

1 Minutes of the regular monthly meeting of the Planning Commission of the County of  
2 Henrico, Virginia, held in the Board Room of the County Administration Building in the  
3 Government Center at Parham and Hungary Springs Roads, Beginning at 9:00 a.m.  
4 Wednesday, February 2, 2000. **THIS MEETING WAS RESCHEDULED FROM**  
5 **JANUARY 26, 2000, DUE TO SNOW CANCELLATION.**

6

7 Members Present: Mr. Ernest B. Vanarsdall, C.P.C., Chairman (Brookland)  
8 Mr. C. W. Archer, C.P.C. (Fairfield)  
9 Mr. Allen Taylor, P.E. (Three Chopt)  
10 Ms. Elizabeth G. Dwyer, C.P.C. (Tuckahoe)  
11 Mrs. Patricia S. O'Bannon, C.P.C., Board of Supervisors  
12 Representative (Tuckahoe)

13

14 Member Absent: Mrs. Debra Quesinberry, C.P.C., Vice Chairman (Varina)

15

16 Others Present: Mr. John R. Marlles, AICP, Director of Planning, Secretary  
17 Mr. Randall R. Silber, Assistant Director of Planning  
18 Mr. David D. O'Kelly, Jr., Principal Planner  
19 Ms. Leslie A. News, CLA, County Planner  
20 Mr. James P. Strauss, CLA, County Planner  
21 Mr. E. J. (Ted) McGarry, III, County Planner  
22 Mr. Kevin D. Wilhite, County Planner  
23 Mr. Mikel C. Whitney, County Planner  
24 Mr. Michael F. Kennedy, County Planner  
25 Mr. Todd Eure, Assistant Traffic Engineer  
26 Mr. Jeff Perry, Environmental Engineer  
27 Ms. Diana B. Carver, Recording Secretary

28

29 **Mrs. Patricia S. O'Bannon, the Board of Supervisors Representative, abstains on all**  
30 **cases unless otherwise noted.**

31

32 Mr. Vanarsdall - Good morning, ladies and gentlemen. The Planning Commission will  
33 now get underway. This is our snow make-up day, and I appreciate your coming out. Before  
34 we get started, we have two new members up here for the year 2000, and on my left is Mrs.  
35 O'Bannon who is the immediate past chairman of the Board of Supervisors who will sit with  
36 us this year to represent the Board. Mrs. O'Bannon, we are glad to have you.

37

38 Mrs. O'Bannon - Good morning.

39

40 Mr. Vanarsdall - And on my extreme right is Mr. Al Taylor, who took Mary Wade's  
41 place in the Three Chopt District. Mr. Taylor, we are glad to have you with us.

42

43 Mr. Taylor - Thank you very much. I am glad to be here.

44

45 Mr. Vanarsdall - And I welcome Ms. Dwyer back and Mr. Archer back, and Mr. Marlles

46 and Mr. Silber, and all of the staff, including you, Mr. McGarry. Mrs. Quesinberry is out of  
47 town today. She is the Vice-Chairman, and Mr. Taylor will be handling her cases. Having  
48 said that, I will turn this over to our secretary, Mr. John Marlles.

49

50 Mr. Marlles - Thank you Mr. Chairman and good morning, ladies and gentlemen. We  
51 do have a quorum so we can conduct business today.

52

53 **Amendment to Zoning Ordinance: Pertaining to the Powers and Duties of the Board of**  
54 **Zoning Appeals.**

55

56 Mr. Marlles - The first item that was originally scheduled on January 26 was the  
57 Amendment to the Zoning Ordinance pertaining to powers and duties of the Board of Zoning  
58 Appeals. Because of the snow, we were not able to have that public hearing, so staff is  
59 recommending that this item be rescheduled to the February 23, 2000 POD meeting.

60

61 Mr. Vanarsdall - Any questions? All right.

62

63 Mr. Marlles - We need a motion, Mr. Chairman.

64

65 Mr. Vanarsdall - All right. I will entertain a motion.

66

67 Mr. Archer - I move that we reschedule, per staff's recommendation, Mr. Chairman.  
68 Do we have a date?

69

70 Mr. Marlles - February 23, 2000, the February POD meeting. We could do it the first  
71 thing.

72

73 Mr. Vanarsdall - Why don't we do it the same way that we had it?

74

75 Mr. Archer - OK, I move to accept the staff's recommendation for February 23, 2000  
76 under the same conditions that it was scheduled for before.

77

78 Mr. Taylor - Second.

79

80 Mr. Vanarsdall - We had a motion made by Mr. Archer and seconded by Mr. Taylor. All  
81 in favor say aye. All opposed say no. The motion carries.

82

83 The Planning Commission voted to reschedule the Amending to Zoning Ordinance: Pertaining  
84 to the Powers and Duties of the Board of Zoning Appeals to its meeting on February 23, 2000,  
85 at 9:00 a.m.

86 **SUBDIVISION**

87

Four Mile Run  
(January 2000 Plan)

**TIMMONS for Pendragon Development Company:** The 97.53 acre site is located at the eastern terminus of Four Mile Run Drive, approximately 0.33 mile north of New Market Road (U.S. Route 5) on parcels 238-A-31 and part of 249-A-48. The zoning is R-2AC, One-Family Residential District (Conditional) and A-1, Agricultural District and ASO (Airport Safety Overlay District). County water and sewer. **(Varina) 172 Lots**

88

89 Mr. McGarry - Staff is aware of one request for a deferral. It is on Page 6 and it is in  
90 the Varina District. The applicant has requested a deferral to the February 23, 2000 meeting.

91

92 Mr. Vanarsdall - Is anyone in the audience in opposition to the deferral of Four Mile Run  
93 Subdivision in the Varina District to February 23? No opposition. I will entertain a motion.

94

95 Mr. Taylor - I move we defer Four Mile Run (January 2000 Plan) to February 23,  
96 2000, at the applicant's request.

97

98 Mr. Archer - Second.

99

100 Mr. Vanarsdall - We have a motion by Mr. Taylor, seconded by Mr. Archer. All in  
101 favor say aye. All opposed say no. The motion passes.

102

103 At the applicant's request, the Planning Commission voted to defer Four Mile Run Subdivision  
104 (January 2000 Plan) to its meeting on February 23, 2000.

105

106 **SUBDIVISION**

107

Gill Dale Farms, Section A  
(January 2000 Plan)

**Engineering Design Associates for Robert T. & Armennia M. Royster:** The 8.929 acre site is located on the west line of Gill Dale Road, approximately 200 feet north of Shaleigh Lane on parcel 219-A-3E. The zoning is A-1, Agricultural District. Individual well and septic tank/drainfield. **(Varina) 3 Lots**

108

109 Mr. Vanarsdall - Is there anyone in the audience in opposition to this case or would like to  
110 speak to this case before we rule on it? All right. I will entertain a motion, Mr. Taylor.

111

112 Mr. Taylor - I move that we approve Gill Dale Farms, Section A, (January 2000  
113 Plan) as presented.

114

115 Mr. Archer - Second.

116

117 Mr. Vanarsdall - We have a motion made by Mr. Taylor and a second by Mr. Archer.  
118 All in favor say aye. All opposed say no. The motion passes.

119

120 The Planning Commission granted conditional approval to Subdivision Gill Dale Farms,  
121 Section A, (January 2000 Plan), subject to the annotations on the plans and the standard  
122 conditions for subdivisions not served by public utilities.

123

#### 124 **LANDSCAPE PLAN**

125

LP/POD-80-96

Janway Road Warehouse

**Kevin Floyd Engineering and Kessl Construction Company:** Request for approval a landscape plan as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code. The 0.3 acre site is located on the north line of Janway Road, approximately 240 feet east of Landmark Road on parcel 61-3-B-3A. The zoning is M-1, Light Industrial District. **(Brookland)**

126

127 Mr. Vanarsdall - Is there anyone in the audience in opposition to LP/POD-80-96, Janway  
128 Road Warehouse landscape plan? I move LP/POD-80-96, Janway Road Warehouse be  
129 approved on the Expedited Agenda with the annotations on the plan and the standard  
130 conditions for landscape plans.

131

132 Ms. Dwyer - Second.

133

134 Mr. Vanarsdall - A motion was made by Mr. Vanarsdall and a second by Ms. Dwyer.  
135 All in favor say aye. All opposed say no. The motion passes.

136

137 The Planning Commission voted to approve Landscape Plan for LP/POD-80-96, Janway Road  
138 Warehouse subject to the annotations on the plans and the standard conditions for landscape  
139 plans.

140

#### 141 **LANDSCAPE & LIGHTING PLAN**

142

LP/POD-17-96

The Summit, Phase I -  
W. Broad Street

**J. Brent Sandle:** Request for approval of Phase One of a landscape and lighting plan as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code. The 12.1 acre site is located along the south line of W. Broad Street (U.S. Route 250) approximately 850 feet east of Cox Road on parcel 48-A-38. The zoning is B-2C, Business District (Conditional). **(Three Chopt)**

143

144 Mr. Vanarsdall - Is there anyone in the audience in opposition to LP/POD-17-96, The  
145 Summit, Phase I - West Broad Street, landscape and lighting plan? No opposition. Mr.  
146 Taylor.

147

148 Mr. Taylor - I move that we approve the landscape and lighting plan for LP/POD-17-  
149 96, The Summit, Phase I – West Broad Street, as presented.

150

151 Mr. Archer - Second.

152

153 Mr. Vanarsdall - We have a motion made by Mr. Taylor and a second by Mr. Archer.  
154 All in favor say aye. All opposed say no. The motion passes.

155

156 The Planning Commission voted to approve the landscape and lighting plan for LP/POD-17-  
157 96, The Summit, Phase I – West Broad Street, subject to the annotations on the plan and the  
158 standard conditions for landscape and lighting plans.

159

#### 160 **LANDSCAPE PLAN**

161

LP/POD-111-98  
Hillcrest Arrington &  
Meridian - Glen Forest  
Road

**D. Gerstenmaier:** 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 16.55 acre site is located at the north terminus of Bayberry Court approximately 150 feet north of Glen Forest Drive on parcel 81-15-A-5. The zoning is 0-3C, Office District (Conditional). **(Three Chopt)**

162

163 Mr. Vanarsdall - Is there anyone in the audience in opposition to LP/POD-111-98,  
164 landscape plan for Hillcrest Arrington and Meridian – Glen Forest Road? I will entertain a  
165 motion, Mr. Taylor.

166

167 Mr. Taylor - I move approval of the landscape plan for LP/POD-111-98, Hillcrest  
168 Arrington and Meridian – Glen Forest Road, as presented.

169

170 Mr. Archer - Second.

171

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

174

175 The Planning Commission voted to approve Landscape Plan for LP/POD-111-98, Hillcrest  
176 Arrington and Meridian – Glen Forest Road, subject to the annotations on the plans and the  
177 standard conditions for landscape plans.

178

#### 179 **LANDSCAPE PLAN**

180

LP/POD-31-99  
Ackley Park - Ackley Ave.

**Shipp & Wilson:** 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 2.456 acre site is located along the south line of Ackley Avenue at its intersection with Peyton Street, on parcels 61-A-75N and 75M. The zoning is M-1, Light Industrial District. **(Brookland)**



210 **SUBDIVISION EXTENSIONS OF CONDITIONAL APPROVAL**

211

<b>Subdivision</b>	<b>Magisterial District</b>	<b>Original No. of Lots</b>	<b>Remaining Lots</b>	<b>Previous Extensions</b>
<b>Almond Creek Estates (January 1993 Plan)</b>	<b>Varina</b>	<b>100</b>	<b>21</b>	<b>6</b>
<b>Chartwood (January 1998 Plan)</b>	<b>Varina</b>	<b>88</b>	<b>38</b>	<b>1</b>
<b>Mill Place West (January 1997 Plan)</b>	<b>Brookland</b>	<b>44</b>	<b>23</b>	<b>2</b>

212

213 Mr. Wilhite - We have three subdivisions for extension this month and staff can  
214 recommend approval of all three of them.

215

216 Mr. Vanarsdall - All three. All right. If there are no questions, I will entertain a motion  
217 to approve the subdivision extensions.

218

219 Mr. Taylor - I make a motion that we approve the subdivision extensions of  
220 conditional approval as presented on the agenda.

221

222 Mr. Archer - Second.

223

224 Mr. Vanarsdall - We have a motion made by Mr. Taylor and seconded by Mr. Archer.  
225 All in favor say aye. All opposed say no. The motion carries.

226

227 The Planning Commission voted to approve subdivision extensions of conditional approval for  
228 Almond Creek Estates (January 1993 Plan), Chartwood (January 1998 Plan) and Mill Place  
229 West (January 1997 Plan) for 12 months until January 24, 2001.

230

231 **TRANSFER OF APPROVAL**

232

POD-108-78  
Tuckernuck Square  
Shopping Center

**Jamie Lunceford for EIG Tuckernuck Square, LLC:**  
Request for transfer of approval of a plan of development, as required by Chapter 24, Section 24-106, of the Henrico County Code, from Richmond Tuckernuck, LP to EIG Tuckernuck Square, LLC. The 12.64 acre site is located at the northwest corner of W. Broad Street and West End Drive on parcel 59-7-1. The zoning is B-2, Business District. County water and sewer. **(Brookland)**

233

234 Mr. Marlles - The staff report will be given by Mr. Whitney.

235

236 Mr. Whitney - Staff can recommend approval. The inspection report has been received

237 from Zoning Enforcement and there were no deficiencies found on the site.

238

239 Mr. Vanarsdall - So there were no serious violations?

240

241 Mr. Whitney - No, Mr. Chairman.

242

243 Mr. Vanarsdall - Any questions by Commission members of Mr. Whitney? Does anyone  
244 in the audience want to speak to this Transfer of Approval? If not, I recommend that POD-  
245 108-78, Tuckernuck Square Shopping Center be approved as presented.

246

247 Mr. Archer - Second.

248

249 Mr. Vanarsdall - Motion was made by Mr. Vanarsdall and seconded by Mr. Archer. All  
250 in favor say aye. All opposes say no. The motion carries.

251

252 The Planning Commission voted to approve Transfer of Approval POD-108-78, Tuckernuck  
253 Square Shopping Center.

254

## 255 **SUBDIVISION**

256

Sterling Forest  
(January 2000 Plan)

**Bay Design Group, P.C. for Lawrence Chrysler Plymouth Corporation and Wilton Real Estate & Development Corporation:** The 160.97 acre site is located at the intersection of Diane Lane, Wilkinson Road and Old Sellers Lane, adjacent to Douglas Wilder Middle School on parcel 74-A-20. The zoning is A-1, Agricultural District, R-2, One-Family Residence District and C-1, Conservation District. County water and sewer. **(Fairfield) 175 Lots**

257

258 Mr. Marlles - Staff report will be done by Mr. Michael Kennedy.

259

260 Mr. Kennedy - Good morning, gentlemen. Staff can recommend approval of the  
261 subdivision subject to the additional conditions on the Addendum to the Agenda. The last one  
262 has to do with Old Sellers Way and the final alignment. There is still an unresolved question  
263 as this property is located adjacent to Douglas Wilder Middle School and there was a  
264 development agreement between the school and the school and the original property owner,  
265 not the developer, that schools would develop Old Sellers Way, and that was subsequently  
266 amended when the Major Thoroughfare Plan was amended and the revised development  
267 agreement called for schools to vacate Old Sellers Way, so the developer is currently working  
268 with schools to work out the final alignment of Old Sellers Way. The last condition which is  
269 on your addendum addresses that concern, and with that being addressed providing for future  
270 resolution of this issue, staff can recommend approval.

271

272 Mr. Vanarsdall - Any questions of Mr. Kennedy by Commission members?

273

274 Mr. Archer - Mr. Kennedy, are you fairly certain that we can go forward with this  
275 development and take care of that problem without causing any harm to the potential home  
276 buyers in that section?

277

278 Mr. Kennedy - Yes, sir, I am. It provides for in fact that an alternative parking plan  
279 must be approved, a revised POD for that parking must be approved. Therefore, some  
280 parking must be addressed in the plan before the later sections move forward, sir.

281

282 Mr. Archer - And that was one of the things we talked about the other day about the  
283 alternative being the best thing.

284

285 Mr. Vanarsdall - Any other questions by Commission members? If not, Mr. Archer, we  
286 will entertain a motion.

287

288 Mr. Archer - Mr. Wilton, did you care to make any remarks, sir?

289

290 Mr. Wilton - Yes, sir, I do.

291

292 Mr. Wilton - Mr. Chairman and members of the Commission, I am Henry Wilton, for  
293 the record. I just wanted to bring up one point, that this plan is a proffered plan. The Old  
294 Sellers Way was dedicated, we closed access points from the neighboring subdivision and our  
295 plan was predicated on using the Old Sellers right of way. On two different occasions we  
296 asked Planning and also asked Traffic to check to make sure that right of way is available.  
297 Obviously, now within the last couple of weeks we find out that back in February of 1998,  
298 vacation of that road was requested by the School Board. My only point is the plan was before  
299 the Planning staff and the Commission and the Board of Supervisors for over 12 months and  
300 again we closed access points on the other side of this community and made the deal; we  
301 didn't close up those points predicated on the use of that right of way. That right of way is in  
302 place. It has not been vacated even though the School Board had requested that it possibly be  
303 vacated. Now, I understand that vacation is still going forth, but you have to go through all of  
304 the different staff departments and so on, and again, at that point, I guess I will get back to the  
305 Planning Commission in regard to should it be vacated or not. The way that the verbiage on  
306 the annotation is written, it does give me the flexibility to negotiate with the school, and I will  
307 negotiate with the school to make sure we will have a road in there. The question is where the  
308 right of way will be. My point was the right of way is there. The right of way, our plan was  
309 proffered and predicated on the use of that right of way. But, again I just wanted to go ahead.

310

311 Mr. Archer - Thank you, Mr. Wilton, and you agree with Mr. Kennedy, also, that  
312 you can do it in a way that won't affect the homeowners there.

313

314 Mr. Wilton - Yes, sir, and I will work with the school just as I am working with the  
315 County to actually improve the road section at a cost of approximately \$100,000, but we are  
316 working on that at the same time. I just wanted to again bring up that point that this plan was  
317 predicated on that right of way.

318

319 Mr. Vanarsdall - Any questions of Mr. Wilton? Thank you, Mr. Wilton.  
320

321 Mr. Wilton - Thank you.  
322

323 Mr. Vanarsdall - Are you ready for a motion, Mr. Archer?  
324

325 Mr. Archer - Yes, Mr. Chairman. I move approval of Sterling Forest Subdivision  
326 (January 2000 Plan), subject to the annotations on the plan, standard conditions for  
327 subdivisions served by Public Utilities, and the additional conditions Nos. 12 through 18 on  
328 the original agenda and 19 and 20 on the Addendum today.

329  
330 Ms. Dwyer - Second.  
331

332 Mr. Vanarsdall - Motion was made by Mr. Archer and seconded by Ms. Dwyer. All in  
333 favor say aye. All opposed say no. The motion carries.

334  
335 The Planning Commission granted conditional approval to Subdivision Sterling Forest (January  
336 2000 Plan), subject to the annotations on the plans, standard conditions for subdivisions served  
337 by public utilities, and the following additional conditions:

338  
339 12. Detailed construction plans shall be submitted to the Planning Office before the final  
340 plats are submitted for final approval.

341 13. The detailed plant list and specifications for the landscaping to be provided within the  
342 25-foot-wide planting strip easement along Diane Lane shall be submitted to the  
343 Planning Office for review and approval prior to recordation of the plat.

344 14. The detailed plant list and specifications for the landscaping to be provided within the  
345 15-foot-wide planting strip easement along Old Seller's Way shall be submitted to the  
346 Planning Office for review and approval prior to recordation of the plat.

347 15. A County standard sidewalk shall be constructed along the north side of Diane Lane  
348 and Wilkinson Road.

349 16. A plan shall be submitted prior to recordation of the plat showing the buildable area for  
350 each lot to properly recognize the limitations for dwelling unit dimensions and  
351 setbacks. Buildable area is that area within which a dwelling unit may legally be  
352 located considering the front yard, side yard, and rear yard setback requirements of  
353 Chapter 24, of the Henrico County Code.

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

359 18. Each lot shall contain at least 18,000 square feet exclusive of floodplain areas.

360 19. The developer shall construct a walkway within and a fence along each side of the  
361 access easements extending from Old Sellers Way, Road N and Road O to the common  
362 area. The type, design and other details shall be indicated on the construction plans for  
363 the approval of the Planning Office.

364 20. Old Sellers Way shall not be extended until the final alignment of Old Sellers Way and  
365 a revised POD for the parking area associated with the soccer fields located along the  
366 eastern line of Old Sellers Way are approved. Such additional right-of-way necessary  
367 for the final alignment of Old Sellers Way shall be dedicated on the Final Plat. Old  
368 Sellers Way shall be improved with a paved surface that is 36 feet in width from face  
369 of curb to face of curb, with curb and gutter along both sides, or such cross-section  
370 approved in conjunction with the aforementioned revised POD.

371

372 **SUBDIVISION**

373

Harvest Crest and a **Engineering Design Associates for RCN, LLC:** The 14.756  
Resubdivision of Lot 12, acre site is located on the east line of Harvie Road,  
Block F, Section A Harvest approximately 900 feet north of Creighton Road on parcels  
Crest (January 2000 Plan) 129-A-71 and 129-13-C-12. The zoning is R-3AC, One-  
Family Residence District (Conditional). County water and  
sewer. **(Fairfield) 50 Lots**

374

375 Mr. Vanarsdall - Is anyone in the audience in opposition to this case? Opposition to  
376 Harvest Crest? Mr. McGarry.

