a subdivision, and Mr. Marlles denies it, and all of a sudden, the applicant says, AI want the Planning Commission to decide whether or not I can do this instead of Mr. Marlles denying it. Well, obviously, all appeals

would come to you. You all have denied some of those conditional extensions in the past because they have not gotten busy doing the work, and after time, after plans have been around for 10 or 12 years, we may have a new Major Thoroughfare Plan, we may need a road through that area, or there may be more information that needs to be gathered to redesign the subdivision for whatever, so just letting it continue to be on the books is not a good thing. So, conditional subdivision has sort of become a housekeeping type of matter, and we are recommending that that is something that just be done administratively. Any comments on that? Any concerns at all about the handling of subdivisions and the recommendations? What concerns do you have about not doing many conditional subdivisions anymore? You get to focus more time on PODs, really. There you go.

Ms. Dwyer - Unintelligible.

Ms. Harper - Or having it proffered and come back.

Ms. Dwyer - Suppose (unintelligible)

Ms. Harper - Well, the way that would have had to have been known under this scenario would be that the Director of Planning had known at the time of filing, because obviously, when a case begins its process, he had got to know at least 10 days before the Planning Commission meeting to be able to send out notices, but if he is aware of that, if he is aware anytime during the process, that there is an issue, it would be up to the discretion of the Director of Planning to decide that that was an issue that had to happen. Now, what can happen. Let's go back. Staff acts. I don't know what it was, but say the people didn't want the connection of the road, which is pretty typical. I have seen this before. So they didn't want the connection of the road, but staff, Public Works just had to have that connection to the road, they made their points, so the Director of Planning had already approved it administratively. That subdivision with that connection. Well, then they can appeal. There will have to be some time frame, I believe, that they can appeal that. If they are adjoining neighbors, can't they appeal? No? Interested parties? We can look into an appeal, but I see that as being the best way to do it. If there is an issue regarding connection of a road, then maybe an appeal could be filed to the Planning Commission.

Mrs. Wade - The neighbors would have to know, because they don't get those.

Ms. Harper - What do you suggest?

Mr. Marlles - I think in my situation we could work out an arrangement where, on my part, as Director of Planning, (unintelligible).

Ms. Harper - How would you know it was going to be a controversy and refer it to them? Because you don't send out notice, either. Currently, there is no notice, anyway.

(Unintelligible) -

Ms. Harper - You have to be careful, too. A subdivision is an administrative process. It is not a legislative process. And because of that, one of the problems that we have run into over the years, especially if a Major Thoroughfare Plan has been approved, people feel like they can stop a road from being built, or they can stop a lot of things from being built, administratively, which has to be done legislatively. It can't be done administratively, so they are putting a burden on you many times trying to stop something that legally you do not have the authority to do. Of course, in the case of a residential street, you do, because it is not on the Major Thoroughfare Plan.

Ms. Dwyer - Unintelligible.

Ms. Harper - We appreciate any suggestions that you have. I mean, there has never been a State Code requirement for subdivision notification. Requirement, right! I think it would be wonderful to know what triggers we need to look for, because I believe there are certain triggers, such as connection of a road between an existing subdivision and a new subdivision, and, obviously, the Director of Planning can look for instances and cases to make perhaps those could come to the Planning Commission. I mean we could come up with a criteria if you felt that that is the type of criteria you are looking for. We sure can try to work together to find it. Well, I would appreciate it if John and you would work with your group to see if you could come up with some approach to this by the next time the Planning Commission meets. Maybe that way, I think that is a real good point, but I do know that many times the Planning Commission is put in the situation of trying to not extend a road that is legally required to be extended, so you have got to watch to not put yourself in that position, too. Right now we are talking about No name Roads. The authority to deal with No Name Roads and a A Name Road. Oh yes, they call, and I am sure Mr. Public Works and his family and his colleague have a lot of those calls, and they go out to the site and try to explain you know, how the drainage system is going to work and everything, how they are going to cause more water on my land, and really, Public Works carries the burden for solving a lot of those issues.

Mr. Marlles - We should be able to develop some criteria where administratively our policy is that those subdivisions will be referred to the Planning Commission and staff will know the trigger, and (unintelligible) certainly, that can change with time, too. You know, I think we should be able to sit down with staff and the Commission and figure out what those triggers are.

Ms. Harper - The big one I have always seen is extensions of roads. And, that one is always, and it is hard sometimes, it never causes a problem, and sometimes it is a huge problem, so.

Ms. Wade - Is anyone here aware of any locality that puts up signs for subdivisions?

other than people that want to sell you the lots?

Ms. Harper - Is anyone here aware of any locality that puts up signs for subdivisions? Other than people that want to sell you the lots? Well, that is, it. Mr. Chairman, and Commissioners, thank you very much. I appreciate it and we will continue this conversation. I would obviously like to have a work session set for January if at all possible. I suspect that the Board's retreat will be towards the end of January and it would be wonderful if I could have covered in detail the POD aspect of this, to be able to get your comments, because by then I am hoping to have the comments from staff and from the development community pretty much compiled. I am sure there will be some loose ends, but my goal is to try to have them all done before the retreat with the Board. So, is there an opportune moment to meet with you all again in a work session? I don't know if you want to continue to have lunch. This makes an awful long day for you, I know. I am willing to do dinner before your meeting or a special work session if you prefer.

(Unintelligible) - Would you rather have a special date or tack it on to the end of a POD meeting?

Mr. Archer - You want to do it in January if at all possible?

Ms. Harper - I was really hoping to do it before the Board had their retreat, which I don't know when that will be. Probably the third or fourth week in January. I was hoping to be able to do it then, but I don't know that date, because it hasn't been set. Only because I know they care so much about what you all think and want you to be involved in the process, and I want to say that I have gone over in detail at least the different proposals.

Mr. Archer - We have already used up the POD date in January.

Ms. Harper - Is there a potential for a special one or, your zoning meeting is your first organizational meeting, and I know it is going to be tough. You have a new member this time. So, that is going to be tough, probably. If we can't do it in January, I will understand, but I am willing to, anytime you feel like you could get the group together. What days of the week are they? The week of the 18th? I think the 18th happens to be Jackson-Lee-King day, but other than that date, you've got the 19th, the 20th, and 21st. We may can have it here. I am just not sure yet. OK. January 22, at 9:00 a.m. and it probably will be in this room, but I will just have to let you know.

Mr. Archer - Can you send us something to let us know?

Ms. Harper - Of course, I will send you all a note, and I will try to, of course, you know that we are going to try to follow up next time with POD and any other items you would like to discuss regarding the changes. By then, I should also be able to share with you some of the comments we are getting back from staff and from the development community, so you will know more about that. Thank you very much for your time.

Mr. Archer - Just a moment to inform everybody who does not know, that Mr. Zehler will not be serving on the Commission next year, and it will be Debra Quisenberry. And she is already at work! A motion was made by Mrs. Dwyer and a second was made by Mrs. Wade for adjournment.

On a motion by Mrs. Dwyer and seconded by Mrs. Wade, the Planning Commission adjourned its meeting at 3:40 p.m.

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

John R. Marlles, AICP, Secretary