377

378 Mr. McGarry - Mr. Chairman, this is first of several subdivisions on your agenda which  
379 the staff and the development community had difficulty meeting cul-de-sac or stem lot design  
380 problems which don't meet the current Code or need an exception. First of all, an exception is  
381 going to be needed for this subdivision because of a redesign of a lot at the end of a cul-de-sac  
382 on Harvest Crest Lane. There is now - all of the lots are considered cul-de-sac lots and  
383 therefore meet the requirement for flag lots. I am sorry, but I am having trouble adjusting to  
384 the new terminology here. At any rate, they have been redesigned to meet all of the  
385 requirements and standards for cul-de-sac lots and staff feels this design is better. We do have  
386 a copy of the design to hand out for you to see but basically it creates a properly uniform  
387 layout at the end of the cul-de-sac. With that having been said, there are two other  
388 outstanding issues. First, is to preserve the wetlands. There are wetlands on the site and we  
389 do need to find the best way to do that, and the best way, is a choice whether it is to create a  
390 common area or include the wetlands on lots. The second issue is the issue of serving the  
391 road to the north. First, the wetlands. The applicant has requested to put all of the wetlands  
392 into a common area. The reason he has done this is the wetlands, if included on the lots  
393 would be considered impacted and would need another permit from the Corps. The applicant  
394 has redesigned the subdivision in an effort to meet the standard requirements for allowing a  
395 certain nationwide permit to be issued without going to get a special permit from the Corps, so  
396 the downside to including these in the common area is the home owner's association is now  
397 going to be responsible for it, the maintenance and ownership of it. Staff is concerned this may  
398 create a future liability for the home owners association.

399

400 There are two conflicting objectives there. Staff is going to accept the efforts of the  
401 developers to change the design, to avoid having to get an additional permit from the Corps  
402 for wetlands and it seems more appropriate to go ahead and accept the common area to

403 preserve the wetlands than to include them in the lots and create more difficulty for the  
404 developer. The second issue, the stub road to the north was an annotation on the March 1996  
405 Plan, this is again a revision to a plan approved in 1996. Now the developer had indicated  
406 they don't want this stub road to the north. Staff would like to point out that the parcel that is  
407 to the north of this also abuts an undeveloped parcel. It is abutting a parcel, a subdivision to  
408 the north called Eve Heights, which has provided a stub road, so staff is recommending that  
409 the stub be provided consistent with the earlier plan, and it would allow for the internal  
410 circulation when the parcel between the two subdivisions is developed. With that having been  
411 said, I will be happy to answer any questions.

412

413 Mr. Vanarsdall - Mr. Archer.

414

415 Mr. Archer - Mr. McGarry, let's see if you can clarify a little bit about what you and  
416 I discussed yesterday. We talked about the possibility of trying to find another way other than  
417 having the homeowner's association be responsible for the area that would be common area.  
418 And, as Mr. McGarry mentioned, the homeowner's association would be required to maintain  
419 the property. Mr. McGarry, being that this was a wetlands area, what if any maintenance  
420 would be the responsibility of the home owners in that area?

421

422 Mr. McGarry - The most that staff could identify would be that they would be  
423 responsible for any grass cutting or weed control just as they are responsible for the common  
424 area that is in the first section for the BMP.

425

426 Mr. Archer - Are there any rules that would prevent them from doing any construction  
427 in that area?

428

429 Mr. McGarry - To preserve the wetlands, this is truly passive use for the land. There is  
430 not going to be an active preservation site because the wetlands cannot be impacted.

431

432 Mr. Archer - The reason we were discussing this, Mr. Chairman, is because I am  
433 always leery of the fact that sometimes we carry the responsibility of these wetland areas over  
434 to our homeowners associations and homeowners associations don't always stay intact.  
435 Sometimes they become defunct. There is usually one person in most communities who is in  
436 charge of everything and that person moves away, somebody does not pick up the ball and run  
437 with it. In this particular case, there would not be much maintenance required in the wetlands,  
438 so I am not too concerned about it from that point of view. We discussed the possibility of  
439 having maybe two or four of the lots extended into the wetlands area and that way each  
440 individual home owner becomes the owner of that property which Mr. McGarry told us about  
441 this morning that that didn't look like a viable alternative.

442

443 Mrs. O'Bannon - I just picked up on a point. Last night we had extensive conversation  
444 about this type of problem we have had, and Mr. Donati talked about it, and Mr. Glover  
445 talked about it, and I talked about it, and some of the problems we have had in the past with  
446 those, and I will just fill you in on those problems, but you brought out an excellent point.  
447 Impact, when it is, Mr. Glover made a point that the responsibility of this being turned over to

448 a homeowners group and approximately 75% of the lots are sold or 3/4ths of the lots are  
449 finished, and so on. But, the other part that came up and that Mr. Donati also commented on  
450 had to do with the – exactly what you just said – in the past the problems that we have just had  
451 technically and legally once lots are sold a second time that the homeowners are not notified  
452 when they purchase the property, because the dues are about \$150 a year. They move into a  
453 neighborhood and do not understand their liability for this property because they must carry a  
454 liability insurance policy and if anyone gets hurt on that property, every single homeowner in  
455 that subdivision is liable and can be sued, so they must have liability insurance, whether they  
456 have paid their dues into the homeowners association or not. You know, they paid for it, so  
457 they are liable. There are some legal ramifications here that we have been discussing on the  
458 Board’s concerns and I think you made an excellent point, and I will also say I am not sure  
459 how to resolve this. I’m glad you brought that up because there are ramifications about this  
460 that we are concerned about.

461

462 Mr. Vanarsdall - Thank you, Mrs. O’Bannon. I wonder if Jeff Perry is here this morning  
463 and I wonder if he could shed some light on that or not. Would you like to hear from him,  
464 Mr. Archer?

465

466 Mr. Perry - There are some restrictions and I was listening to your conversation, Mr.  
467 Archer, as far as wetlands go with respect to mechanized equipment and you could not take  
468 mechanized equipment into wetland areas. You could go in and, let’s say, clear dead trees,  
469 but it is very limited on what you could do in the wetlands, and whether wetlands are  
470 preserved on individual lots or common areas, I have seen developers do it both ways. The  
471 key, I think, initially is the developer comes in and gets a permit for X amount of acres to be  
472 impacted, and after that, all of the other wetlands are then set aside and cannot be impacted in  
473 the future unless another permit is acquired from the Corps of Engineers. So, any further use  
474 of those wetlands, whether it is in common areas or whether it is in someone’s backyard, in  
475 most instances, would require a permit from the Corps of Engineers. So, you are kind of left  
476 with a situation here sometimes where a property owner, if he doesn’t have wetlands left on  
477 his property, sometimes doesn’t know what his avenues are if he does go back and impact it.  
478 I’ve just seen a recent situation where a property owner had gone back and impacted some  
479 wetlands on the rear of his property that he didn’t know what the ramifications were, and now  
480 he is in a situation with the courts that basically says that all that needs to be moved. And that  
481 is going to be quite a cost to him. So, there are some problems with leaving them on  
482 individual lots unless those lot owners actually know what they are up against. Now, what we  
483 do try to do is that we try to asterisk those lots on the plat, with the condition that basically  
484 tells him that there are wetlands on his lot, and that he would need to contact the Corps of  
485 Engineers if he is going to do anything with those wetlands. We do try to protect the property  
486 owner as much as we can when wetlands are left on those lots. Often times the property  
487 owner does not get that actual plat or isn’t aware of that.

488

489 Mr. Vanarsdall - Can it be earmarked on the deed?

490

491 Mr. Perry - There are deed restrictions often placed on them a lot of times. The  
492 Corps of Engineers oftentimes requires a deed restriction with appropriate covenants and so

493 forth. We don't do that at the County. We just make sure that it is actually there on the plats  
494 with the notes that there are wetlands on the property.

495

496 Mr. Vanarsdall - So, I believe, Mr. Archer, you are concerned about the responsibilities  
497 of the home owner?

498

499 Mr. Archer - Yes.

500

501 Mr. Vanarsdall - And the homeowners association, Jeff.

502

503 Mr. Archer - If we divide it up into individual lots, then individual homeowners are  
504 responsible for the wetlands. And it is hard for me to decide in my mind what the best course  
505 of action is based on what has been said. It does share the responsibility that everybody is  
506 involved in it other than just the individual homeowner. So, most people do not read their  
507 deed until something happens, and then they read the deed. I don't know that it is the right  
508 thing to do to make this particular applicant responsible for changing a policy that we have  
509 used for some time, but I do believe we need to study this to see if we can come up with  
510 another way.

511

512 Mr. Marlles - Mr. Archer, at the meeting last night that Ms. O'Bannon was referring  
513 to, in the work session with the Board, I think the Manager indicated that he was aware of the  
514 issue and that he would look into it, and respond back to the Board and the Commission.

515

516 Mr. Vanarsdall - So, in the meantime, if you don't feel comfortable with it this morning,  
517 then I would suggest that you defer it.

518

519 Mr. Archer - I tell you what, I just don't think we can resolve it that quickly, and  
520 again I am not interested in holding the applicant up. Mr. McGarry and I have talked about it  
521 and yesterday I was leaning towards having the lots and leave it to the individual owners, and  
522 we thought maybe two or four could be done. Ms. Isaac probably thought a little bit more,  
523 but probably today for this case the best course of action would be leave the responsibility up  
524 to the homeowners association.

525

526 Ms. Dwyer - He talked about the difficulty of making the homeowner aware of the  
527 limitations of activity on wetlands that may be part of their property. When you look at a  
528 subdivision like this that is relatively small, the advantages of maintaining this open space or  
529 wetlands is going to relate to very few property owners, and I am just looking at this and  
530 thinking, are we going to have manicured lawns up to this little rectangle and in this rectangle  
531 we are going to have a lot of weeds and cat tails and it will it look unsightly compared to the  
532 other lots in the subdivision, and then will there be some sort of impetus for the homeowner to  
533 go in there and fool around with the wetlands to make it more attractive, or in keeping with a  
534 suburban lawn, and probably, assuming they were able to organize and do something like that,  
535 how would we keep that from happening? I think that would be just as tough as notifying the  
536 individual homeowners?

537

538 Mr. Perry - It is tough and I can just tell you what our policy is. We recognize the  
539 exact issues you have just brought up. We require, as a County policy, that if there are  
540 wetlands in front yards and in side yards, that they automatically be considered impacted and  
541 the developer would then, therefore, get a permit for those wetlands to be impacted, because  
542 we recognize. Let's face it. If it is in your front yard, and you have a big wet area, it is not  
543 going to stay wet for long. You've got a way to fill it in and be done with it. We allow them  
544 to have wetlands in the rear yard. A lot of times they will straddle lot lines. However, the  
545 situation you have described, having a manicured lawn up to a wetland area, is real. That is  
546 how it happens. Do those homes ultimately become impacted? In a lot of cases, yes. Does  
547 that property owner have a risk filling in those wetlands and the Corps coming back at a later  
548 date with a plan that they have approved, and looking and seeing that certainly that is a risk, as  
549 well, having the Corps come in and cite them with a violation.

550

551 Mrs. O'Bannon - When you say impacting his wetlands, do you mean as in point source  
552 pollution or water or non-point source pollution or what?

553

554 Mr. Perry - As far as filling the actual wetlands in. In most cases, what a property  
555 owner will do if it is a wet area is he will find some dirt from somewhere and he will go in  
556 and fill it in and it is no longer a soggy situation.

557

558 Ms. Dwyer - One of the things we have done as a Commission is that we have asked  
559 the developers to agree to put some information on the deed to each parcel that they are part of  
560 the homeowners association and there are liabilities and responsibilities that go with that, and  
561 that might be something we could do here.

562

563 Mr. Perry - We have seen it both ways. We have seen wetlands remain on individual  
564 lots and then we have seen wetlands that most of the wetlands are in a common area.

565

566 Ms. Dwyer - Even if it is in the common area, I think the individual homeowners need  
567 to understand there is a mechanism where they will be notified in perpetuity in the future that  
568 there is this liability associated with their lot through the homeowners association.

569

570 Mr. Perry - It is a problem. Mr. Archer, you had one in your area, I remember. I  
571 think it was Oak Glen, and the property owners, a lot of property owners bought and didn't  
572 know it and came back to the County and wanted to know what we could do about it, and  
573 there is really nothing that we can do. It is really a permit issued by the Army Corps of  
574 Engineers and those wetlands would remain. I know you had some upset residents, but that is  
575 very unfortunate.

576

577 Mr. Taylor - Doesn't the Corps of Engineers have a program where you can trade  
578 wetlands?

579

580 Mr. Perry - That is correct.

581

582 Mr. Taylor - Why wouldn't the developers be able to take the small orphan wetlands  
583 and swap with the Corps to do an offset.

584

585 Mr. Perry - Maybe I should let the developer speak, but I can tell you what would  
586 normally happen I would think. Up to a third of an acre, actual wetland impact, are somewhat  
587 free. In other words, you don't have to, if you don't impact up to a third of an acre, you  
588 don't have to create wetlands for those impacts. If I am a developer, the first thing I am going  
589 to try to do, is if I can keep my impacts under a third of an acre, I don't have to mitigate or  
590 create wetlands, so what you may see, you may see them bringing in just the wetlands for the  
591 road crossings and maybe some front yards, but leaving some of these wetlands in the back  
592 yard so they don't have to get into that banking and mitigation, because that costs money.

593

594 Mr. Archer - Is there a mitigation ratio?

595

596 Mr. Perry - It is usually two to one.

597

598 Mrs. O'Bannon - I believe, is it not the Governor's decision, that he wanted to increase  
599 that. There may be some legislation coming.

600

601 Mr. Perry - There is some legislation out right now seeking no net loss of wetlands,  
602 and under that no net what the bill I just recently looked at, DEQ, not the Corps of Engineers,  
603 DEQ would require that all impacts, even if it was a 10 x 10 area, would need to be mitigated  
604 at a two to one basis.

605

606 So, in other words, you would no longer get that third of an acre free – and really it is not  
607 free. There are a bunch of conditions for all intents and purposes and I would say it is free at  
608 this time even though it is on the record. It becomes quite complicated, but essentially it is  
609 free. There are a lot of conditions that come with that. That is why somebody might not jump  
610 at that mitigation. Now, once they go over that third of an acre, Mr. Taylor, then they would  
611 get into that mitigation banking.

612

613 Mr. Vanarsdall - Any more questions of Mr. Perry? Thank you, Jeff.

614

615 Mr. Archer - Mr. McGarry, I've probably already said this, but I have forgotten since  
616 we kicked it around so much. Did we take care of the concern that you had about the two  
617 families on the cul-de-sac? We have taken care of that part with the new roadway?

618

619 Mr. McGarry - Yes. We have. I think it might be helpful if I pass out how it was done,  
620 since you can see we will be dealing with this more in the future. Essentially the developer  
621 did a minor tweaking of the lot lines and the road frontages to create a layout that shows your  
622 cul-de-sac lots.

623

624 Mr. Archer - For the benefit of my colleagues up here, we are talking about what  
625 transpired after we adopted the new cul-de-sac rules. Is that correct?

626

627 Mr. McGarry - That is correct.  
628  
629 Mr. Archer - This is the way it will have to be from now on. I'm sorry. I did not  
630 mean to interrupt you.  
631  
632 Mr. McGarry - What you have in front of you is the modification that the engineers  
633 came up with that meets all of our requirements for cul-de-sac lots.  
634  
635 Mrs. O'Bannon - Mr. Chairman, I hate to interrupt you, but I do have a conference call  
636 scheduled for 10:00 a.m. and it is with the Chesapeake Bay Commission, rather timely, and  
637 this is on various issues on some of the things we have been talking about, so I am going to be  
638 leaving in just a few minutes and I will be back after that conference call. Sorry.  
639  
640 Mr. McGarry - So they agreed, Mr. Archer, since they redesigned the lots to eliminate  
641 what they considered a stem lot. They do not need the exception for the stem lot. They  
642 created all cul-de-sac lots which are permitted.  
643  
644 Mr. Archer - So that satisfies your concern and you recommend approval?  
645  
646 Mr. McGarry - Yes, sir.  
647  
648 Mr. Vanarsdall - Any more questions? Do you want to hear from the applicant?  
649  
650 Ms. Isaac - Good morning. My name is Lorraine Isaac. I have a comment about  
651 the wetlands I would like to make. In that the problem with combining this wetland with the  
652 lot is under Public Works' policy they are impacted wetlands because they are in a side yard,  
653 so that we will be happy to include them in the lot, but we need Public Works to say that they  
654 are not automatically impacted. If they can't do that, then they feel that it needs to be in a  
655 common area. The only thing I would like to address at this point is the stub road to the  
656 north. Yes, that stub road was shown on the original tentative plan and since that plan was  
657 approved, we have more information. The parcel of land to the north of this subdivision has  
658 wetlands on it, and those wetlands run 300 feet parallel to the property line. To stub a road  
659 out into wetlands doesn't seem to serve any purpose. Anything is possible. The probability of  
660 that 300 feet being developed is so small that to stub a road out to it is something we'd rather  
661 not do. We are stubbing to the east. We are trying to plan for good circulation in the future,  
662 but we would like to have this stub road deleted from this plan. I will be happy to answer any  
663 questions.  
664  
665 Ms. Dwyer - Are you talking about the stub road at the end of Harvest Grove Lane?  
666  
667 Mr. Archer - Ms. Isaac, or maybe Mr. McGarry, the parcel to the north, 129-A-68A,  
668 that is developable land, is it not, Mr. McGarry? Is that the common piece?  
669  
670 Mr. McGarry - Yes.  
671

672 Mr. Archer - If that land was subdivided, how many lots do you think could be  
673 accommodated on it?

674

675 Mr. McGarry - That is, I believe, 19 acres. It is roughly the same size as Harvest Crest.

676

677 Mr. Archer - Ms. Isaac, I am trying to get Mr. McGarry to tell you why he can't  
678 relieve that stub road and what conditions could occur that would make us have to have it.

679

680 Ms. Isaac - You could change it to a boat landing.

681

682 Mr. Archer - It is not that wet. What I was asking, Mr. McGarry, the annotations  
683 indicate that the stub road is necessary, could you just let the Commission know why you think  
684 we need to have the stub road?

685

686 Mr. McGarry - I was trying to get the picture on the top of the screen here. It does not  
687 seem to be cooperating with me. The cover map that is in your packet shows better than what  
688 is on your screen the location of Eaves Heights.

689

690 Mr. Archer - And Eaves Heights is that developed piece up there, that R-2A piece?

691

692 Mr. McGarry - That is correct. It was developed back in the late 1940s and they  
693 provided Dixie Road as a stub to the south to provide internal access to the parcel that is now  
694 being developed. They provided stubs to the east as well, and we are just trying to be  
695 consistent here with Harvest Crest for there to be an internal connection.

696

697 Mr. Archer - In looking at that cover map, looking at where A-1 is, that is roughly the  
698 wetlands. Is that correct? And the developable part would be above that line above the A-1.  
699 Is that the portion that could be developed?

700

701 Mr. McGarry - I think since we don't have the knowledge of the wetlands on this parcel,  
702 I think we are speculating as to the extent of it. This developer has more than he initially  
703 thought and changed his design to respect the wetlands. I think the parcel to the north could  
704 be developed, the Herman parcel, and still respect the wetlands as well.

705

706 Mr. Archer - So, your preference then would be to have the stub road exactly like it is  
707 shown on the map, or could it be moved to another section?

708

709 Mr. McGarry - It could be moved anywhere along Harvest Grove Lane here.

710

711 Mr. Archer - So we could move it anywhere along Harvest Grove Lane?

712

713 Mr. McGarry - It could be other than Lot 18, yes, as long as you don't conflict with the  
714 Harvest Crest Drive intersection there and offset minimum requirement.

715

716 Mr. Archer - Ms. Isaac, are the wetland portions the same all the way across, I mean,  
717 are they just as wet on one side as on the other?

718

719 Ms. Isaac - The wetlands generally run on both of these properties, with the majority  
720 of them being on the Herman property to the north. This is something, I will back up a  
721 minute. When we had the original tentative approved, we were allowed to impact up to an  
722 acre of wetlands. Since that was approved, the lots have changed and we have had to redesign  
723 based upon that, so that we had to, we lost lots, and we had to pull back the scale of the  
724 development so those lots apply to the property to the north. Like I say, there are at least 300  
725 feet of wetlands on the property paralleling the property line. Those wetlands were determined  
726 by our office because there was a potential sale of that piece of property, and so we went in  
727 and looked at the situation and basically those wetlands are not developable. And, I think that  
728 the stub road is going to be a stub road to nowhere. While I think circulation in this entire  
729 area can still be provided, on the Herman property the good land appears to be along the north  
730 which could connect in to Dixie Drive, and they could stub out to the east like we are doing  
731 when that property is developed. The property could all be combined with roads and still not  
732 have to have a stub road into 300 feet of wetlands, so I don't think that by deleting the stub  
733 road we create a situation where there is no future left for connecting these pieces of property.  
734 We just feel that this is not the appropriate place for it.

735

736 Mr. Vanarsdall - I didn't hear the answer as to why we need to stub that.

737

738 Mr. Archer - Because of possible future development above where you see the A-1 on  
739 the map - this area here.

740

741 Mr. Vanarsdall - I thought that was very limited.

742

743 Mr. Archer - I understand that the parcel would probably be about the same size as  
744 Harvest Crest.

745

746 Mr. Vanarsdall - Yes.

747

748 Mr. Archer - And if you notice there are some existing houses up here next to Harvie  
749 Road and it might be difficult trying to pass that property to stub it out to the west and Ms.  
750 Isaac is suggesting that it could be stubbed out to the east.

751

752 Mr. Vanarsdall - OK.

753

754 Mr. Archer - Mr. McGarry, do you care to comment on Ms. Isaac's remarks and do  
755 you still think we ought to have the stub road? Mr. Marlls? Does anybody want to help me  
756 out here?

757

758 Mr. McGarry - Staff would like the stub road we selected and recommended the Lot 18  
759 location because that allows for a logical layout of lots along the east of the property line for  
760 Mr. Herman, and mathematically it works that 18 would be the better choice between the ones

761 on either side of it, and it is far enough removed from the area where we suspect the main  
762 body of wetlands location. Although Lot 12 was offered, it is probably not a good choice now  
763 that we have more information.

764

765 Mr. Marlles - It appears we are lacking information on the location of the wetlands on  
766 parcel 129-A-68A. Staff, of course, is recommending and does recommend in these cases that  
767 stub roads be provided for orderly development and internal traffic circulation. However,  
768 lacking the information on wetlands, at least my suggestion is that we might want to consider  
769 adding some language to the stub road requirement "if determined to be feasible." It doesn't  
770 sound like we have the information right now to know where the extent of the wetlands are, at  
771 least in front of us.

772

773 Mr. Archer - Would that allow us then to come back and require the stub road if we  
774 determine we need it?

775

776 Mr. Marlles - Yes, I believe if we had more detailed information we could make that  
777 determination. That would seem to satisfy both sides.

778

779 Mr. Archer - Ms. Isaac, could you live with that?

780

781 Ms. Isaac - I have a problem with that, because we either have a stub road or we  
782 have a lot, and so I think, you know, how do we protect something and not call it a stub road?  
783

784 Mr. Archer - My problem, you know, is I can understand both sides. I can  
785 understand Mr. McGarry's concern that we might develop the property to the north and we  
786 might need the stub road. And I also understand someone who will lose a lot and you don't  
787 want to put in a stub road that goes to nowhere. Except that nowhere might sometime in the  
788 future be somewhere, and if it turns into somewhere, then this needs a stub road, but do you  
789 want us to make a decision on this today?

790

791 Ms. Isaac - Well, I think that a decision has to be made because I am going to  
792 continually ask that the stub road be deleted and the staff is going to continually ask that it be  
793 added, and so...we'd like to move forward and I think this needs to be resolved. That is about  
794 all I can say is a stub road into wetlands is 300 foot of depth.

795

796 Mr. Archer - Mr. Secretary, if we approve it today subject to the annotations, is there  
797 any possibility that with further study that the annotations could be removed, or would it have  
798 to come back to us?

799

800 Mr. Marlles - I believe it would have to come back to the Commission if it were  
801 approved with the annotation on the plan. The other option, Mr. Archer, would be, I know  
802 you are trying to avoid this, but would be to defer this until such time as we can get the  
803 additional information on the location of the wetlands of the parcel to the north. That seems to  
804 be the thing that is holding us up.

805

806 Mr. Vanarsdall - I think he is right. We need more information or either we need to put  
807 the annotations on it that Mr. Marlles suggested or Mr. Archer needs to recommend waiving  
808 this stub street and that is all of the alternatives that we have.

809

810 Mr. Archer - How long would it take to gather that? Do you know?

811

812 Mr. Marlles - I do not know whether we have that information in the County, Mr.  
813 Archer.

814

815 Ms. Isaac - I think my problem is by doing that, by whose authority can we go on to  
816 another person's property and delineate wetlands and have them confirmed by the court.

817

818 Mr. Vanarsdall - Excuse me. Mr. Perry has his hand up.

819

820 Mr. Perry - Just one thing, if the owner of the property above is eligible to get their  
821 own permits even if there are wetlands there, just because there are wetlands on the property  
822 above where the stub road is, doesn't mean that that property wouldn't benefit by a stub road  
823 because they could conceivably get their own permit and fill those wetlands in and develop that  
824 property anyway they want. Just because the wetlands are there doesn't mean that that  
825 property could not be developed and wouldn't benefit from a stub road, and I just wanted to  
826 say that.

827

828 Ms. Isaac - As I told you, Mr. Archer, in a previous conversation, I think we are  
829 dealing with possibility and probability, and yes, it is possible to develop and it is possible to  
830 get a permit, it is possible to do a lot of things, but I think the probability of this area being  
831 developed is quite small.

832

833 Mr. Archer - Ms. Isaac, I am trying to accommodate you the best I can so we can  
834 move forward and I am just not hearing too much of an argument in your favor. The other  
835 part of this I want to make the Commission members aware of, we had to reroute a road and  
836 we had asked Ms. Isaac to make a diligent effort to find the property owner that this road  
837 would impact, and she did that, and will you tell them what you were able to do?

838

839 Ms. Isaac - Yes, I tried to contact the owner of parcel 129-A-72. We are putting a  
840 road beside that piece of property, and I was not successful. The woman was moved out of  
841 her home by Social Services and put in a nursing home. She was a widow and she lived  
842 alone, and so there was no one to contact. Apparently, the property has been taken over by  
843 Social Services, so I don't know what is going to happen with that property in the future.

844

845 Mr. Archer - Did you also indicate that you all would like to purchase it if it ever  
846 became available?

847

848 Ms. Isaac - Yes, with her in a nursing home we don't know what is going to happen  
849 with the property. We don't know if she has heirs, but if the property does go on the market,  
850 the developer of this subdivision would like to purchase that property.

851 Mr. Archer - I just wanted to make sure that everybody was enlightened about it. OK,  
852 Mr. Chairman, I guess we are ready for a motion if nobody else has any more comments?

853

854 Mr. Vanarsdall - Any other questions? Thank you.

855

856 Mr. McGarry - Mr. Archer, to help you I have crafted a modification to the annotation  
857 on the plan that might provide to get approval here and still provide some flexibility.

858

859 Mr. Archer - All right, let's hear it.

860

861 Mr. McGarry - I recommend that the annotation be revised to continue to require the  
862 stub prior to final, but if additional information on the wetlands can be provided, that portion  
863 of the plan could come back to the Commission for reconsideration, obviously to delete it, if  
864 they can provide that documentation.

865

866 Mr. Archer - Is the wording OK, Mr. Secretary?

867

868 Mr. Marlles - Mr. McGarry, would you repeat that please?

869

870 Mr. McGarry - The annotation would continue to require the stub road to the north and  
871 then it would be revised to indicate that "prior to final approval if additional information on  
872 the wetlands can be provided, the plan can come back to the Planning Commission for  
873 reconsideration."

874

875 Mr. Vanarsdall - Thank you, Mr. McGarry.

876

877 Mr. Archer - Mr. Chairman, I recommend approval of Harvest Crest and a  
878 Resubdivision of Lot 12, Block F, Section A Harvest Crest (January 2000 Plan), subject to the  
879 annotations on the plans and the annotation that was read by Mr. McGarry and conditions Nos.  
880 12 and 13, and in this case I want to make sure that the homeowners association would be  
881 responsible for the wetlands. I don't particularly like it, but I think that is the best alternative  
882 for this case. We will have to work on that at sometime in the future.

883

884 Mr. Taylor - Second.

885

886 Mr. Vanarsdall - We have a motion by Mr. Archer and a second by Mr. Taylor. All in  
887 favor say aye. All opposed say no. The motion carries.

888

889 The Planning Commission granted conditional approval to Subdivision Harvest Crest and a  
890 Resubdivision of Lot 12, Block F, Section A, Harvest Crest (January 2000 Plan), subject to  
891 the standard conditions for subdivisions served by public utilities, the annotations on the plan,  
892 and the following additional conditions:

893

894 12. The detailed plant list and specifications for the landscaping to be provided within the  
895 10-foot-wide planting strip easement abutting parcel 129-A-73 shall be submitted to the  
896 Planning Office for review and approval prior to recordation of the plat.  
897 13. Prior to final approval, a draft of the covenants and deed restrictions for the  
898 maintenance of the common area by a homeowners association shall be submitted to the  
899 Planning Office for review. Such covenants and restrictions shall be in form and  
900 substance satisfactory to the County Attorney and shall be recorded prior to recordation  
901 of the subdivision plat.

902

903 **SUBDIVISION & EXCEPTION REQUEST**

904

Willson Cove  
(December 1999 Plan)

**Bay Design Group, P.C. for A. G. Bertozzi:** The 5.357 acre site is located at 7300 Willson Road, 0.8 mile south of Laburnum Avenue on parcel 215-A-20 and 20A. The zoning is A-1, Agricultural District and ASO, (Airport Safety Overlay District. Individual Well and Septic Tank/Drainfield.  
**(Varina) 4 Lots**

905

906 Mr. Vanarsdall - Is there anyone in the audience in opposition to Willson Cove, or would  
907 anyone like to speak on Willson Cove? Mr. McGarry.

908

909 Mr. McGarry - Hopefully this one will go a little bit better than the last one because you  
910 have a revised plan that is being handed to you. This layout will meet all of the standards for  
911 stem lots except that the approval for the Exception for the stem lots is required. The  
912 applicant has to make his case for that. So staff can recommend the plan in addition to the  
913 standard conditions for subdivisions not served by public utilities plus condition 11 and there is  
914 a No. 12 on your Addendum. No. 12 reads: The final plat shall show the front yard building  
915 setback on Lots 2 and 3. I will be happy to answer any questions.

916

917 Mr. Vanarsdall - Any questions for Mr. McGarry by Commission members? Mr. Taylor,  
918 do you have any questions?

919

920 Mr. Taylor - No. I have no questions.

921

922 Mr. Vanarsdall - Do you want to hear from the applicant?

923

924 Mr. Taylor - No.

925

926 Mr. Vanarsdall - All right, I will entertain a motion.

927

928 Mr. Taylor - I would move subdivision plan for Willson Cove (December 1999 Plan)  
929 be approved subject to the standard conditions for subdivisions not served by public utilities,  
930 the annotations on the plans, and added Conditions Nos. 11 and 12.

931

932 Ms. Dwyer - Second.

933 Mr. Vanarsdall - We have a motion made by Mr. Taylor and seconded by Ms. Dwyer.  
934 All in favor say aye. All opposed say no. The motion carries.

935

936 The Planning Commission granted conditional approval to Subdivision Willson Cove  
937 (December 1999 Plan), subject to the annotations on the plans, the standard conditions for  
938 subdivisions not served by public utilities and the following added conditions:

939

940 11. The detailed plant list and specifications for the landscaping to be provided within the  
941 25-foot-wide planting strip easement along Wilson Road shall be submitted to the  
942 Planning Office for review and approval prior to recordation of the plat.

943 12. The final plat shall include a building line at the front yard building setback on lots 2  
944 and 3.

945

946 Mr. Taylor - I move we approve the Special Exception as offered.

947

948 Mr. Archer - Second.

949

950 Mr. Vanarsdall - Motion was made by Mr. Taylor and seconded by Mr. Archer. All in  
951 favor say aye. All opposed say no. The motion carries.

952

953 The Planning Commission voted to approve Special Exception for Subdivision Willson Cove  
954 (December 1999 Plan).

955

## 956 **SUBDIVISION**

957

Lakeland Townes, Section C **Foster & Miller for Laurel Lakes Associates:** The 8.025  
(January 2000 Plan) acre site is located at the southeast corner of Hungary Road  
and Hungary Spring Road on parcels 50-A-68 and part of  
51-23-B. The zoning is RTHC, Residential Townhouse  
District (Conditional) and C-1C, Conservation District  
(Conditional). County water and sewer. **(Brookland) 60  
Lots**

958

959 Mr. Vanarsdall - Is there anyone in the audience in opposition to Lakeland Townes,  
960 Section C? Good morning, Ms. News.

961

962 Ms. News - As Mr. Vanarsdall said, there are two items on the agenda relating to  
963 Lakeland Townes, Section C. The first item is a subdivision and revised plans are being  
964 distributed to you now for both the subdivision and the POD which will follow. For the  
965 subdivision there is a new condition on the addendum which replaces condition No. 16 in the  
966 agenda. The revised annotated plans and condition address staff's concerns and the  
967 annotations and conditions have been agreed to by the applicant. Staff, therefore, recommends  
968 approval of the subdivision for Lakeland Townes subject to the annotations on the revised  
969 plan, conditions Nos. 13 through 15 in your Agenda, and new condition No. 16 in the  
970 Addendum.

971

972 Mr. Vanarsdall - Any questions for Ms. News by Commission members? If there are no  
973 questions, I recommend Lakeland Townes, Section C (January 2000 Plan) be approved with  
974 the annotations on the plans, standard conditions for residential townhouses, and added  
975 conditions Nos. 13 through 16.

976

977 Mr. Archer - Second.

978

979 Mr. Vanarsdall - We have a motion by Mr. Vanarsdall, seconded by Mr. Archer. All in  
980 favor say aye. All opposed say no. The motion carries.

981

982 The Planning Commission granted conditional approval to Subdivision Lakeland Townes,  
983 Section C, (January 2000 Plan), subject to the annotations on the plans, the standard conditions  
984 for residential townhouses, and the following additional conditions:

985

986 13. The limits and elevation of the 100-year frequency flood shall be conspicuously noted  
987 on the plat and construction plans and labeled "Limits of 100-Year Floodplain."

988 Dedicate floodplain as a "Variable Width Drainage & Utility Easement."

989 14. The detailed plant list and specifications for the landscaping to be provided within the  
990 10-foot-wide planting strip easement along Hungary Road and Hungary Spring Road  
991 shall be submitted to the Planning Office for review and approval prior to recordation  
992 of the plat.

993 15. A County standard sidewalk shall be constructed along the south side of Hungary Road.

994 16. The RPA shall be clearly delineated on the subdivision plat, and a standard note shall  
995 be added to the plat that these lots have limitations for use and development. The plat  
996 shall be exhibited in a prominent place in the sales office.

997

#### 998 **PLAN OF DEVELOPMENT**

999

POD-9-00

Lakeland Townes, Section  
C

**Foster & Miller, P.C. for Laurel Lakes Associates and  
Lakeland Townes Association Inc.:** Request for approval of  
a plan of development as required by Chapter 24, Section 24-  
106 of the Henrico County Code to construct 60 two-story  
townhouse for sale units. The 8.025 acre site is located on the  
southeast corner of the intersection of Hungary Road and  
Hungary Spring Road on parcels 50-A-68 and part of 51-23-  
B. The zoning is RTHC, Residential Townhouse District  
(Conditional) and C-1C, Conservation District (Conditional).  
County water and sewer. **(Brookland)**

1000

1001 Mr. Vanarsdall - Is there anyone in the audience in opposition to the plan of development  
1002 for this subdivision? POD-9-00. Ms. News.

1003

1004 Ms. News - The revised annotated plan which was just distributed in combination  
1005 with the conditions on the addendum address all of staff's comments. The applicant is in

1006 agreement with the annotations and the conditions. Staff, therefore, recommends approval of  
1007 the revised plan with the standard conditions and the additional conditions in the agenda and  
1008 the addendum.

1009

1010 Mr. Marlles - Any questions of Ms. News by Commission members?

1011

1012 Ms. Dwyer - Ms. News, I noticed there is a 25 foot setback to the right of way on the  
1013 property adjacent to this Section C, and there is no corresponding 25 foot setback on Hungary  
1014 Road on this development. Is that right?

1015

1016 Ms. News - There is a 25 foot setback for the BMP from Hungary Road. Is that  
1017 what you are referring to? Yes, that is for the BMP.

1018

1019 Ms. Dwyer - What about the setback from Hungary Road (unintelligible)...25 foot  
1020 setback to Hungary Road?

1021

1022 Ms. News - No, the minimum required setback is 10 feet.

1023

1024 Ms. Dwyer - That just refers to the BMP. OK, thank you.

1025

1026 Mr. Vanarsdall - Any other questions by Commission members? Thank you, Ms. News.  
1027 I move POD-9-00, Lakeland Townes, Section C, be approved with the annotations on the  
1028 plans, the standard conditions for residential townhouses, and conditions No. 23-30 from the  
1029 agenda and on the Addendum No. 9 Amended and Nos. 35 through 38.

1030

1031 Mr. Archer - Second.

1032

1033 Mr. Vanarsdall - A motion was made by Mr. Vanarsdall and seconded by Mr. Archer.  
1034 All in favor say aye. All opposed say no. The motion passes.

1035

1036 The Planning Commission voted to approve POD-9-00, Lakeland Townes, Section C, subject  
1037 to the standard conditions for developments of this type and the following additional  
1038 conditions:

1039

1040 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for  
1041 review and Planning Commission approval prior to the issuance of any occupancy  
1042 permits.

1043 23. The right-of-way for widening of Hungary Spring Road and Hungary Road as shown  
1044 on approved plans shall be dedicated to the County prior to any occupancy permits  
1045 being issued. The right-of-way dedication plat and any other required information shall  
1046 be submitted to the County Real Property Agent at least sixty (60) days prior to  
1047 requesting occupancy permits.

1048 24. The easements for drainage and utilities as shown on approved plans shall be granted to  
1049 the County in a form acceptable to the County Attorney prior to any occupancy permits  
1050 being issued. The easement plats and any other required information shall be submitted

- 1051 to the County Real Property Agent at least sixty (60) days prior to requesting  
1052 occupancy permits.
- 1053 25. The limits and elevations of the 100-year frequency flood shall be conspicuously noted  
1054 on the plan "Limits of 100 Year Floodplain." In addition, the delineated 100-year  
1055 floodplain must be labeled "Variable Width Drainage and Utility Easement." The  
1056 easement shall be granted to the County prior to the issuance of any occupancy permits.
- 1057 26. The developer shall provide fire hydrants as required by the Department of Public  
1058 Utilities in its approval of the utility plans and contracts.
- 1059 27. A standard concrete sidewalk shall be provided along the south side of Hungary Road.
- 1060 28. A 10-foot planting strip to preclude ingress or egress along south side of Hungary Road  
1061 and Hungary Spring Road shall be shown on the approved plans. The details shall be  
1062 included with the required landscape plans for review and approval.
- 1063 29. Any necessary off-site drainage easements must be obtained in a form acceptable to the  
1064 County Attorney prior to final approval of the construction plans by the Department of  
1065 Public Works.
- 1066 30. Deviations from County standards for pavement, curb or curb and gutter design shall  
1067 be approved by the County Engineer prior to final approval of the construction plans by  
1068 the Department of Public Works.
- 1069 31. The pavement shall be of an SM-2A type and shall be constructed in accordance with  
1070 County standard and specifications. The developer shall post a defect bond for all  
1071 pavement with the Planning Office - the exact type, amount and implementation shall  
1072 be determined by the Director of Planning, to protect the interest of the members of the  
1073 Homeowners Association. The bond shall become effective as of the date that the  
1074 Homeowners Association assumes responsibility for the common areas.
- 1075 32. Insurance Services Office (ISO) calculations must be included with the utilities plans  
1076 and contracts and must be approved by the Department of Public Utilities prior to the  
1077 issuance of a building permit.
- 1078 33. Approval of the construction plans by the Department of Public Works does not  
1079 establish the curb and gutter elevations along the Henrico County maintained right-of-  
1080 way. The elevations will be set by Henrico County.
- 1081 34. Final subdivision approval shall be granted prior to Planning Office approval of the  
1082 construction plans.
- 1083 35. The RPA shall be clearly delineated on the subdivision plat, and a standard note shall  
1084 be added to the plat that these lots have limitations for use and development. The plat  
1085 shall be exhibited in a prominent place in the sales office.
- 1086 36. Rear yard fencing along the RPA or flood plain on lots #1 through 7, Block G and lots  
1087 #1 and #6, Block H, shall be completed prior to issuance of any certificates of  
1088 occupancy for these units.
- 1089 37. Prior to approval of construction plans, provide details for lots #1 through 7 Block G,  
1090 and for lots #1 and #6 Block H, to include the following where applicable:
- 1091 A. Location of the aforesaid fencing and gates  
1092 B. Location of storage sheds (Block G only)  
1093 C. Location of private access easement in rear yard of lots (Block G only)  
1094 D. Detail for surface treatment in access easement (Block G only)

1095 38. Details for fencing and any supplemental landscaping of the RPA on Lots #1 through 7  
1096 Block G shall be included with the landscape plan for review and approval.

1097

~~1098~~ Mr. Vanarsdall - Ms. News, thank you for your work on this with Mr. O'Kelly, and Mr.  
1099 Perry, I appreciate your being here this morning, and Mr. Weinberg, thank you for helping us  
1100 and Mr. Webster.

1101

1102 **PLAN OF DEVELOPMENT & TRANSITIONAL BUFFER DEVIATION**

1103

POD-3-00  
Windsor Business Park,  
Phase II, Buildings 2, 3 and  
4 (Rev. POD-67-98)

**TIMMONS for Windsor Business Park, LLC:** Request for approval of a plan of development and transitional buffer deviation as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code to construct a one-story, 53,392 square foot office/warehouse, a one-story 52,052 square foot office/warehouse and a one-story, 75,844 square foot office building. The 16.94, acre site is located along the east line of Magellan Parkway north of E. Parham Road on part of parcel 54-A-2. The zoning is M-1C, Light Industrial District (Conditional). County water and sewer. **(Fairfield)**

1104

1105 Mr. Vanarsdall - Is there anyone in the audience in opposition to POD-3-00? No  
1106 opposition. Mr. McGarry.

1107

1108 Mr. McGarry - Mr. Chairman, regarding the Transitional Buffer Deviation for this site,  
1109 staff can recommend acceptance of the Transitional Buffer Deviation with the reduction of 30  
1110 feet requested. It is consistent with what we have done with other projects and Park Central as  
1111 well. There are no other site issues as far as staff is concerned, so staff can recommend  
1112 approval of the plan, with the annotations, and added conditions Nos. 23-31.

1113

1114 Mr. Vanarsdall - Any questions by Commission members of Mr. McGarry?

1115

1116 Mr. Archer - Have you had any problems at all accumulating information as required  
1117 in condition No. 30, the summary table, updating it. We've had to do that in the past, also,  
1118 haven't we?

1119

1120 Mr. McGarry - Yes, sir. We have asked for master plan update with the calculations  
1121 and they are provided in your packet.

1122

1123 Mr. Archer - You have always been successful in getting it?

1124

1125 Mr. McGarry - Yes. We would not be bringing it forward until we got it.

1126

1127 Mr. Archer - Good enough. I don't have any further questions.

1128

1129 Mr. Vanarsdall - Any more questions by Commission members? OK, I will entertain a

1130 motion.

1131

1132 Mr. Archer - Mr. Chairman, I move to approve POD-3-00, subject to the annotations  
1133 on the plans, the standard conditions for developments of this type, and additional conditions  
1134 Nos. 23 through 30.

1135

1136 Ms. Dwyer - Second.

1137

1138 Mr. Vanarsdall - Motion made by Mr. Archer and seconded by Ms. Dwyer. All in favor  
1139 say aye. All opposed say no. The motion carries.

1140

1141 The Planning Commission voted to approve POD-3-00, Windsor Business Park, Phase II,  
1142 Buildings 2, 3 and 4 (Rev. POD-67-98), subject to the annotations on the plans, the standard  
1143 conditions for developments of this type, and the following additional conditions:

1144

1145 23. The subdivision plat for Windsor Business Park shall be recorded before any occupancy  
1146 permits are issued for Building 4.

1147 24. The developer shall provide fire hydrants as required by the Department of Public  
1148 Utilities in its approval of the utility plans and contracts.

1149 25. The certification of building permits, occupancy permits and change of occupancy  
1150 permits for individual units shall be based on the number of parking spaces required for  
1151 the proposed uses and the amount of parking available according to approved plans.

1152 26. Any necessary off-site drainage easements must be obtained in a form acceptable to the  
1153 County Attorney prior to final approval of the construction plans by the Department of  
1154 Public Works.

1155 27. Deviations from County standards for pavement, curb or curb and gutter design shall  
1156 be approved by the County Engineer prior to final approval of the construction plans by  
1157 the Department of Public Works.

1158 28. Insurance Services Office (ISO) calculations must be included with the utilities plans  
1159 and contracts and must be approved by the Department of Public Utilities prior to the  
1160 issuance of a building permit.

1161 29. Approval of the construction plans by the Department of Public Works does not  
1162 establish the curb and gutter elevations along the Henrico County maintained right-of-  
1163 way. The elevations will be set by Henrico County.

1164 30. The master plan and summary table required by proffers for this project shall be  
1165 updated with each request for POD approval. The summary table at a minimum, shall  
1166 include site coverage percentages, gross square footage of all buildings, and  
1167 percentages of restricted uses.

1168 31. Prior to landscape plan approval, the developer shall provide a sight line plan, which  
1169 would provide details of the berms and walls necessary for the screening of all loading  
1170 dock facilities. Further, with the construction of future phases, any remedial screening  
1171 necessary to meet proffer No. 8 shall be completed by the property owner.

1172

1173 **PLAN OF DEVELOPMENT & TRANSITIONAL BUFFER DEVIATION**

1174

POD-2-00  
Park Central Robinson  
Development - Buildings  
3 and 5 (POD-84-99 Rev.)

**TIMMONS for Park Central Associates, L.C. and Robinson Development Group, Inc.:** Request for approval of a plan of development and two transitional buffer deviations as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code to construct a one-story, 65,250 square foot office building and a one-story, 37,600 square foot office building. The 10.34 acre portion of the site is located on the southeast corner of Park Central Drive and Scott Road on part of parcel 53-A-80M. The zoning is M-1C, Light Industrial District (Conditional). County water and sewer. **(Fairfield)**

1175

1176 Mr. McGarry - Mr. Chairman, again I will mention that there are Transitional Buffer  
1177 Deviations, two of which have been requested. The first is for a 30 foot reduction in the  
1178 transitional buffer necessary along Scott Road and that is consistent with what was granted  
1179 several months ago on the abutting POD for the Telecommunications Building, POD-84-99, so  
1180 we have managed to keep the reduction the same for both projects. Second, is kind of a  
1181 housekeeping item, but the second Transitional Buffer Deviation is for plant material located  
1182 along Park Central Drive. The reason for that is because Park Central, when it was developed  
1183 a number of years ago, did all of their plantings up front and so it has grown to this nice  
1184 maturity, so we don't need to ask them to do more. With that, staff can recommend approval  
1185 of POD-2-00, subject to the annotations on the plans, standard conditions and conditions Nos.  
1186 23-30.

1187

1188 Mr. Vanarsdall - Are there any questions of Mr. McGarry by Commission members? All  
1189 right.

1190

1191 Mr. Archer - Mr. Chairman, I move approval of POD-2-00, subject to the annotations  
1192 on the plan, standard conditions for developments of this type, and additional conditions Nos.  
1193 23-30.

1194

1195 Mr. Taylor - Second.

1196

1197 Mr. Marlles - Mr. Archer, would you include the Transitional Buffer Deviation?

1198

1199 Mr. Archer - Yes, I amend my motion to approve the two Transitional Buffer  
1200 Deviations.

1201

1202 Mr. Taylor - Second.

1203

1204 Mr. Vanarsdall - Motion was made again by Mr. Archer and seconded by Mr. Taylor. All  
1205 in favor say aye. All opposed say no. The motion is carried.

1206

1207 The Planning Commission voted to approve POD-2-00, Park Central Robinson Development –  
1208 Buildings 3 and 5 (POD-84-99 Revised), subject to the annotations on the plans, the standard  
1209 conditions for developments of this type, and the following additional conditions:

1210

1211 23. The developer shall provide fire hydrants as required by the Department of Public  
1212 Utilities in its approval of the utility plans and contracts.

1213 24. Any necessary off-site drainage easements must be obtained in a form acceptable to the  
1214 County Attorney prior to final approval of the construction plans by the Department of  
1215 Public Works.

1216 25. Deviations from County standards for pavement, curb or curb and gutter design shall  
1217 be approved by the County Engineer prior to final approval of the construction plans by  
1218 the Department of Public Works.

1219 26. Insurance Services Office (ISO) calculations must be included with the utilities plans  
1220 and contracts and must be approved by the Department of Public Utilities prior to the  
1221 issuance of a building permit.

1222 27. Approval of the construction plans by the Department of Public Works does not  
1223 establish the curb and gutter elevations along the Henrico County maintained right-of-  
1224 way. The elevations will be set by Henrico County.

1225 28. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the  
1226 Planning Office and approved prior to issuance of a certificate of occupancy for this  
1227 development.

1228 29. The master plan and summary table required by proffers 3, 4, and 5 for this project  
1229 shall be updated with each POD approval. The summary table, at a minimum, shall  
1230 include total gross square footage of all buildings, site coverage and open space.

1231 30. The portion of Scott Road right-of-way abutting this site shall be vacated by the Board  
1232 and in effect prior to approval of any occupancy permit or the right-of-way widening  
1233 shall be dedicated and improvements escrowed to the Department of Public Works.

1234

1235 **PLAN OF DEVELOPMENT & SPECIAL EXCEPTION**

1236

POD-5-00  
S B Cox Contractors  
Storage Yard, Phase 1

**Engineering Design Associates for S. B. Cox, Inc.:** Request for approval of a plan of development and special exception to authorize the operation of a landfill, as required by Chapter 24, Sections 24-2, 24-71b, 24-106 of the Henrico County Code, and construct a 109,000 square foot contractor's storage yard. The 15.97 acre site is located on the east line of Osborne Turnpike (Route 5) opposite Bickerstaff Road on parcel 170-A-4 and 604. The zoning is M-2, General Industrial District. **(Varina)**

1237

1238 Mr. Vanarsdall - We do have a Special Exception, don't we?

1239

1240 Mr. Marlles - Yes, sir.

1241

1242 Mr. Vanarsdall - Is there anyone in the audience in opposition to POD-5-00, S. B. Cox

1243 Contractors Storage Yard, Phase I? Mr. Kennedy.

1244

1245 Mr. Kennedy - Ladies and gentlemen, this is a bit unusual circumstances. Special  
1246 Exceptions of this sort normally go to the Board of Zoning Appeals. The Board of Zoning  
1247 Appeals normally takes the precedence, however, in this case the property is located on a State  
1248 Route, so the POD takes precedence. Therefore, you are hearing the special exception and a  
1249 special exception requires a separate motion and there needs to be a presentation by the  
1250 applicant. Generally, staff does not make a specific recommendation on behalf of a special  
1251 exception. But we have had is a lot of public input on this from both the Varina Beautification  
1252 Committee and the Varina Environmental Group. We have also had a lot of public  
1253 participation in this. Because of the circumstances of the special exception, we have asked the  
1254 applicant to answer certain questions so staff can make recommendations to the Commission  
1255 and explain the 9 sets to those groups and to the public at large. The applicant has responded  
1256 to those questions and a copy of those questions and answers has been provided to you, and  
1257 that is part of the public record for the special exception itself. Basically, the issue is the  
1258 contractor's yard is a permitted use. The filling of the site, basically putting crushed concrete  
1259 in a land fill there, is not a permitted use except by special exception, because there is no  
1260 future permitted use proposed, so as a principal use that filling operation requires a special  
1261 exception. We have asked the applicant to specify the type of fill that will be placed there and  
1262 what their actual intent is. Those questions kind of answer those things. What we have  
1263 provided for you is the same kind of recommendation as far as conditions, which are typically  
1264 provided to the Board of Zoning Appeals. One thing I'd like to draw your attention to on  
1265 those conditions is they need to provide monthly reports to the Director of Planning and the  
1266 Director of Public Works, on the type of fill and type of compaction, so we can make sure  
1267 there is ongoing monitoring of the fill and that they have a superintendent on site for that  
1268 purpose. The fill itself, they are processing it there, as part of their contractor's yard. And on  
1269 that processing, we put some limitations on uncrushed materials, so that the material is limited  
1270 to 2,000 cubic yards is one of those conditions we are recommending. What they will have is  
1271 a limited amount of a working stock pile, so we don't have a large debris stock pile there, and  
1272 so that they are processing all other material and any refuse that they would have coming out  
1273 of that debris, they would remove on a daily basis. There are some other conditions having to  
1274 do with prevention, other dumping, no trespassing, and there is a completion bond required  
1275 that would actually make sure that the land would be restored at the end. The applicant has  
1276 discussed these conditions with staff. The applicant is not happy with them, but feels  
1277 generally acceptable of them. As far as the public input, the Varina Environmental Group,  
1278 their representative, Marilyn Paschke, is not able to come here today. She requested it be  
1279 deferred. She still had some additional concerns. Basically she is concerned about the length  
1280 of time this land fill would be in operation there. This is on the Route 5 Corridor and this  
1281 ongoing use is inconsistent with the Route 5 Corridor plan. Therefore staff has come up with  
1282 an additional recommended condition that is not contained in the original list, the proposed  
1283 recommendation would be that "Filling operations shall be discontinued on the site within two  
1284 years after the approval date and restoration accomplished, not later than three years of the  
1285 approval date unless a new permit is applied for not later than 60 days before the expiration of  
1286 this permit, and is subsequently granted by the Planning Commission." Basically, what this  
1287 does is it gives them a time limit. Every two years they would have to come back to the

1288 Planning Commission to recertify this Special Exception, so it does not say they can't come  
1289 back. It just gives it an additional review and makes sure they maintain compliance, and I  
1290 think that addresses the concerns of the Varina Environmental Group that we would have an  
1291 ability to keep a tight rein on them. Staff feels that a monthly report gives us the ability to  
1292 monitor them and we feel that given those conditions that there is a reason you may consider  
1293 granting the Special Exception. Ms. Lorraine Isaac will make the presentation for the  
1294 applicant for that purpose. There were two additional conditions we have for the POD which  
1295 are on your Addendum Agenda and that you would take up after that. One of the additional  
1296 conditions staff is recommending is No.9 Amended so that the landscape plan does come back  
1297 to the Commission. That is kind of unusual, too, but because of the interest in the Route 5  
1298 Corridor, we felt it would be appropriate for staff to recommend that. The other thing is a  
1299 right of way request from VDOT because of the Route 5 Corridor.

1300

1301 Mr. Marlles - I am sure Ms. Isaac is going to cover this, but just for the benefit of the  
1302 Commission and members who may not be familiar with this particular proposal, I know there  
1303 was some concern on the part of the applicant that the landfill use category may not be  
1304 accurate, but just for the benefit of the Commission, I'd like to clarify that this is not a  
1305 sanitary landfill, but again I am sure Ms. Isaac will touch on that.

1306

1307 Mr. Kennedy - Right, and the basis of it is the questions we asked for testimony, that  
1308 basically defines what this landfill can be used for, and basically what their representation is  
1309 that it is a clean fill. It will be crushed granular material, which is for the purpose of creating  
1310 a future building site. Basically this site was used by the railroad. There is an old rail yard  
1311 across the street which is basically being abandoned. As you can see, the rail lines being  
1312 retained are further away. There used to be a big rail yard there on the plan. I think I can  
1313 explain it right here (pointing to location on plan). All of this has been abandoned. There was  
1314 a warehouse at this location with two rail lines, actually, spurs that ran along the warehouse.  
1315 The railroad spurs have been abandoned and the warehouse is no longer there. Basically they  
1316 are trying to fill this site up to grade, out of the floodplain and so there is some future  
1317 development potential. The conditions actually just make sure that they are using the right fill,  
1318 that we have control and it does not become a dump. And now I am going to turn it over to  
1319 Ms. Lorraine Isaac to let her make her presentation.

1320

1321 Ms. Dwyer - Who in the County will monitor this fill and how frequently will they  
1322 monitor it and will it just be on a complaint basis?

1323

1324 Mr. Kennedy - Basically what they are required to do is just require them to have a  
1325 superintendent on site with a daily log, so all materials coming in have to go through the  
1326 superintendent, and they must give us monthly reports. So we will be able to monitor it on a  
1327 monthly basis and if the reports are inappropriate, we will be able to monitor that and how it  
1328 will be done by Planning staff as well as by Public Works. Public Works will have field staff  
1329 continuously monitoring the site. The environmental inspectors will be there doing their  
1330 inspections because it is still in the flood plain and also a fill site dealing with erosion, so  
1331 every time there is a storm they will be doing a regular inspection of the site or in the course  
1332 of their regular duties. So there will be regular inspections by Public Works.

1333 Ms. Dwyer - When will public works staff inspect the site?  
1334

1335 Mr. Kennedy - Basically whenever there is a storm, they will be inspecting. Basically  
1336 when there is a significant rainfall, they do an inspection of the sediment traps, so this will be  
1337 a regular inspection by Public Works. So, Public Works whose got a significant concern about  
1338 that, they actually had to approve the specific permit to filling in this location, so they are  
1339 interested in the fact that the fill is the correct type of fill and it does not become a flood  
1340 hazard.

1341

1342 Ms. Dwyer - What is a significant rainfall and what will Public Work staff be  
1343 inspecting?

1344

1345 Mr. Kennedy - That would best be answered by Public Works staff.  
1346

1347 Mr. Vanarsdall - Jeff, we'd like to get you on tape, as it is an important question. Now,  
1348 who would monitor the fill and when?

1349

1350 Mr. Perry - The requirements we would do this as any other site. We would not  
1351 inspect the fill but inspect them for erosion control. The way that works by law, we have to  
1352 review it at least once every two weeks within 48 hours of a significant rainfall and to answer  
1353 your question, significant rainfall is obviously something more than a 1/10 of an inch. That is  
1354 a judgment call there, somewhat. As far as the material going in, that is not something we  
1355 normally would inspect. Certainly I would hope that if one of my inspectors noticed  
1356 something while he was out, he would call it to our attention, but certainly we do not get into  
1357 types of material in this type of operation and obviously we know about biodegradable. We  
1358 would not have people putting in logs and things like that. From what I understand, our  
1359 design division would review a report and would require a certified engineer to stamp, I guess,  
1360 the report that would come in saying the material was compacted appropriately. We would  
1361 require that an engineer go out there and certify he did inspect it.

1362

1363 Ms. Dwyer - You wouldn't be looking at the type of fill that they are placing on the  
1364 site?

1365

1366 Mr. Perry - Again, the problem that I have in answering that question somewhat is  
1367 when we are out there once every two weeks, it certainly is hard to certify what went into the  
1368 ground. Again, my inspectors know what is accepted and not accepted and if they are out  
1369 there and they notice it, they would report it, but they wouldn't be going out there on a daily  
1370 basis or an hourly basis...

1371

1372 Ms. Dwyer - Once every two weeks...

1373

1374 Mr. Perry - Once every two weeks would be considered a minimum.

1375

1376 Ms. Dwyer - Thank you. One other question. You mention that their licensed engineer  
1377 would be certifying that it was being compacted. Could the fill support a building?

1378 Mr. Perry - Their intention is to be able to support a building. In fact, one of them  
1379 will have geo-technical standards and compaction rates and basically at levels so that basically  
1380 it could support a building in the future.

1381

1382 Ms. Dwyer - I'm look for some confirmation that it could support a building in the  
1383 future.

1384

1385 Mr. Taylor - There has been extensive discussion on this and Mrs. Quesinberry asked  
1386 me if I would oversee this case today and I have a question now as to how many conditions do  
1387 we have now? Do we have 31 now?

1388

1389 Mr. Kennedy - We have 31 on the plan of development and 13 on the special exception.

1390

1391 Mr. Vanarsdall - Mr. Taylor, you do remember No. 9 Amended means that it will come  
1392 back for a detailed landscaped plan to the Commission and that will involve another public  
1393 hearing to see that you get your landscaping properly.

1394

1395 Mr. Kennedy - Landscaping was a concern of the Varina Beautification Committee that  
1396 the appearance of Osborne Turnpike be appropriate.

1397

1398 Mr. Taylor - Are we going to hear from someone from Engineering Design  
1399 Associates?

1400

1401 Mr. Kennedy - Yes, they need to make a presentation for the Special Exception. They  
1402 are required to do that.

1403

1404 Mr. Taylor - I will wait to make my comments until after the presentation by  
1405 Engineering Design Associates.

1406

1407 Mr. Vanarsdall - That is fine.

1408

1409 Ms. Isaac - My name is Lorraine Isaac with Engineering Design Associates. I would  
1410 like to restate that this is not a sanitary landfill. It is a private filling operation. I think that  
1411 any property on the James River has to be considered unique. In most cases these properties  
1412 are highly desirable. This site can be made highly desirable but it needs work. The proposed  
1413 filling operating will create a much more level site and will actually reduce pollutants at the  
1414 river. Not only is the site located in an M-2 District, but it is surrounded by M-2 and M-3  
1415 properties. I do not foresee any adverse impacts on these surrounding properties. As I  
1416 submitted answers to questions by the Planning Office that I hope covered the more technical  
1417 aspects of this site. We are bringing clean fill into this site, filtered, concrete bricks only  
1418 building materials. We are not allowed, under state law, to put any biodegradable materials  
1419 into the ground. We can't put stumps, we can't put leaves, we can't put paper. Those  
1420 materials have to go into a sanitary landfill. So what we are proposing is to bring clean fill in,  
1421 fill the site and once the fill is done, top soil an organic material can be put on top of it to  
1422 provide cover. I'll be happy to answer any questions.

1423 Mr. Vanarsdall - Are there any questions by the Commission members?

1424

1425 Ms. Dwyer - My question is about the level of compaction, will this be planned for a  
1426 building site or something else?

1427

1428 Ms. Isaac - Eventually, we would like to have a building site. Not knowing the size  
1429 of a future building, the compaction is being done for paving driveways. And once a building,  
1430 a size and type is determined, then more information will be needed as to whether a special  
1431 design needs to be done for the operatives and foundations for that building.

1432

1433 Ms. Dwyer - I'm not familiar this because I'm not an engineer, I'm just wondering if  
1434 there are different levels of compaction depending on what they will use, for instance if it is a  
1435 parking lot then it would be one specification for compacting the material and if you want a  
1436 useable building there would be more stringent level with compaction required.

1437

1438 Ms. Isaac - Not being an engineer myself, I think that the compaction is based upon  
1439 a standard basis. And so we are assuming asphalt pavement in the future needs to hold that,  
1440 and then if you do more, then it's a design problem.

1441

1442 Ms. Dwyer - I'm just wondering if it would make sense to compact it to a building  
1443 standard, since we know now it's possibility, rather than possibly creating a problem in the  
1444 future for development of this site.

1445

1446 Mr. Taylor - Perhaps I can help you with this. Because we have discussed this, in  
1447 fact, there was a question asked in the letter, an answer that was sent back, and the question  
1448 was describe how the fill would be place to assure that a future building site will be  
1449 developed? The answer is fill will generally be compacted as if the area is to be used for  
1450 parking and driving. Any future buildings on the area fill will need a separate geo-technical  
1451 study and appropriate footings. So, initially, when they start they are going to put in clean  
1452 construction fill and it will compact it either by roller compaction or whatever so that they can  
1453 use it in subsequent lifts to get up to elevation. And when they are all finished, it will depend  
1454 on how well they have compacted it, what it is that's in there, and how it's treated as to  
1455 whether or not it will bear a load and that will require completely separate engineering geo-  
1456 technical studies and analysis on it and then appropriate footing designs which could be, if it  
1457 was not really good fill you could build a building on that, if we were able to put in piles or  
1458 some other special foundation. I think the general thought is that this is adjacent to the river  
1459 allows this to be used for some kind of paved area or storage area and probably would not be  
1460 buildings, but the geo-technical design might indicate what footing would be needed before it's  
1461 all done.

1462

1463 Ms. Isaac - Well, in a future building all studies would have to be directed to that  
1464 building.

1465

1466 Mr. Taylor - A specific design.

1467

1468 Ms. Isaac - A specific design, right.

1469

1470 Ms. Dwyer - So, I guess, let me rephrase that question. I read basically the same  
1471 thing that you just referred to, Mr. Taylor. I guess I was just wondering, at this point, should  
1472 we insure that this property will be able to support a building in the future rather than just  
1473 leaving it up to chance, maybe it will, maybe it won't, depending on how it's going now.  
1474 Maybe it is our job to determine that it's done now so that it can support a building in the  
1475 future and we know that now. That's my question.

1476

1477 Mr. Taylor - I guess the answer to that is, you can build a building on almost any  
1478 subsoil depending on what you are willing to put into the foundation design at the time you can  
1479 figure out what kind of a building you need.

1480

1481 Ms. Dwyer - Well, certainly, but if you have got 30 feet of fill and it's not done so  
1482 that it can't support a building then perhaps it less likely that it would be economically feasible  
1483 in the future to the design coordinated to support a building whereas perhaps it's something  
1484 that we could do now to make sure that we are not creating a problem in the future in order to  
1485 use this piece of property for a structure.

1486

1487 Mr. Taylor - That's a good answer or that's a good question. And the answer, I think  
1488 has to depend on exactly what material is going to be place in that area and how well it's  
1489 compacted over time. As I understand it, the only material that would go in that landfill is  
1490 owner-provided materials. Is that correct?

1491

1492 Ms. Isaac - It will be owner-provided materials or owner that he request be brought  
1493 in. As far as he may not be generating materials at that time and may request that someone  
1494 else bring materials in for him.

1495

1496 Mr. Taylor - Now, are any of the materials brought in, as I understand it, have to be  
1497 good geo-technical materials such as, rocks, sand, gravel, absolutely no compressible,  
1498 depressible, materials only strictly granular type foundation materials.

1499

1500 Ms. Isaac - Yes.

1501

1502 Mr. Taylor - With the granular fill that's being brought in, concrete, gravel,  
1503 whatever, that really would be choice sub-base sort of type fill instead of the geological  
1504 conditions for a building. So, there won't be anything in there that we don't want to be.... We  
1505 don't want to put anything in there other than granular geological materials.

1506

1507 Ms. Isaac - Right.

1508

1509 Ms. Dwyer - I understand that but isn't the method of compaction also a factor?

1510

1511 Mr. Taylor - Yes, it is. That is something that could be done continually by rollers  
1512 and I understand that there will be a full time supervisor and this will be watched, I presume at

1513 night so that you don't getting any illegal dumping.

1514

1515 Ms. Isaac - Right. They absolutely don't want people to have free access to this  
1516 site. They will control what is going on.

1517

1518 Mr. Taylor - And I understand you are going to use 100-foot buffers between any fills  
1519 here or in the river.

1520

1521 Ms. Isaac - Yes. We are required to have a 100-foot buffer in there. We have been  
1522 asked by Public Works to go in and do a little seeding and kind of enhance that area. There  
1523 are some areas where it's been denuded, and we have agreed to do the seeding in that area.

1524

1525 Mr. Taylor - Have you made a forecast of how long this would take to develop  
1526 compact and consolidate it?

1527

1528 Ms. Isaac - Base upon the condition that was added this morning, we would like to  
1529 do it in two years. Originally, we were shooting for two years to have this completed but at  
1530 this time it is really hard to say, since the project isn't even underway. But, two years is the  
1531 term I've heard. Of course, if it's not done we will be coming back.

1532

1533 Mr. Taylor - Now, I got a call last evening from Mrs. Paschke from the Varina  
1534 Beautification Committee, who unfortunately could not be here today. I talked to her about  
1535 the condition that you have in the letter, that you sent back, and I would like to make this  
1536 letter, a copy of this letter a part of the record, if we could.

1537

1538 Mr. Marlles - We can do that, Mr. Taylor.

1539

1540 Mr. Taylor - Because I assured her that, looking at the conditions here and the fact  
1541 that you also have operating permit from the Department of Public Works, is that correct?

1542

1543 Ms. Isaac - We have to send the plans back in for signature and along with that we  
1544 will submit a bond letter for the erosion control and that is when Public Works will give us the  
1545 go ahead to do the work.

1546

1547 Mr. Taylor - In talking with Mr. Kennedy, there will be periodic inspections by  
1548 Public Works.

1549

1550 Ms. Isaac - Yes.

1551

1552 Mr. Taylor - And also from my past in the Coast Guard, there must be an  
1553 understanding by Mr. Cox here, the river at all cost really ought to be protected by run off.  
1554 And with a 100-foot buffer it would appear that we were able to do that. But I still think you  
1555 are going to have to pay very careful attention to slopes and run offs and the impacts of storms  
1556 and inspect it actively after every event.

1557

1558 Ms. Isaac - That is one reason the Department of Public Works requires this to be  
1559 bonded. All erosion control is bonded at 100% of the estimated cost to install it. As I stated  
1560 earlier, I think that with what we will design and what Public Works will approve, that we are  
1561 going to have a better situation from this site than we do now. Right now, there is no erosion  
1562 control and pollutants are free to enter in the water right now. And with the installation of the  
1563 required erosion control, inspections by Public Works, I can assure you that we are going to  
1564 do everything we can to maintain a site that is functioning.

1565

1566 Mr. Taylor - And it is my belief that it is well designed, well administered, well  
1567 inspected, that will be so. This actually will be a benefit to the river. But it is going to take  
1568 some continued diligence both operationally from the engineer standpoint to make that happen,  
1569 and I think that you can rest assure that it's going to be very active interest for inspection and  
1570 review.

1571

1572 Ms. Isaac - Yes.

1573

1574 Mr. Taylor - I also want to point out that this would be require to be operated in  
1575 accordance with all the regulations and all the permits required by DEQ waste management,  
1576 the Commonwealth of Virginia. That's item No. 6, but further that the provisions of the  
1577 Federal Water Pollution Control Act would control with, the Corps of Engineers, the Coast  
1578 Guard or DEQ will still apply controls to eliminate impacts on the river by storm events for  
1579 runoff for and hazards materials with regard to the Comprehensive Plan.

1580

1581 Ms. Isaac - Yes. We will comply with all state, federal and local requirements  
1582 based upon how the site is being developed.

1583

1584 Mr. Taylor - Those are really very serious federal laws. And I just want to make sure  
1585 that's understood. I have no further questions, Mr. Chairman.

1586

1587 Mr. Vanarsdall - Are there any further questions by Commission members?

1588

1589 Ms. Dwyer - Yes. I just want to make sure that I understand what we are voting on in  
1590 terms of the questions that I asked before. What we are agreeing to here is that this soil will  
1591 be compacted with clean fill materials and using a procedure that will assure us that this site  
1592 could be used for a driveway or parking lot but does not give us any assurance that it can be  
1593 used for any other structure in the future? In other words, your response said that the fill will  
1594 be compacted so that the area can be used for parking and driveways, period.

1595

1596 Ms. Isaac - Technically, yes. In order to put a building further information is going  
1597 to be needed at the time.

1598

1599 Ms. Dwyer - But, we are not doing anything now to assure that a building could be  
1600 place there in the future, we are just building to standard that would accept a driveway or  
1601 parking lot.

1602

1603 Ms. Isaac - Right now we are using it as a crushing operation. It does have a use on  
1604 it, which is an equipment storage yard that is the use that we are asking to be approved. No  
1605 building is necessary at this time. I would also like to add that there is no sewer in the vicinity  
1606 of this site. Sewer is to the south at Almond Creek, and in order to get sewer we are going to  
1607 have to get offsite easements. And that could prove hard. It's also going to be expensive to  
1608 get sewer. And until sewer can be found, putting a building on this site is out of the question.

1609

1610 Ms. Dwyer - Okay. I just wanted to be clear on that. Thank you.

1611

1612 Mr. Vanarsdall - Mr. Secretary has a suggestion.

1613

1614 Mr. Marlles - Mr. Taylor, I think because of the number of conditions and the  
1615 complexity, staff would recommend that you make two separate motions referring to the  
1616 appropriate conditions with each action.

1617

1618 Mr. Taylor - Am I correct, there are 31 conditions for the plan of development and 13  
1619 for the special exception?

1620

1621 Mr. Marlles - Correct.

1622

1623 Mr. Taylor - Okay. We will take the special exception first. Can we include this  
1624 letter as a part of the package?

1625

1626 Mr. Kennedy - Yes, you can take the special exception first, sir. And the letter can be a  
1627 part of the record.

1628

1629 Mr. Taylor - All right. Mr. Chairman, I will recommend that the special exceptions  
1630 for POD-5-00, S B Cox Contractors Storage Yard, Phase 1, with 13 amendments be accepted  
1631 as offered. That's for the special exception.

1632

1633 Ms. Dwyer - Second.

1634

1635 Mr. Vanarsdall - The motion was made by Mr. Taylor and Ms. Dwyer all in favor say  
1636 aye...all opposed say nay. The motion carried.

1637

1638 The Planning Commission approved the special exceptions for POD-5-00, S B Cox  
1639 Contractors Storage Yard, Phase 1 with the following special exception conditions. Mrs.  
1640 O'Bannon was absent.

1641

1642 1. The only material permitted to be deposited in the landfill shall be select graded clean  
1643 fill material consisting of crushed concrete and other similar non-compressible  
1644 materials. No hazardous or contaminated materials shall be permitted. No  
1645 biodegradable or hydraulic fill shall be permitted.

1646 2. Graded clean fill material shall be deposited in lifts and compacted under the  
1647 supervision of an engineer licensed in the Commonwealth of Virginia. All materials

- 1648 shall be deposited and compacted in accordance with the applicable state regulations  
1649 and geo-technical guidelines established by the engineer. Said guidelines shall be  
1650 submitted for review and approval by the Director of Public Works prior to any activity  
1651 on the site.
- 1652 3. A superintendent who is familiar with all terms and conditions of the Plan of  
1653 Development and other applicable permits shall be present at when ever materials are  
1654 received. The superintendent shall be responsible to insure that the terms and  
1655 conditions of such Plan of Development and other permits are satisfied and shall  
1656 maintain a daily log indicating the source of all materials received, processed,  
1657 deposited and compacted in accordance with the geo-technical guidelines, as well as  
1658 refuse materials hauled off site. Copies of said log shall be forwarded to the Directors  
1659 of Public Works and Planning on a monthly basis.
- 1660 4. The facility shall be operated as a private facility for the applicant, except that other  
1661 contract haulers licensed in the State of Virginia may be permitted to deposit approved  
1662 materials. This facility shall not be open to the general public. No fill material shall  
1663 originate outside of the Commonwealth of Virginia.
- 1664 5. Uncrushed material stockpiles shall be limited to the amount that may be processed  
1665 within one week (or 2,000 cubic yards) with a maximum height of 20 feet. All refuse  
1666 materials shall be hauled offsite on a daily basis.
- 1667 6. The facility shall be operated in accordance with all regulations and have all permits  
1668 required by the Departments of Environmental Quality and Waste Management or  
1669 otherwise required by the Commonwealth of Virginia.
- 1670 7. A permanent gate shall be erected and maintained at each vehicular entrance to the  
1671 property. The gates shall not be opened except when a superintendent is on site to  
1672 control the filling on the property as permitted under these conditions.
- 1673 8. "No Trespassing" signs shall be posted and maintained on the property to warn against  
1674 use of the property by unauthorized persons. The sighs shall have a minimum letter  
1675 height of three (3) inches and shall be posed every 250 feet along the perimeter of the  
1676 property. The applicant shall furnish the Chief of Police a letter authorizing  
1677 enforcement by the County Police Officers of the "No Trespassing" regulations and  
1678 agreeing to send a representative to court for purposes of testimony whenever required  
1679 or requested by the Division of Police.
- 1680 9. Fill slopes that are less than a 3:1 ratio shall not exceed a height of six (6) feet and  
1681 slopes that exceed ten (10) feet in height shall have a bench that is five (5) feet in width  
1682 every ten (10) feet in height.
- 1683 10. That a suitable completion bond, with a surety satisfactory to the County Attorney, or  
1684 certified check, be posted with the Director of Planning, in an amount of \$1,000.00 per  
1685 acre for each acre of land included in the Plan of Development, for a total of  
1686 \$15,000.00, guaranteeing compliance with the terms of the Plan of Development and  
1687 that the land will be restored in accordance with plans approved by the Director of  
1688 Public Works. The completion bond may provide for termination of obligation of the  
1689 surety on such bond by the surety giving a 90-day notice in writing to the principal and  
1690 obligee of the bond, of its intention so to do. Such notice shall be served upon the  
1691 principal and upon the obligee as provided by law for the service of notices. At the  
1692 termination of the aforesaid 90-day notice to the principal, all authority of the principal

1693 under the plan of Development shall cease, provided the applicant has not furnished  
1694 another bond suitable to the County within said 90 days. The principal shall be  
1695 required to complete restoration of the land as provided for under the terms of this Plan  
1696 of Development prior to the termination of its authority under this Plan of  
1697 Development. A notice of termination by such surety shall in no event relieve the  
1698 surety of its obligation to indemnify the County of Henrico for a breach of conditions  
1699 of this Plan of Development.

1700  
1701 The applicant shall furnish a certification from his bonding company each year,  
1702 verifying that the bond is in effect, premiums have been paid, and the bonding  
1703 company reaffirms its responsibility under the terms of the Plan of Development. This  
1704 certification shall be submitted to the Director of Planning by April 1<sup>st</sup> of each year.

1705 11. No trucks or trailers shall be staged within the public right-of-way. A fire lane shall be  
1706 maintained along all entrance drives. All trucks and trailers shall be suitably covered to  
1707 insure that fill material or debris is not deposited on the adjoining public right-of-way.

1708 The applicant will remove any mud, dust, fill material or debris from the adjoining  
1709 public right-of-way located within 2,000 feet of the property on a daily basis.

1710 12. No material will be delivered to or hauled from the site by way of the James River,  
1711 unless a revised Plan of Development is submitted for review and is approved by the  
1712 Planning Commission.

1713 13. Filling operations shall be discontinued on said site by February 2, 2002 (two years  
1714 after the approval date), and restoration accomplished by not later than February 2,  
1715 2003 (three years after the approval date), unless a new permit is applied for not later  
1716 than 60 days before the expiration of the permit, and is subsequent granted by the  
1717 Planning Commission.

1718

1719 Mr. Vanarsdall - Now we will have the rest of it.

1720

1721 Mr. Taylor - All right, Mr. Chairman. I move also approval of the plan of  
1722 development, POD-5-00, S B Cox Contractor Storage Yard, Phase 1, with No. 9 amended,  
1723 and the additional conditions Nos. 23 through 30 as listed on the agenda and No. 31 from the  
1724 addendum.

1725

1726 Ms. Dwyer - Second.

1727

1728 Mr. Vanarsdall - The motion was made by Mr. Taylor and seconded by Ms. Dwyer. All  
1729 in favor say aye...all opposed say nay. The motion passes.

1730

1731 The Planning Commission approved POD-5-00, S B Cox Contractors Storage Yard, Phase 1,  
1732 subject to the standard conditions attached to these minutes, the annotations on the plans and  
1733 the following additional conditions. Mrs. O'Bannon was absent.

1734

1735 **9. AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for  
1736 review and Planning Commission approval prior to the issuance of any occupancy  
1737 permits.

- 1738 23. The limits and elevations of the 100-year frequency flood shall be conspicuously noted  
1739 on the plan "Limits of 100 Year Floodplain." In addition, the delineated 100-year  
1740 floodplain must be labeled "Variable Width Drainage and Utility Easement." The  
1741 easement shall be granted to the County prior to the issuance of any occupancy permits.
- 1742 24. The entrances and drainage facilities on Old Osborne Turnpike (State Route 5) shall be  
1743 approved by the Virginia Department of Transportation and the County.
- 1744 25. A notice of completion form, certifying that the requirements of the Virginia  
1745 Department of Transportation entrances permit have been completed, shall be submitted  
1746 to the Planning Office prior to any occupancy permits being issued
- 1747 26. The temporary parking areas shall be properly compacted and maintained at all times.
- 1748 27. Approval of the construction plans by the Department of Public Works does not  
1749 establish the curb and gutter elevations along the Virginia Department of Transportation  
1750 maintained right-of-way. The elevations will be set by the contractor and approved by  
1751 the Virginia Department of Transportation.
- 1752 28. A 50-foot-wide landscape buffer shall be provided along Old Osborne Turnpike (State  
1753 Route 5) outside of the ultimate right-of-way. The landscape buffer shall be planted in  
1754 accordance with a landscape plan to be approved by the Planning Commission.
- 1755 29. The owners shall not begin clearing of the site until the following conditions have been  
1756 met:
- 1757 (a) The site engineer shall conspicuously illustrate on the plan of development and  
1758 the Erosion and Sediment Control Plan, the limits of the areas to be cleared and  
1759 the methods of protecting the required buffer areas. The location of utility  
1760 lines, drainage structures and easements shall be shown.
- 1761 (b) After the Erosion and Sediment Control Plan has been approved but prior to any  
1762 clearing or grading operations of the site, the owner shall have the limits of  
1763 clearing delineated with approved methods such as flagging, silt fencing or  
1764 temporary fencing.
- 1765 (c) The site engineer shall certify in writing to the owner that the limits of clearing  
1766 have been staked in accordance with the approved plans. A copy of this letter  
1767 shall be sent to the Planning Office and the Department of Public Works.
- 1768 (d) The owner shall be responsible for the protection of the buffer areas and for  
1769 replanting and/or supplemental planting and other necessary improvements to  
1770 the buffer as may be appropriate or required to correct problems. The details  
1771 shall be included on the landscape plans for Planning Commission approval.
- 1772 30. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the  
1773 Planning Office and approved prior to issuance of a certificate of occupancy for this  
1774 development.
- 1775 31. Right-of-way shall be dedicated to the County of Henrico 60 feet from the existing  
1776 centerline of Old Osborne Turnpike (Route 5). The right-of-way dedication plat and  
1777 any other required information shall be submitted to the County Real Property Agent  
1778 and VDOT for review at least sixty (60) days prior to recordation. After recordation, a  
1779 copy of the deed along with deed book and page numbers shall be submitted to VDOT  
1780 for file purposes. The deed shall be recorded prior to any entrance permit being issued  
1781 by VDOT.  
1782

1783 Mr. Vanarsdall - The Commission will now take a break.

1784

1785 **THE PLANNING COMMISSION TOOK A BREAK AT THIS TIME.**

1786

1787 **LANDSCAPE & LIGHTING PLAN**

1788

LP/POD-82-97

Blue & Gray Self Storage -  
Gayton Center Drive

**Ed Pawloski:** 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 3.0 acre site is located on the west side of Gayton Center Drive, approximately 450 feet south of Ridgefield Parkway on part of parcel 55-A-1ZB. The zoning is B-3, Business District. **(Tuckahoe)**

1789

1790 Mr. Vanarsdall - Is there anyone in the audience in opposition to landscape and lighting plan, LP/POD-82-97, Blue & Gray Self Storage? No opposition. Mr. Strauss.

1792

1793 Mr. Strauss -

The applicant is requesting approval of a landscape and lighting plan as required by standard conditions Nos. 9 and 11 amended of the approved plan of development. The project is zoned B-3 unconditional, however, there are some landscape conditions which apply from a provisional use permit (P-4-97) approved in June 1997. Conditions Nos. 2 and 3 require a 40' transitional buffer along the south and west boundary with a berm, supplemented with evergreen plantings on top of the berm. Staff has recommended that the evergreen plantings be a minimum of 5 - 6' in height and that they be extended for the entire length of the berm as shown on the annotated plan in this morning's addendum. The applicant has agreed with the staff's recommendation and staff can recommend approval of this landscape and lighting plan. I can answer any additional questions you may have, and Mr. Pawloski who has been patiently waiting today, is here representing the applicant.

1804

1805 Mr. Vanarsdall - Are there any questions by Commission members of Mr. Strauss?

1806

1807

1808 Ms. Dwyer -

Yes. Jim, I just want it stated for the record that the wall packs will in fact be shielded.

1810

1811 Mr. Strauss -

Yes, ma'am. They are a shielded wall pack. It's a full "cut off" type. They are 70-watt metal halide I believe.

1813

1814 Ms. Dwyer -

And they are shielded how.

1815

1816 Mr. Strauss -

They are shielded with a bronze visor over the top.

1817

1818 Ms. Dwyer -

Does the visor comes down over the whole light or a part of the light?

1819

1820 Mr. Strauss -

With the exception of the very bottom.

1821

1822 Ms. Dwyer - And that's acceptable by our standards?  
1823

1824 Mr. Strauss - Yes. Particularly this in this circumstance, where we have significant  
1825 berming and landscaping around the site where the residential condominiums are.  
1826

1827 Ms. Dwyer - Of course those trees are there, we hope, that nothing will be visible.  
1828

1829 Mr. Strauss - That's why we asked for the minimum height for that planting.  
1830

1831 Ms. Dwyer - Would these be five-foot center or is that just up to the....  
1832

1833 Mr. Strauss - Apparently, the neighbors had discussed the landscaping previously in  
1834 past meetings, and they required this tight spacing, which is a little tighter than staff normally  
1835 requests, but we will defer to the opinion of the neighbors. They wanted this tight five-foot on  
1836 center spacing.  
1837

1838 Ms. Dwyer - Is it necessary, we talked yesterday about rounding on the north/west  
1839 corner, rounding those Leylands around the corner. You have your arrow going to the edge.  
1840

1841 Mr. Strauss - It's possible. I'll just defer that additional comment to the applicant. I  
1842 discussed extending planting from end to end. This could add a few additional trees, if he's  
1843 willing to do that, I think that would be fine.  
1844

1845 Ms. Dwyer - If he's going to curve it around?  
1846

1847 Mr. Strauss - I would like for him to answer that question though.  
1848

1849 Mr. Vanarsdall - Are there any more questions?  
1850

1851 Mr. Pawloski - For the record, I'm Ed Pawloski and I do represent the Blue & Gray Self  
1852 Storage. If you want to round the shrubbery around the northwest corner that's fine with us.  
1853

1854 Ms. Dwyer - When I visited the site from the perspective of (unintelligible) there is a  
1855 direct line of sight through that corner to the building. The berm does slip down a little bit.  
1856

1857 Mr. Pawloski - Yes, the berm does start to drop away.  
1858

1859 Ms. Dwyer - That would be terrific. That's all I have.  
1860

1861 Mr. Vanarsdall - All right. If there aren't any more questions, entertain a motion, Ms.  
1862 Dwyer.  
1863

1864 Ms. Dwyer - I move that LP/POD-82-97 landscape and lighting plan for Blue & Gray  
1865 Self Storage, be approved subject to the annotations on the plans, the standard conditions for  
1866 landscape and lighting plans, including the plan annotated as staff plan February 2, 2000.

1867 Mr. Archer - Second.

1868

1869 Mr. Vanarsdall - The motion was made by Ms. Dwyer and seconded by Mr. Archer. All  
1870 in favor say aye...all opposed say nay. The motion carries.

1871

1872 The Planning Commission approved the landscape and lighting plan for LP/POD-82-97, Blue  
1873 & Gray Self Storage, subject to the standard conditions for landscape and lighting plans and  
1874 the annotations on the plan.

1875

1876 **SUBDIVISION**

1877

Townes @ Shady Grove  
(January 2000 Plan)

**Bay Design Group, P.C. for Shady Grove Associates and  
Wilton Real Estate & Development Corporation:** The  
12.653 acre site is located at the northeast corner of Shady  
Grove Road and Old Nuckols Road on parcel 10-A-19. The  
zoning is RTHC, Residential Townhouse District  
(Conditional). County water and sewer. **(Three Chopt)  
68 Lots**

1878

1879 Mr. Vanarsdall - Is there anyone in the audience in opposition to subdivision Townes @  
1880 Shady Grove? No opposition. Mr. Wilhite.

1881

1882 Mr. Wilhite - This is a request for subdivision approval for 68 townhouse units on the  
1883 site. The next item that appears on your agenda is the plan of development, also for this site  
1884 as well. In your packets there was already provided a revised site plan for this development  
1885 and the site plan was not reviewed at the time it was inserted into your packets, however, the  
1886 staff has completed its review at this time. Basically, it addresses a couple of concerns that the  
1887 staff had with the original layout. First of all, due to some traffic concerns, this traffic circle  
1888 at the top has been eliminated (referring to map on screen) and instead provides a continuous  
1889 island all the way through. Also, down at the southern portion of the site, the connections to  
1890 those two parking areas and drives have been eliminated. As you can tell from the plan  
1891 submitted in the packet, the drive isles have been eliminated at that point to try to reduce the  
1892 amount of traffic conflicts that were determined by the Traffic Engineer. Also, the pond that  
1893 is existing on the property has been altered to remove the boundaries of that so that it does not  
1894 intrude into the lots and does allow for common area access around all sides of the pond.  
1895 With that, staff recommends approval of the revised subdivision layout with the standard  
1896 conditions for townhouse developments.

1897

1898 Mr. Vanarsdall - Are there any questions of Mr. Wilhite by Commission members?  
1899 Would you like to hear from the applicant, Mr. Taylor?

1900

1901 Mr. Taylor - Is he present?

1902

1903 Mr. Wilhite - Yes.

1904

1905 Mr. Taylor - Please.

1906

1907 Mr.? - I don't have anything to say. I agree with the annotations on the plan.

1908 I'm okay with everything.

1909

1910 Mr. Taylor - Thank you.

1911

1912 Mr. Vanarsdall - If there are not further questions, I'll entertain a motion.

1913

1914 Mr. Taylor - Mr. Chairman, I make a motion that subdivision Townes @ Shady  
1915 Grove (January 2000 Plan) be approved as submitted with no amendments. (See the comments  
1916 made by Ms. Dwyer after the POD approval for Townes @ Shady Grove for clarification of  
1917 this motion)

1918

1919 Ms. Dwyer - Second.

1920

1921 Mr. Vanarsdall - The motion was made by Mr. Taylor and seconded by Ms. Dwyer. All  
1922 in favor say aye...all opposed say nay. The motion carries.

1923

1924 The Planning Commission granted conditional approval to subdivision Townes @ Shady Grove  
1925 (January 2000 Plan) subject to the standard conditions for subdivision served by public  
1926 utilities.

1927

## 1928 **PLAN OF DEVELOPMENT**

1929

POD-90-99

Townes at Shady Grove -  
Shady Grove Road and Old  
Nuckols Road

**Bay Design Group, P.C. for Shady Grove Associates and  
Wilton Real Estate & Development Corporation:** Request  
for approval of a plan of development as required by Chapter  
24, Section 24-106 of the Henrico County Code to construct  
68, two-story residential townhouses for sale. The 12.65 acre  
site is located at the northeast intersection of Shady Grove  
Road and Old Nuckols Road on parcel 10-A-19. The zoning is  
RTHC, Residential Townhouse District (Conditional). County  
water and sewer. **(Three Chopt)**

1930

1931 Mr. Vanarsdall - Is there anyone in the audience in opposition to POD-90-99, Townes @  
1932 Shady Grove? No opposition. Mr. Wilhite.

1933

1934 Mr. Wilhite - As with the subdivision plan, there is a revised site plan in your packet  
1935 that addresses the revisions to the traffic circulation and also the pond on the property. This  
1936 site plan is in substantial conformance with the site plan shown with zoning case C-28C-99.  
1937 On page five of your addendum, there is an additional condition No. 33 which addresses a  
1938 sidewalk to be constructed along the east side of Shady Grove Road. Staff is making this a  
1939 part of the recommendation due to the construction of the new public school to the south of  
1940 here, approximately a half a mile. Also, as a part of the proffered conditions, there was a

1941 requirement that the applicant provide a buffer adjacent to this A-1 property. The width will  
1942 be determined by the Planning Commission at the time of POD approval. What the applicant  
1943 is proposing is a 10-foot-wide buffer area. There are existing cedars that are there now, which  
1944 they would retain. Staff would also recommend that this area be supplemented by evergreen  
1945 planting as well, once the site is cleared. I would point out that the adjacent property to the  
1946 east and to the north, which is zoned A-1, here on your cover map, the applicant has filed a  
1947 rezoning case to rezone this property also to RTHC as an extension of this proposed  
1948 development. Staff is recommending that, if that is the case, that he address the removal of  
1949 that proffered buffer with that zoning application so that the drive can be extended through  
1950 there and the need for the buffer would disappear at that point. With that, staff recommends  
1951 approval with the revised plan, the standard conditions, the annotations and conditions Nos. 23  
1952 through 32 as they appear on your agenda.

1953

1954 Mr. Vanarsdall - Are there any questions of Mr. Wilhite by Commission members?

1955

1956 Mr. Taylor - Mr. Wilhite, did you say conditions No. 32 or 33?

1957

1958 Mr. Wilhite - Numbers 23 through 32. Number 33 is on the addendum.

1959

1960 Mr. Taylor - Okay. Mr. Chairman, I would move that POD-90-99, Townes at Shady  
1961 Grove, be approved in addition to the standard conditions for developments of this type, and  
1962 the following additional conditions Nos. 23 to 33.

1963

1964 Mr. Archer - I'll second, but before I do. Mr. Wilhite, you mentioned having to  
1965 approve a buffer site, have we done that?

1966

1967 Mr. Wilhite - What staff is recommending is that the 10-foot buffer offered by the  
1968 applicant be applied to this property. It would be done through an annotation on the plan.

1969

1970 Mr. Archer - Okay. I'll second the motion, Mr. Chairman.

1971

1972 Mr. Vanarsdall - All right. The motion was made by Mr. Taylor and seconded by Mr.  
1973 Archer. All in favor say aye...all opposed say nay. The motion carries.

1974

1975 Ms. Dwyer - Mr. Secretary, before you proceed, if we could go back to the  
1976 subdivision for this development. I think I seconded it but I have second thoughts about the  
1977 motion. I think Mr. Taylor said "no revisions." I think I know what you meant, Mr. Taylor,  
1978 but I just want to clarify that changes on the plan, revisions to the plan and the revised plan,  
1979 might be considered changes or revisions so we didn't mean to exclude those in the motion.

1980

1981 Mr. Wilhite - If I can clarify it, yes, staff is recommending approval of the revised  
1982 plan in the packet with the original annotations and the standard conditions for townhouse  
1983 developments.

1984

1985 Ms. Dwyer - And that's my understanding of what the motion was designed to

1986 approve.

1987

1988 Mr. Marlles - And that is the Secretary's understanding also.

1989

1990 The Planning Commission approved POD-90-99, Townes @ Shady Grove - Shady Grove  
1991 Road and Old Nuckols Road, subject to the standard conditions attached to these minutes, the  
1992 annotations on the plan and the following additional conditions:

1993

1994 23. The unit house numbers shall be visible from the parking areas and drives.

1995 The names of streets, drives, courts and parking areas shall be approved by the  
1996 Richmond Regional Planning District Commission and such names shall be included on  
1997 the construction plans prior to their approval.

1998 24. The standard street name signs shall be ordered from the County and installed prior to  
1999 any occupancy permit approval.

2000 25. The subdivision plat for The Townes at Shady Grove shall be recorded before any  
2001 building permits are issued.

2002 26. The easements for drainage and utilities as shown on approved plans shall be granted to  
2003 the County in a form acceptable to the County Attorney prior to any occupancy permits  
2004 being issued. The easement plats and any other required information shall be submitted  
2005 to the County Real Property Agent at least sixty (60) days prior to requesting  
2006 occupancy permits.

2007 27. The developer shall provide fire hydrants as required by the Department of Public  
2008 Utilities in its approval of the utility plans and contracts.

2009 28. Any necessary off-site drainage easements must be obtained in a form acceptable to the  
2010 County Attorney prior to final approval of the construction plans by the Department of  
2011 Public Works.

2012 29. Deviations from County standards for pavement, curb or curb and gutter design shall  
2013 be approved by the County Engineer prior to final approval of the construction plans by  
2014 the Department of Public Works.

2015 30. The pavement shall be of an S-5 type and shall be constructed in accordance with  
2016 County standard and specifications. The developer shall post a defect bond for all  
2017 pavement with the Planning Office - the exact type, amount and implementation shall  
2018 be determined by the Director of Planning, to protect the interest of the members of the  
2019 Homeowners Association. The bond shall become effective as of the date that the  
2020 Homeowners Association assumes responsibility for the common areas.

2021 31. Insurance Services Office (ISO) calculations must be included with the utilities plans  
2022 and contracts and must be approved by the Department of Public Utilities prior to the  
2023 issuance of a building permit.

2024 32. Approval of the construction plans by the Department of Public Works does not  
2025 establish the curb and gutter elevations along the Henrico County maintained right-of-  
2026 way. The elevations will be set by Henrico County.

2027 33. Final subdivision approval shall be granted prior to Planning Office approval of the  
2028 construction plans.

2029 34. A standard concrete sidewalk shall be provided along the east side of Shady Grove  
2030 Road.

2031 **SUBDIVISION**

2032

Carrington  
(January 2000 Plan)

**QMT for Robert P. Bain:** The 28.7 acre site is located at the northwest intersection of Springfield and Old Springfield Roads on parcel 20-A-15. The zoning is R-2AC, One-Family Residence District Conditional. County water and sewer.  
**(Three Chopt) 35 Lots**

2033

2034 Mr. Vanarsdall - Is there anyone in the audience in opposition to Carrington (January  
2035 2000 Plan) subdivision? And we also have Carrington North subdivision, next. No opposition.  
2036 All right. Mr. Whitney.

2037

2038 Mr. Whitney - Thank you, Mr. Chairman. I'm glad you mentioned that the next case is  
2039 Carrington North. Staff has been given the information that these two subdivisions will be  
2040 developed under one entity in the future, but for now, for conditional approval, we are going  
2041 to approve them separately. However, when we do a final plan for this, more than likely it  
2042 will be done as one section. And with that in mind, on your screen would be the overall plan  
2043 for the two subdivisions. As far as Carrington subdivision, we have two issues that I need to  
2044 bring to your attention, one is staff is recommending a sidewalk as fitting the policy for being  
2045 near a public facility, this case being Echo Lake Park. The sidewalk being on the north side  
2046 of Springfield Road. The applicant has asked that we look at another option. The first option  
2047 being providing a sidewalk from the subdivision entrance at Old Springfield Road, across to  
2048 this location, adjacent, or approximate entrance to Echo Lake Ridge subdivision. On Echo  
2049 Lake Ridge subdivision, a sidewalk was recommended along the entire length of Springfield  
2050 Road. However, the Planning Commission approved a sidewalk just from the entrance  
2051 westerly to Echo Lake Park boundary. That being option one, the applicant feels that there  
2052 will be a natural place for a crosswalk there for people to get from his subdivision, across  
2053 Springfield Road, and then to Echo Lake Park. Option two, then, would be to provide  
2054 sidewalk from the entrance at Old Springfield Road all the way across, ending, and having a  
2055 crosswalk at the entrance to the park itself. The other item I need to mention is that with  
2056 Meredith Branch being on the westerly boundary of this subdivision, there is floodplain and  
2057 RPA associated with this. The final line of the floodplain and the RPA have not been  
2058 determined. That will come with the construction plans during final approval. The applicant  
2059 realizes that these lines may change and there maybe fewer lots that are developable than are  
2060 approved here. There will be a pump station on this subdivision, which was an issue during  
2061 the rezoning of these two subdivisions. The location of that is near Lot 16. Public Works has  
2062 made a comment that the pump station has to be out of the RPA. Therefore, if the RPA line  
2063 moves up, closer to Lot 16, Lot 16 may not be a buildable lot. With the determination of the  
2064 location of the sidewalk, staff can recommend approval of this subdivision. And I'll take any  
2065 questions you may have.

2066

2067 Mr. Vanarsdall - Are there any questions of Mr. Whitney by Commission members?

2068

2069 Ms. Dwyer - Could you show us, using your little blue dot, the two sidewalk options?

2070

2071 Mr. Whitney - Option one would be from the subdivision entrance, Old Springfield  
2072 Road, westerly, stopping at the entrance to Echo Lake Ridge Subdivision.  
2073

2074 Ms. Dwyer - And then he would cross the street and into the park using Echo Lake  
2075 Ridge sidewalk?  
2076

2077 Mr. Whitney - That is correct.  
2078

2079 Ms. Dwyer - Or just having a sidewalk on Carrington side all the way to the park  
2080 entrance.  
2081

2082 Mr. Whitney - That would be option 2, yes.  
2083

2084 Ms. Dwyer - Thank you.  
2085

2086 Mr. Whitney - Traffic Engineering is here if you have any questions as far as pedestrian  
2087 safety in that area, and we have spoken to VDOT about that issue as well.  
2088

2089 Mr. Vanarsdall - Are there any other questions by Commission members? Mr. Taylor.  
2090

2091 Mr. Taylor - I make a motion that the subdivision plan for Carrington as  
2092 recommended by the staff and the conditional approval subject to the annotations on the plans,  
2093 the standard conditions for subdivisions served by public utilities and conditions Nos. 12  
2094 through 15 be approved by the Board (sic).  
2095

2096 Mr. Vanarsdall - Mr. Taylor, did you want to hear from the applicant?  
2097

2098 Mr. Taylor - I thought we were going to handle each of these separately.  
2099

2100 Mr. Vanarsdall - Yes. But, do you want to hear from the applicant on this case?  
2101

2102 Ms. Dwyer - I would like to hear about the sidewalk issue as well.  
2103

2104 Mr. Taylor - All right. Let's hear from the applicant on the sidewalk issue.  
2105

2106 Mr. Mawby - My name is Doug Mawby and I work for Balzer & Associates. We will  
2107 be doing the engineering for both subdivisions. Your agenda says QMT, but we are going to  
2108 be doing the whole thing as one subdivision. The request for the side walk, as he stated, we  
2109 would like to build the sidewalk to tie in across the road with the sidewalk as being proposed  
2110 by, or it's being required of the Echo Ridge subdivision. We feel that having sidewalks on  
2111 both sides of the road is somewhat redundant in this area as the people have to cross the road  
2112 to get to the park so they might as well do it where the side walk ends on the other side.  
2113 People who have been out there, including myself, have noted that people come down the hill  
2114 from the north rather fast and further away from that intersection of that corner, that  
2115 crosswalk, or location for crossing would be a little bit safer.

2116 Ms. Dwyer - What does the traffic engineer have to say about that?  
2117

2118 Mr. Mawby - He has told me that he would approve what we would like to do.  
2119

2120 Ms. Dwyer - Either one?  
2121

2122 Mr. Mawby - Yes. I think he would approve either one.  
2123

2124 Mr. Taylor - I saw on one diagram, right across from the entrance to Echo, correct?  
2125

2126 Mr. Mawby - Yes. They wanted Carrington to provide a sidewalk along the entire  
2127 frontage of that subdivision, our subdivision to the entrance to the park. The owner of the  
2128 property, his contention was that since there will be sidewalk on the other side of the road that  
2129 he should only need to build sidewalk to match up with already is going to be there. As I said,  
2130 again, because people are going to have to cross the road anyway, to get to the park they are  
2131 going to have to cross the road, so they might as well utilize the sidewalk that's in existence.  
2132

2133 Mr. Taylor - Can we see that on the plan? So the sidewalk would go from Old  
2134 Springfield Road all the way down to the entrance to Echo Lake?  
2135

2136 Mr. Mawby - That's correct.  
2137

2138 Mr. Taylor - And that's acceptable to staff?  
2139

2140 Mr. Mawby - That's Echo Ridge Park.  
2141

2142 Mr. Taylor - I mean Echo Ridge Park.  
2143

2144 Mr. Whitney - Mr. Taylor, what is your question?  
2145

2146 Mr. Taylor - Is that the one we want, that's acceptable, to go through Echo Lake  
2147 entrance?  
2148

2149 Mr. Whitney - I don't have an opinion on either one. Of the two options, the  
2150 Commission can decide on which one is best, with Traffic Engineering input.  
2151

2152 Mr. Taylor - Is Traffic Engineering here?  
2153

2154 Mr. Eure - I'm Todd Eure, assistant traffic engineer. Yes, both alternatives are  
2155 acceptable to us. As far as the proposed alternative that the developer wants to do with ending  
2156 the sidewalk across from the entrance to Echo Ridge subdivision, that's probably of the two  
2157 points, the safest place across because in order to get approval of that entrance at that location,  
2158 they are going to have to meet minimum sight distance requirements. Minimum sight distance  
2159 requirements for an intersection are pretty much the same as they are for a crosswalk. So,  
2160 there would be adequate visibility for pedestrian to cross at that point. As far as crossing them

2161 at the entrance at Echo Lake Park, I'm not sure what our sight distance is there, it's pretty  
2162 close to the sharp curb to the west. So, based on what I've seen, it's probably more desirable  
2163 to have them cross at Echo Ridge subdivision. Of course, one other thing, I mean, if you do  
2164 extend the sidewalk all the way down, then certainly people would still have the option of  
2165 crossing at Echo Ridge subdivision, so that's why we are saying that either one is acceptable to  
2166 us. And, in my conversation with Mr. Melvin Corso with VDOT yesterday, he was pretty  
2167 much in agreement. He said he was fine either way. He was fine ending it at the entrance to  
2168 Echo Lake Ridge or extending it. He didn't have a strong preference.

2169

2170 Mr. Taylor - But, in short term, are we safe with either alternative, do you think?

2171

2172 Mr. Eure - Yes, sir. There was another issue that came up, chances of that sidewalk  
2173 being extended to the west or on the north side of Springfield Road are not real strong because  
2174 of the wetlands. There is a bridge up there and chances of development coming in, adjacent to  
2175 it and extending the sidewalk are not real good. Of course, if that portion of Springfield Road  
2176 was rebuilt and realigned, it certainly would be extended but then there's the chance the road  
2177 might get torn up totally and sidewalks already been built would be lost. We don't anticipate  
2178 that, but it is certainly a possibility.

2179

2180 Mr. Taylor - It just seems clear to me that the short term is just better than the  
2181 (unintelligible).

2182

2183 Mr. Eure - I would agree with that.

2184

2185 Mr. Taylor - Now, Mr. Chairman, is that going to be condition No. 16?

2186

2187 Mr. Marles - Mr. Chairman, Mr. Taylor asked you, I believe, if it requires a separate  
2188 condition to propose what the applicant is proposing as far as his proposed location for the  
2189 sidewalk. Is that the question, Mr. Taylor?

2190

2191 Mr. Taylor - Yes, sir.

2192

2193 Mr. Vanarsdall - I'm sorry, I thought you were asking, Mr. Whitney. Yes, I think we  
2194 should have a separate condition. I think it would be better if we put a condition on it.

2195

2196 Mr. Taylor - My thought would be to have condition No. 16 that a sidewalk would be  
2197 extended from Echo Lake Park to the entrance to the subdivision.

2198

2199 Mr. Whitney - Something to that effect, yes. The standard County sidewalk shall be  
2200 provided on the north side of Springfield Road from Old Springfield Road to the entrance to  
2201 Echo Lake Ridge subdivision.

2202

2203 Mr. Vanarsdall - There are two ways you can do this, Mr. Taylor. You can annotate it on  
2204 the plans but it's better to have a condition, and number the condition, if the applicant agrees  
2205 with it.

2206 Mr. Mawby - I agree we would do No. 16 if we can come up with a quick wording.  
2207  
2208 Mr. Whitney - I believe the wording I just stated should be adequate.  
2209  
2210 Mr. Mawby - Would you please do it again?  
2211  
2212 Mr. Whitney - A standard County sidewalk shall be provided along the north side of  
2213 Springfield Road from Old Springfield Road to the entrance to Echo Lake Ridge subdivision.  
2214  
2215 Mr. Vanarsdall - And that will be No. 16.  
2216  
2217 Mr. Taylor - With that, Mr. Chairman, I move that the subdivision for Carrington as  
2218 recommended by the staff, subject to the annotations on the plans, the standard conditions for  
2219 subdivisions served by public utilities and the comments Nos. 12 through 16 inclusive be  
2220 adopted by the Commission.  
2221  
2222 Ms. Dwyer - Second.  
2223  
2224 Mr. Vanarsdall - The motion was made by Mr. Taylor and seconded by Ms. Dwyer. All  
2225 in favor say aye...all opposed say nay. The motion carries.  
2226  
2227 The Planning Commission granted conditional approval to Carrington (January 2000 Plan)  
2228 subject to the standard conditions for subdivisions served by public utilities, the annotations on  
2229 the plan and the following additional conditions:  
2230  
2231 12. The limits and elevation of the 100-year frequency flood shall be conspicuously noted  
2232 on the plat and construction plans and labeled "Limits of 100-Year Floodplain."  
2233 Dedicate floodplain as a "Variable Width Drainage & Utility Easement."  
2234 13. The detailed plant list and specifications for the landscaping to be provided within the  
2235 45-foot-wide planting strip easement along Springfield Road and within the 10-foot-  
2236 wide planting strip easement along Old Springfield Road shall be submitted to the  
2237 Planning Office for review and approval prior to recordation of the plat.  
2238 14. Any necessary off-site drainage easements must be obtained prior to final approval of  
2239 the construction plans by the Department of Public Works.  
2240 15. Prior to final approval, a draft of the covenants and deed restrictions for the  
2241 maintenance of the common area by a homeowners association shall be submitted to the  
2242 Planning Office for review. Such covenants and restrictions shall be in form and  
2243 substance satisfactory to the County Attorney and shall be recorded prior to recordation  
2244 of the subdivision plat.  
2245 16. A standard concrete sidewalk shall be provided along the north side of Springfield Road  
2246 from Old Springfield Road to the entrance to Echo Lake Ridge subdivision.  
2247

2248 **SUBDIVISION**

2249

Carrington North  
(January 2000 Plan)

**Balzer & Associates for Duma & Associates:** The 62.366 acre site is located on the southwest corner of Interstate 295 and Staples Mill Road (U. S. Route 33) on parcels 20-A-12, 13, 14, 14NR, and part of 29A. The zoning is R-2C, One-Family Residence District (Conditional), R-2AC, One-Family Residence District (Conditional), A-1, Agricultural District and C-1, Conservation District. County water and sewer.

**(Three Chopt) 108 Lots**

2250

2251 Mr. Vanarsdall - Is there anyone in the audience in opposition to Carrington North? No  
2252 opposition. Mr. Whitney.

2253

2254 Mr. Whitney - Thank you, Mr. Chairman. As far as Carrington North, I would just  
2255 like for the record to repeat what I said for the previous subdivision, that the location of the  
2256 floodplain on the RPA may limit the number of lots. There won't be more than the 108 lots  
2257 that are proposed in this subdivision. The applicant has agreed with all the annotations on the  
2258 plan and staff can recommend approval. I'll take any questions you may have.

2259

2260 Mr. Vanarsdall - Are there any questions of Mr. Whitney by Commission members?

2261

2262 Mr. Taylor - I have one, if I might. This parcel adjoins, I believe, the Robins Estate,  
2263 is that right?

2264

2265 Mr. Whitney - Yes, it does.

2266

2267 Mr. Taylor - On your plan, as I look at it, the southern boundary of the property is a  
2268 straight line and then there is a triangular section that goes back there and there's effectively a  
2269 wedge in there. My question is in between the two properties and the estate line, will there be  
2270 any protective plantings or will there be a fence across there? It appears to me that estate  
2271 should be probably bounded and shielded to keep it in its historic setting, which Mrs. Wade  
2272 reminded me was a (unintelligible) attraction in that part of the Three Chopt District.

2273

2274 Mr. Whitney - This plan doesn't reflect providing for that, but the applicant can  
2275 possibly speak on that issue.

2276

2277 Mr. Archer - (Unintelligible)

2278

2279 Mr. Taylor - So, my question, really, sir, is what treatment would you offer along  
2280 there to keep the estate private?

2281

2282 Mr. Mawby - Well, actually we hadn't considered that. I suppose that plantings would  
2283 be acceptable. The property of the estate itself is zoned Office at the moment. And the  
2284 property in front of the estate is zoned agricultural. We don't know at this point what there

2285 plans are for the property. At such time, as any kind of use was proposed for the estate  
2286 property itself, if it was going to be other than leaving it in its state if they were going to use it  
2287 for a convention center or something of that sort, I would imagine at that point that  
2288 landscaping would then be required, buffering would definitely be required between the  
2289 subdivision and a business or commercial type of use. And it is the same owner at the  
2290 moment. I understand your concern about shielding the estate from the subdivision, I guess is  
2291 what you are looking at.

2292

2293 Mr. Taylor - Some are retaining the integrity or identity of the Robin's Estate.

2294

2295 Mr. Mawby - Of course, Mr. Bain is the representative and he's not able to be here  
2296 today because of an accident.

2297

2298 Mr. Taylor - We probably can't solve that here but I would appreciate it if you would  
2299 give some thought to that.

2300

2301 Mr. Mawby - Oh, yes, we certainly will.

2302

2303 Mr. Taylor - Mr. Chairman, I'm now ready to make a motion.

2304

2305 Mr. Vanarsdall - Are there any other questions? All right, Mr. Taylor.

2306

2307 Mr. Taylor - I would make a motion, Mr. Chairman, that Carrington North  
2308 subdivision as recommended by the staff for conditional approval subject by the annotations on  
2309 the plans, the standard conditions for subdivision served by public utilities, and additional  
2310 conditions Nos. 12 through 16 be approved.

2311

2312 Ms. Dwyer - Second.

2313

2314 Mr. Vanarsdall - The motion was made by Mr. Taylor and seconded by Ms. Dwyer. All  
2315 in favor say aye...all opposed.

2316

2317 The Planning Commission granted conditional approval to Carrington North (January 2000  
2318 Plan) subject to the standard conditions for subdivisions served by public utilities, the  
2319 annotations on the plan and the following additional conditions:

2320

2321 12. Each lot shall contain at least 13,500 square feet in the R-2A district, exclusive of  
2322 floodplain areas.

2323 13. The limits and elevation of the 100-year frequency flood shall be conspicuously noted on  
2324 the plat and construction plans and labeled "Limits of 100-Year Floodplain." Dedicate  
2325 floodplain as a "Variable Width Drainage & Utility Easement."

2326 14. The detailed plant list and specifications for the landscaping to be provided within the 25-  
2327 foot-wide planting strip easement along I-295 and within the 15-foot-wide planting strip  
2328 easement along Staples Mill Road (U.S. Route 33) shall be submitted to the Planning  
2329 Office for review and approval prior to recordation of the plat.

2330 15. Any necessary off-site drainage easements must be obtained prior to final approval of the  
2331 construction plans by the Department of Public Works.

2332 16. Prior to final approval, a draft of the covenants and deed restrictions for the maintenance  
2333 of the common area by a homeowners association shall be submitted to the Planning Office  
2334 for review. Such covenants and restrictions shall be in form and substance satisfactory to  
2335 the County Attorney and shall be recorded prior to recordation of the subdivision plat.

2336

2337 **PLAN OF DEVELOPMENT**

2338

2339 2340 2341 2342 2343 2344 2345 2346 2347 2348 2349 2350 2351 2352 2353 2354 2355 2356 2357 2358	POD-6-00 7-Eleven @ Innsbrook - Cox Road and Innslake Dr. (Formerly Great To Go Store #1) (POD-55-96 Revised)	<b>Grattan Associates, P.C. for 7-Eleven, Inc.:</b> Request for approval of a revised plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a one-story, 3,248 square foot convenience store with fuel pumps. The 1.62 acre site is located at the southeast corner of Cox Road and Innslake Drive on parcel 48-5-A-2B. The zoning is B-2C, Business District (Conditional). County water and sewer. <b>(Three Chopt)</b>
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2339

2340 Mr. Vanarsdall - Is there anyone in the audience in opposition to POD-6-00, 7-Eleven @  
2341 Innsbrook (Formerly Great To Go Store #1)? No opposition. Mr. Wilhite.

2342

2343 Mr. Wilhite - This is the fourth POD submitted on the site. Originally, the property  
2344 was zoned back in 1993 and it included the hotel that's been constructed next door, the  
2345 Hampton Inn, this site where 7-Eleven is being proposed, and also the two parcels on Broad  
2346 Street as well. POD-55-96, which was Great To Go was approved on this. What they are  
2347 proposing, 7-Eleven has now brought the property. They are proposing a much smaller store.  
2348 They are reducing the size from 6,500 square feet down to 3,248 square feet. The layout of  
2349 the property is very similar, although there are not quite as many parking spaces being  
2350 proposed at this time. Staff did have concerns about the elevations that were submitted, and  
2351 we had suggested some changes to the applicant that involved matching the colors a little bit  
2352 more with the existing Hampton Inn next door and also providing some more architectural  
2353 detail on the buildings.

2354

2355 We have a revised elevation that was submitted to us yesterday. Staff has looked at this and I  
2356 think it addresses the staff's concerns. There will be a need to waive the time limits since this  
2357 was just submitted yesterday afternoon.

2358

2359 Ms. Dwyer - Do we have copies of the revised plan?

2360

2361 Mr. Wilhite - We have not gotten copies, unless the applicant has some. We do have  
2362 the engineer and the representative from the architect CMSS out of Virginia Beach as well as  
2363 the representative from 7-Eleven here to address any additional questions that you may have.

2364

2365 Ms. Dwyer - What are the columns on this revised plan?

2366

2367 Mr. Wilhite - The columns are concrete and the color would be to match the existing  
2368 accent brick on Hampton Inn and also it ties into the color used for the EIFS here for the 7-  
2369 Eleven being proposed.

2370

2371 Mr. Marlles - Mr. Wilhite, is this a similar design to the 7-Eleven at Pouncey Tract  
2372 and Broad Street? It seems to share some characteristics.

2373

2374 Mr. Wilhite - I would guess the size is relatively close. We tried, in this particular  
2375 case, to tie into the existing building next door and also to set a trend for the two parcels on  
2376 W. Broad Street. There were some proffered elevations and site plans as part of the 1993  
2377 zoning case. They have been modified over the years with every round of POD's that we have  
2378 gone through at this area. But it is very similar to what was approved back in 1993.

2379

2380 Mr. Vanarsdall - Are there any more questions of Mr. Wilhite? I guess we will need to  
2381 hear from Mr. Grattan. I have a question for you. Is it going to be called Great To Go 7-  
2382 Eleven or will it just be 7-Eleven?

2383

2384 Mr. Grattan - It will be a 7-Eleven as far as I know. I think Great to Go, on the site  
2385 plan, I called it 7-Eleven at Innsbrook, Formerly Great To Go, just to help clarify some of the  
2386 name callings. And incidentally, there are far more than four. I've used many names for this  
2387 property, which I can't express now. If there aren't any questions, I would like to bring up  
2388 one issue regarding condition No. 26. Mr. Taylor, we discussed this yesterday. That  
2389 condition as I've seen it is normally imposed on restaurants. This being 7-Eleven we at this  
2390 time don't plan to deviate from a normal 7-Eleven. We plan to cook hot dogs and maybe have  
2391 microwave food. So, I think at this time I don't really see that that condition would apply  
2392 here. I think in the future, should we expand into more cooking then there would not be a  
2393 problem in keeping it on there. But, I would like, for the record to just state that the wording  
2394 in there, I believe, that "adequate ventilating be provided" could be understood and accepted  
2395 that "no ventilating may be adequate" if we are not cooking. And I would just like to make  
2396 that point for the record.

2397

2398 Mr. Vanarsdall - Hold your point right there for a minute and let's ask Kevin. There  
2399 must be a reason No. 26 is on here. Was that left over from when they started out as a  
2400 restaurant?

2401

2402 Mr. Wilhite - It is left over. The 7-Eleven does show a food preparation area here.  
2403 The way the staff uses this, the Health Department regulations and the building code  
2404 requirements are going to have to be met. This is something outside of the purview of the  
2405 Planning Office. Staff does not see a problem with leaving No. 26 in here. It would also  
2406 address any situation if they come back and do renovations and increase the intensity of food  
2407 preparation, that they have that would still apply.

2408

2409 Mr. Taylor - Mr. Chairman, I've looked at that and I have to agree with Mr. Wilhite.  
2410 I met at the site with Mr. Grattan and it's exactly as staff indicates, adequate is a term unto  
2411 itself whatever the designers feel, the code feels, is to be adequate, that's all we would want.

2412 Certainly for the minimized use, we wouldn't expect anything more than perhaps an ordinary  
2413 kitchen fan but we will leave it to the technical designers to come up with an adequate  
2414 ventilation system. Is that acceptable?

2415

2416 Mr. Wilhite - Yes, it is, sir.

2417

2418 Ms. Dwyer - I have a question for Mr. Grattan. Are these columns are going to be a  
2419 light color concrete? Would you consider a brick instead to match the building? The reason I  
2420 suggest that is because from past experience white color, drivit or even concrete where there is  
2421 a lot of pedestrian traffic as you have with filling stations, get dirty and become unsightly  
2422 where the brick seems to minimize that unsightliness.

2423

2424 Mr. Grattan - I believe to answer that I will need to defer to the architect. There is a  
2425 lot of history in the architecture here. And what I do know is the color of those columns, the  
2426 intent there was to match the previous plan that was approved and also tying into the columns  
2427 that are on the Hampton Inn next door. But at this time I will back out and....

2428

2429 Ms. Dwyer - I guess what I'm saying is that the pedestrian traffic coming in and out  
2430 of the hotel is going to be a lot different, the level of activity for dirt and grime would be  
2431 different from the activity around gas pumps, that might be a difference, but I would like to  
2432 hear from the applicant.

2433

2434 Ms. Condrut - My name is Gabriela Condrut, and I represent CMSS Architects in  
2435 Virginia Beach. We would be able to provide brick cover to three foot above the finished  
2436 floor in the gas station. However, we wanted to match those columns with the columns  
2437 around the building. And we believe that around the building, providing the brick will not  
2438 look the same.

2439

2440 Ms. Dwyer - But you would want to do brick for the columns in the gas pumps.

2441

2442 Ms. Condrut - For three feet, yes.

2443

2444 Ms. Dwyer - Three feet?

2445

2446 Ms. Condrut - Three foot above the finished floor.

2447

2448 Mr. Taylor - In the columns from the three-foot section up, is there a material that  
2449 you might think of that would be easy to wash down but yet the same color? And it would be  
2450 in the architectural, keeping of the color pattern but allow perhaps the inevitable fingerprints to  
2451 be easily washed off. I'm thinking of something without surface texture of drivit but  
2452 something like a modern plastic thing.

2453

2454 Ms. Condrut - Well, I know that 7-Eleven does want to be able to repaint the columns  
2455 so I think just having concrete in which we provide dye, the color to match, would be easier to  
2456 maintain than anything else. I wouldn't recommend plastic covers or some other kind of

2457 material.

2458

2459 Mr. Taylor - You would not recommend it?

2460

2461 Ms. Condrut - No.

2462

2463 Ms. Dwyer - I would like to see brick all the way up. There's an Exxon that I'm  
2464 familiar with, that has brick columns in it and it does wear extremely well.

2465

2466 Mr. Taylor Let me talk to the architect too. Ms. Dwyer was thinking about the  
2467 continued continuity of brick columns all the way up and if we did that we would have to  
2468 maintain the same horizontal band in there for architectural purposes. And I would think we  
2469 would want to put in the same typical (unintelligible). Actually, yesterday I met with the  
2470 architect and Mr. Theobald on the site and I was very pleased with the matching architecture  
2471 of the 7-Eleven as you've designed it here and the surrounding buildings. So, I want to  
2472 compliment you on that. I think it's a big improvement. But, you must remember, in looking  
2473 ahead, my predecessor, Mary Wade, would like to have trees so we've got to make sure we've  
2474 got to have plenty of trees in honor of Mary Wade. Will you promise me that?

2475

2476 Ms. Condrut - Yes.

2477

2478 Mr. Taylor - So, I would say we will just leave it to the architect to do what they can  
2479 and work in keeping with the same horizontal band that they've tried to achieve here. And I  
2480 think, Kevin are you happy with that?

2481

2482 Ms. Condrut - I'm a bit confused.

2483

2484 Ms. Dwyer - Yes, let's specify what we've... if we can reach an agreement I think that  
2485 preferable.

2486

2487 Mr. Grattan - The history of this architecture exceeds everyone in this room. There  
2488 are zoning cases we need to tie to proffer conditions and any deviation of that would have to  
2489 come back to this Commission. We also need to get approval from Innsbrook Corp.,  
2490 Innsbrook Owners Association, we have to get an approval from them on these elevations. So  
2491 deviating from pretty much what's here, is a little more than just annotating a plan and putting  
2492 a condition on this. If we go back to Innsbrook and Innsbrook says they want to change  
2493 something, they want to take the dimples off, we would probably have to come back here  
2494 again. That deviation of proffer requires that any deviation come back to the Commission.  
2495 So, this plan we have here is approved, the idea of tying the columns in along the building, as  
2496 I understand it, and Gabriel step in if I'm exceeding my engineering expertise. But the  
2497 concrete columns on the building were to provide a vertical break in the expanse of brick and  
2498 the intent was to carry that through to the canopy to take that theme all the way out and  
2499 include the whole building. The color is from Hampton Inn. There is a whole lot of process  
2500 and evolution to this thing. The columns, as we see, the concrete column with the coloring as  
2501 is, I believe are identical with what's approved on the previous POD.

2502 We talked about in the field having these concrete columns dyed. So we didn't have the issue  
2503 of having to go back and repaint and repaint and repaint. It may be in five years if there is  
2504 nothing but grease on there, we would indeed have to repaint them. But the intent was, with  
2505 the dye, if you get a chip it won't show years down the road. I think the paint itself may be a  
2506 good solution. You know, a standard painting practice and with 7-Eleven putting this much  
2507 money and effort into the architecture of the building, they are going to have an incentive to  
2508 keep it cleaned and keep it maintained. I think that's a standard gas stations are setting  
2509 through out.

2510

2511 Ms. Dwyer - Would it violate the proffers to have brick three feet up as suggested?

2512

2513 Mr. Grattan - No, it won't. I believe the Hampton Inn has the columns that come out  
2514 of their entrance area has brick half way up the column. I don't know what the height is.

2515

2516 Ms. Dwyer - So, that might be the best solution.

2517

2518 Mr. Grattan - It may be. And I think that's going to keep the road debris off of it.

2519

2520 Mr. Taylor - Ms. Dwyer, would you agree with architects and

2521

2522 Ms. Dwyer - I think it would be better just to decide....

2523

2524 Mr. Grattan - We are willing to accept, just in the pump area, three-foot high brick  
2525 and then the rest be the dyed concrete column.

2526

2527 Mr. Taylor - All right. So, let it be done. I want to compliment you and the whole  
2528 staff on good work.

2529

2530 Mr. Grattan - We want to thank staff, especially Kevin, I remember calling him twice  
2531 at home last week when we were snowed out trying to get this issue resolved and everyone  
2532 was very amenable to all the offers set forth.

2533

2534 Mr. Taylor - Thank you, very much. Mr. Chairman, I move as follows this being  
2535 POD-6-00, 7-Eleven at Innsbrook - Cox Road and Innslake Drive, be approved as  
2536 recommended by the staff and the standard conditions for developments of this type, Nos. 9  
2537 and 11 amended and additional conditions Nos. 23 through 30.

2538

2539 Ms. Dwyer - Will the brick be annotated on the plan, Mr. Wilhite?

2540

2541 Mr. Wilhite - We can annotate on the plan three feet from the base around all of them.

2542

2543 Mr. Grattan - No. Just under the canopy, around the fueling pumps.

2544

2545 Mr. Wilhite - Is that the Commission's wishes?

2546

2547 Mr. Taylor - Yes.  
2548  
2549 Mr. Vanarsdall - Mr. Taylor, you can pick up with annotations on the plan.  
2550  
2551 Mr. Taylor - Okay. With annotations on the plan as discussed with the architect.  
2552  
2553 Mr. Wilhite - We will need a motion to waive the time limit to accept the revised plan.  
2554  
2555 Mr. Taylor - And to waive the time limit to accept the approved plan.  
2556  
2557 Mr. Vanarsdall - We need to do this separately, don't we?  
2558  
2559 Mr. Marlles- Yes.  
2560  
2561 Mr. Archer - Second.  
2562  
2563 Mr. Vanarsdall - The motion was made by Mr. Taylor and seconded by Mr. Archer. All  
2564 in favor say aye...all opposed say nay. The motion carries. Now we will have the same kind  
2565 of motion to waive the time limit, Mr. Taylor.  
2566  
2567 Mr. Taylor - I make a motion that we waive the time limit on POD-6-00, 7-Eleven @  
2568 Innsbrook.  
2569  
2570 Mr. Archer- Second.  
2571  
2572 Mr. Vanarsdall - The motion was made by Mr. Taylor and seconded by Mr. Archer to  
2573 waive the time limit. All in favor say aye...all opposed say nay. The motion carries.  
2574  
2575 The Planning Commission approved to waive the time limit for the revised plan for POD-6-00,  
2576 7-Eleven @ Innsbrook - Cox Road and Innslake Drive (Formerly Great to Go Store #1) (POD-  
2577 55-96 Revised). The Planning Commission also approved this plan of development subject to  
2578 the standard conditions attached to these minutes, the annotations on the plans and the  
2579 following additional conditions:  
2580  
2581 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for  
2582 review and Planning Commission approval prior to the issuance of any occupancy  
2583 permits.  
2584 11. **AMENDED** - Prior to the installation of the site lighting equipment, a plan including  
2585 depictions of light spread and intensity diagrams and fixture mounting height details  
2586 shall be submitted for Planning Office review and Planning Commission approval.  
2587 23. The easements for drainage and utilities as shown on approved plans shall be granted to  
2588 the County in a form acceptable to the County Attorney prior to any occupancy permits  
2589 being issued. The easement plats and any other required information shall be submitted  
2590 to the County Real Property Agent at least sixty (60) days prior to requesting  
2591 occupancy permits.

- 2592 24. The developer shall provide fire hydrants as required by the Department of Public  
 2593 Utilities in its approval of the utility plans and contracts.
- 2594 25. A five-foot sidewalk shall be provided along the east side of Cox Road and the south  
 2595 side of Innslake Drive.
- 2596 26. The developer shall install an adequate restaurant ventilating and exhaust system to  
 2597 minimize smoke, odors, and grease vapors. The plans and specifications shall be  
 2598 included with the building permit application for review and approval. If, in the  
 2599 opinion of the County, the type system provided is not effective, the Commission  
 2600 retains the rights to review and direct the type of system to be used.
- 2601 27. Any necessary off-site drainage easements must be obtained in a form acceptable to the  
 2602 County Attorney prior to final approval of the construction plans by the Department of  
 2603 Public Works.
- 2604 28. Deviations from County standards for pavement, curb or curb and gutter design shall  
 2605 be approved by the County Engineer prior to final approval of the construction plans by  
 2606 the Department of Public Works.
- 2607 29. Insurance Services Office (ISO) calculations must be included with the utilities plans  
 2608 and contracts and must be approved by the Department of Public Utilities prior to the  
 2609 issuance of a building permit.
- 2610 30. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the  
 2611 Planning Office and approved prior to issuance of a certificate of occupancy for this  
 2612 development.

2613  
 2614 **PLAN OF DEVELOPMENT**

2615

POD-7-00  
 Shady Grove YMCA -  
 Phase II (POD-43-96 Rev.)

**Youngblood, Tyler & Associates, P.C. for YMCA of Greater Richmond, Inc.:** Request for approval of a plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a one-story, 47,556 square foot addition and a one-story 2,760 square foot pool house and pump to an existing site. The 22.644 acre site is located on the southeast corner of intersection of Nuckols Road and Twin Hickory Road, 11255 Nuckols Road on part of parcel 18-A-39. The zoning is A-1, Agricultural District. County water and sewer. **(Three Chopt)**

2616

2617 Mr. Vanarsdall - Is there anyone in the audience in opposition to POD-7-00, Shady Grove  
 2618 YMCA - Phase II? No opposition. Mr. Whitney.

2619

2620 Mr. Whitney - Staff would like to comment on this plan regarding two issues that they  
 2621 brought up. Historically, there's been a question on being enough parking at the YMCA. A  
 2622 letter was received from the YMCA today from Mr. Luckenbaugh stating that historically with  
 2623 this site in being built out, that they will come up with 7.3 spaces per thousand square feet and  
 2624 I believe that's a mid ground that was proposed at six and staff was recommending 10. I  
 2625 believe that's an adequate number that we can approve. In addition, the letter also states that  
 2626 there is an existing bond for landscaping on the property from the previous POD. Mr.

2627 Luckenbaugh has indicated that he will complete the installation of that landscaping by April  
2628 15, 2000. Mr. Webb Tyler, who is representing the YMCA for this project, has asked that  
2629 condition No. 27 be amended. He would like to delete the shed from being temporary. They  
2630 would like to keep that on the site permanently for maintenance operations. So, No. 27 would  
2631 read " The temporary modular unit and related improvements shall be removed from the site  
2632 on or before January 26, 2002." With that, staff can recommend approval, and I will take any  
2633 questions you may have.

2634

2635 Mr. Vanarsdall - Are there any questions by Commission members?

2636

2637 Ms. Dwyer- Mr. Whitney, I thought you said they wanted the shed to be  
2638 permanently.

2639

2640 Mr. Whitney - Yes, I did.

2641

2642 Ms. Dwyer - But this says that it will be removed....

2643

2644 Mr. Whitney - The wording "and shed" would be deleted from condition No. 27,  
2645 therefore releasing it from temporary removing.

2646

2647 Mr. Vanarsdall - Mr. Taylor, do you have any questions?

2648

2649 Mr. Taylor - No, Mr. Chairman, I do not.

2650

2651 Mr. Vanarsdall - Would you like to hear from Mr. Tyler?

2652

2653 Mr. Taylor - I would enjoy hearing from Mr. Tyler.

2654

2655 Mr. Tyler - I do need to clarify the parking requirement that Mr. Whitney was  
2656 discussing. The County ordinance does not specify a parking requirement for a YMCA. It's  
2657 an unique animal. We have provided him with a letter and has taken the position in Phase 1  
2658 and here again in Phase 2 that the parking requirements should be 6.0 spaces per thousand  
2659 square feet. By means of comparison, the staff has said that they think that is a little low and  
2660 has even thrown out numbers as high as 10 spaces per thousand square feet. The Shady Grove  
2661 YMCA is actually providing 7.3 spaces per thousand feet. But by means of comparison, the  
2662 Tuckahoe YMCA has only 4.5 spaces per thousand square feet. So, we have, and continued  
2663 our position that an adequate amount of parking for a YMCA, based upon historical evidence,  
2664 both comparing by existing operations at Shady Grove as well as at Tuckahoe, six spaces per  
2665 thousand square feet is adequate.

2666

2667 The reason I want to clarify that we are providing 7.2 spaces is to induce your favorable  
2668 approval, not that we are conceding that 7.2 as our requirement. I'm a very young man, at  
2669 least I like to think of myself as a young man, and ultimately this YMCA will be built out,  
2670 since it's one of the fastest growing in the state of Virginia. And I fully intend to be before  
2671 you in the next 10 to 15 years, building the last phase of this development and I don't want to

2672 misrepresent that we intend to provide 7.3 spaces per unit or per thousand square feet. Our  
2673 master plan calls for us to provide six spaces per thousand square feet at ultimate build out.  
2674 And, although, we are, in fact, providing additional parking, I would just like for the record,  
2675 make sure that everybody understands, we believe that 6.0 spaces per thousand square feet is a  
2676 reasonable number of spaces and operates quite well. Obviously, your condition with the POD  
2677 says that affective use of parking, if in the opinion of the Commission is not available, that  
2678 you can require us to come back and everybody knows that.

2679

2680 Ms. O'Bannon - If I could make a comment here. I know the Tuckahoe YMCA did very  
2681 extensive studies. At times people would come in the morning and at noon classes and they  
2682 schedule their classes around the parking. But they also ended up having remote parking with  
2683 vans carrying employees over to the site and they had to come to us with some problems that  
2684 they've had with parking. First, I want to say I do appreciate you having more per square foot  
2685 than they do because I think that would be very important. Mr. Whitney, do you have or have  
2686 examined the studies from the Tuckahoe YMCA's extensive study on parking? I know this  
2687 was something we have discussed.

2688

2689 Mr. Tyler - I might add that Mr. Luckenbaugh used to be with the Tuckahoe YMCA  
2690 and was familiar with that and that's why that was referenced in the letter. In fact, he used to  
2691 be with the YMCA for the past seven years and then he moved over to the Shady Grove  
2692 YMCA. So, he is familiar with that and we have even spoken to the satellite parking at the  
2693 Tuckahoe YMCA issue in the letter that we just handed Mr. Whitney this morning. That was  
2694 written by Mr. Luckenbaugh who is, again, the executive director of the Shady Grove YMCA.  
2695 So, his experience is not just with Shady Grove but also with the Tuckahoe YMCA. And,  
2696 again, it's very difficult to plug a number as to the required parking. However, but through  
2697 good management, and they've learned some additional things. For example, to space out  
2698 some of their special events, not to have them overlapping but rather creating 15 to 30 minute  
2699 gaps in special events that create these parking surges for them. So, it's not just good planning  
2700 but it's also, in this case, through the unique multi events that occurs at the YMCA, it's also  
2701 good management by the executive director and his staff in the time scheduling of these special  
2702 events that brings the parking ratios down to a more reasonable level. Obviously, shopping  
2703 centers are about five spaces per thousand. We are talking about something that generates, has  
2704 a parking demand that's even greater than shopping centers.

2705

2706 Ms. Dwyer Mr. Tyler, do I understand correctly that at full build out, according to  
2707 this master plan, that you have six spaces.

2708

2709 Mr. Tyler - That's correct, ma'am.

2710

2711 Ms. Dwyer - Do I recall some earlier POD or zoning which there was allowance for  
2712 parking across the street.

2713

2714 Mr. Tyler - You may have been thinking... There was some discussion about Twin  
2715 Hickory Road because it was a cul-de-sac road at the time of Phase I that they would be  
2716 allowed to have parking abutting the street. But, now that it is ultimately going to be

2717 connected through and it will become a thru street, then that parking is, of course, going away  
2718 very quickly here this summer when Twin Hickory Road make its connection back to Shady  
2719 Grove. But, even if we had a problem, we do have provisions for what we call overflow  
2720 parking, which is not designated parking spaces, but specifically cleared the areas that have  
2721 been graded and compacted and that we can in fact put overflow vehicles. We would of  
2722 course not park on Twin Hickory Road when it makes it connection because it will be a thru  
2723 road and it will be carrying rather large volumes of traffic here. We know, and we are  
2724 confronting that issue.

2725

2726 Ms. Dwyer - Would your overflow parking be on the playing fields?

2727

2728 Mr. Tyler - No, ma'am. It would be in our future expansion of the building area  
2729 and effectively behind the building between, as you are standing on Twin Hickory Road, it  
2730 would be behind the building. There is area that's clear that is available for overflow parking,  
2731 although we don't intend to use that. But, we believe we need to build a strong history with  
2732 you so that when we do come in here for the last section we can say, this is what history has  
2733 (unintelligible) over many, many, many, years.

2734

2735 Ms. Dwyer - Is the CMU painted or is it color throughout?

2736

2737 Mr. Tyler - To the best of my knowledge, it is non-painted, it's pigment in the actual  
2738 block.

2739

2740 Mr. Taylor - Thank you, Mr. Tyler. In substantiation of what Mr. Tyler said, Mrs.  
2741 O'Bannon, Mrs. Dwyer, I exercise fairly regularly at the Tuckahoe YMCA and I'm delighted  
2742 to say rarely is there a big parking problem. One has to be a little patient and a little tolerant  
2743 and a little inventive in running to a spot to put a car. But, if you are all of the above, you can  
2744 usually find a spot.

2745

2746 Mrs. O'Bannon - I mentioned that because they did an extensive study on what they  
2747 considered the parking needs. They also have spent a lot of time because it is landlocked in  
2748 trying to develop signage because they did produce parking or put parking around back and  
2749 they found people weren't using it. They want to expand the YMCA and that's what I think  
2750 we were getting in here. And it got to be, parking was a possible problem in the future and  
2751 that's why I'm just glad that he addressed it and then of course he knows the studies that they  
2752 did. The studies I think were significant in that they took place over more than a month, I  
2753 think it was more than two months, or it was several weeks. Where they actually had someone  
2754 go out into the parking lot at different hours or every 15 minutes or something and count the  
2755 cars and so on and so forth. It's a very extensive study, but what it does show is exactly what  
2756 has been pointed out here. If you schedule the events, the way you schedule the events and so  
2757 on and so forth. However, when you get a facility like this, there had not been studies done  
2758 before as compared to.... also we have problems with churches. I'm just telling the Planning  
2759 Commission about studies that have been done and working on hopefully on church parking,  
2760 we have gone over this, and parking for other types of facilities. There had been no study  
2761 done of a facility such as a YMCA where people are coming in and out for exercising and

2762 aren't there all day like an office.

2763

2764 Mr. Tyler - I would also like to point out one other thing. Unlike Tuckahoe which  
2765 only has 17 acres and is landlocked, Shady Grove YMCA has 23 acres or six additional acres  
2766 and is not landlocked, at least at this point in time. So, unlike the Tuckahoe YMCA where it  
2767 has been unable to buy the adjacent properties from the Gummenlck family, this YMCA, we  
2768 have tried to do a much better job as far as allowing for its future expansion.

2769

2770 Ms. Dwyer - What provisions has been made for pedestrian access to the YMCA from  
2771 some of the subdivisions around?

2772

2773 Mr. Tyler - There is an existing pedestrian access underneath Twin Hickory Road.  
2774 The YMCA participated in the expense of that. It is a lighted underpath as well as a sidewalk  
2775 along Twin Hickory Road, on the residential side of Twin Hickory Road, so that the residents  
2776 can ride their bicycles or walk along the sidewalk abutting Twin Hickory Road, reach the  
2777 underpath and then go via underpath, via sidewalk directly to the front door of the Shady  
2778 Grove YMCA. In the hope and the great expectation that the County of Henrico and their  
2779 infinite wisdom will, through their own expense, build a sidewalk on Twin Hickory Road  
2780 abutting the future library and high school that will allow pedestrian access for the residents of  
2781 Twin Hickory to gain. And although it's been discussed that the County seeks a sidewalk  
2782 abutting Twin Hickory Road, on the YMCA side, we have agreed that we would continue that  
2783 discussion. But it would not be a requirement at this time due to the fact that it is just a huge  
2784 expense and that people do have the ability and there still would be a gap where the R-3C is  
2785 that's not presently designed or under construction. So, what we have is a good sidewalk  
2786 network but it does not give an on street, at grade crossing. It requires a at grade crossing at  
2787 Twin Hickory Lake Drive and Twin Hickory Road for the residents of Twin Hickory at  
2788 present, but in the future we will ultimately have that. We do have a sidewalk abutting  
2789 Nuckols Road, I might add.

2790

2791 Ms. Dwyer - So the sidewalk will run the entire length of Twin Hickory from Nuckols  
2792 all the way, how in the back?

2793

2794 Mr. Tyler - The sidewalk will run, it presently runs from Twin Hickory along the  
2795 Scots Glen and Avery Green side and abutting the shopping center side, all the way back to the  
2796 County owned property. And what the Board of Supervisors approved on the POD for the  
2797 County owned property, I would defer to Mrs. O'Bannon if she knows for sure whether or not  
2798 the sidewalk is there.

2799

2800 Mrs. O'Bannon - It is.

2801

2802 Mr. Tyler - Thank you.

2803

2804 Mr. Taylor - Thank you, Mr. Tyler, for your strong support of the Henrico YMCA  
2805 system.

2806

2807 Mr. Tyler - Thank you.

2808

2809 Mr. Taylor - With that, Mr. Chairman, I would make a motion that POD-7-00, Shady  
2810 Grove YMCA Phase II (POD-43-96 Revised) be approved subject to the annotations on the  
2811 plans, the standard conditions for developments of this type and the additional conditions Nos.  
2812 23 through 30.

2813

2814 Ms. Dwyer - Second.

2815

2816 Mr. Vanarsdall - The motion was made by Mr. Taylor and seconded by Ms. Dwyer. All  
2817 in favor say aye...all opposed say nay. The motion carries.

2818

2819 The Planning Commission approved POD-7-00, Shady Grove YMCA - Phase II (POD-43-96  
2820 Revised), subject to the standard conditions attached to these minutes, the annotations on the  
2821 plans and the following additional conditions:

2822

2823 23. The easements for drainage and utilities as shown on approved plans shall be granted to  
2824 the County in a form acceptable to the County Attorney prior to any occupancy permits  
2825 being issued. The easement plats and any other required information shall be submitted  
2826 to the County Real Property Agent at least sixty (60) days prior to requesting  
2827 occupancy permits.

2828 24. The developer shall provide fire hydrants as required by the Department of Public  
2829 Utilities in its approval of the utility plans and contracts.

2830 25. Any necessary off-site drainage easements must be obtained in a form acceptable to the  
2831 County Attorney prior to final approval of the construction plans by the Department of  
2832 Public Works.

2833 26. Deviations from County standards for pavement, curb or curb and gutter design shall  
2834 be approved by the County Engineer prior to final approval of the construction plans by  
2835 the Department of Public Works.

2836 27. The temporary modular unit and related improvements shall be removed from the site  
2837 on or before **January 26, 2002**.

2838 28. Insurance Services Office (ISO) calculations must be included with the utilities plans  
2839 and contracts and must be approved by the Department of Public Utilities prior to the  
2840 issuance of a building permit.

2841 29. Approval of the construction plans by the Department of Public Works does not  
2842 establish the curb and gutter elevations along the Henrico County maintained right-of-  
2843 way. The elevations will be set by Henrico County.

2844 30. The conceptual master plan, as submitted with this application, is for planning and  
2845 information purposes only. All subsequent detailed plans of development and  
2846 construction plans needed to implement this conceptual plan may be administratively  
2847 reviewed and approved and shall be subject to all regulations in effect at the time such  
2848 subsequent plans are submitted for review/approval.

2849

2850 **PLAN OF DEVELOPMENT & TRANSITIONAL BUFFER DEVIATION**

2851

POD-8-00  
West Broad Mitsubishi &  
Hyundai  
(POD-72-97 Revised)

**E. D. Lewis & Associates for J & L Associates:** Request for approval of a revised plan of development and transitional buffer deviation as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code to construct a one-story, 1,310 square foot showroom and office addition to an existing site. The 2.606 acre site is located on the north side Broad Street (U.S. Route 250) at the intersection of Emerywood Parkway on parcel 81-1-D-17. The zoning is B-3, Business District and B-3C, Business District (Conditional). County water and sewer. **(Brookland)**

2852

2853 Mr. Vanarsdall - Is there anyone in the audience in opposition to POD-8-00, West Broad  
2854 Mitsubishi & Hyundai? No opposition. Mr. Whitney.

2855

2856 Mr. Whitney - As it's been the history on this site, a transitional buffer deviation is  
2857 required next to the property owned by Roscoe Dickerson. This would be behind the  
2858 Mitsubishi addition and it's been indicated that a six-foot fence will be installed as done in the  
2859 past around his property to protect him from this development. The applicant has also given us  
2860 a letter indicating that he will construct this building of brick and that is a part of the record in  
2861 the file. With that, staff can recommend approval of this plan of development, and I will take  
2862 any questions you may have.

2863

2864 Mr. Vanarsdall - Are there any questions of Mr. Whitney by Commission members? All  
2865 right. Thank you. I'll start first with the transitional buffer deviation. I move that the  
2866 transitional buffer deviation be approved as recommended by staff for POD-8-00, West Broad  
2867 Mitsubishi & Hyundai.

2868

2869 Mr. Taylor - Second, Mr. Chairman.

2870

2871 Mr. Vanarsdall - The motion was made by Mr. Vanarsdall and seconded by Mr. Taylor to  
2872 approve the transitional buffer deviation. All in favor say aye...all opposed say nay. The  
2873 motion carries.

2874

2875 The Planning Commission approved the transitional buffer deviation for POD-8-00, West  
2876 Broad Mitsubishi & Hyundai (POD-72-97 Revised).

2877

2878 Mr. Vanarsdall - Now for the POD. I recommend POD-8-00, West Broad Mitsubishi &  
2879 Hyundai be approved with the standard conditions for developments of this type, the  
2880 annotations on the plans and additional conditions Nos. 23 through 28.

2881

2882 Mr. Taylor - Second.

2883

2884 Mr. Vanarsdall - The motion was made by Mr. Vanarsdall and seconded by Mr. Taylor to

2885 approve the transitional buffer deviation. All in favor say aye...all opposed say nay. The  
2886 motion carries.

2887

2888 The Planning Commission approved POD-8-00, West Broad Mitsubishi & Hyundai (POD-72-  
2889 97 Revised) subject to the standard conditions attached to these minutes for developments of  
2890 this type, the annotations on the plan, and the following additional conditions:

2891

2892 23. The easements for drainage and utilities as shown on approved plans shall be granted to  
2893 the County in a form acceptable to the County Attorney prior to any occupancy permits  
2894 being issued. The easement plats and any other required information shall be submitted  
2895 to the County Real Property Agent at least sixty (60) days prior to requesting occupancy  
2896 permits.

2897 24. The developer shall provide fire hydrants as required by the Department of Public  
2898 Utilities in its approval of the utility plans and contracts.

2899 25. All repair work shall be conducted entirely within the enclosed building.

2900 26. Deviations from County standards for pavement, curb or curb and gutter design shall be  
2901 approved by the County Engineer prior to final approval of the construction plans by the  
2902 Department of Public Works.

2903 27. Storm water retention, based on the 50-10 concept, shall be incorporated into the  
2904 drainage plans.

2905 28. Insurance Services Office (ISO) calculations must be included with the utilities plans and  
2906 contracts and must be approved by the Department of Public Utilities prior to the  
2907 issuance of a building permit.

2908

2909 Mr. Vanarsdall - We will now take the minutes starting with October 27, 1999 and we will  
2910 go to November 17 and then go to December 15.

2911

2912 Ms. Dwyer - I move the Commission approved the October 27, 1999 minutes as  
2913 amended.

2914

2915 Mr. Vanarsdall - I'll second it. The motion was made by Ms. Dwyer and seconded by Mr.  
2916 Vanarsdall to approve the October 27, 1999 minutes. All in favor say aye...all opposed say  
2917 nay. The motion carries.

2918

2919 The Planning Commission approved the October 27, 1999 minutes as amended.

2920

2921 Ms. Dwyer - I move the Commission approved the November 17, 1999 minutes as  
2922 amended.

2923

2924 Mr. Taylor - Second.

2925

2926 Mr. Vanarsdall - The motion was made by Ms. Dwyer and seconded by Mr. Taylor to  
2927 approve the November 17, 1999 minutes. All in favor say aye...all opposed say nay. The  
2928 motion carries.

2929

2930 The Planning Commission approved the November 17, 1999 minutes as amended.

2931

2932 Ms. Dwyer - I move the Commission approved the December 15, 1999 minutes as  
2933 amended.

2934

2935 Mr. Archer - Second.

2936 Mr. Vanarsdall - The motion was made by Ms. Dwyer and seconded by Mr. Archer to  
2937 approve the December 15, 1999 minutes. All in favor say aye...all opposed say nay. The  
2938 motion carries.

2939

2940 The Planning Commission approved the December 15, 1999 minutes as amended. I believe our  
2941 Secretary has a few things he would like to discuss. Mr. Marlles.

2942

2943 Mr. Marlles - Mr. Chairman, Mr. Silber has passed out a list of the new rezoning cases  
2944 that staff received by our last application deadline. We do have 10 new cases. The  
2945 Commission does need to consider whether we want to amend our rules to hear all 10 cases or  
2946 follow our existing policy, which limits the number of new cases to 9.

2947

2948 Mr. Vanarsdall - Well I guess before we take it as a body, we should talk about it  
2949 individually, and I'll go first. I think we should not amend it and leave it at 9.

2950

2951 Ms. Dwyer - I agree.

2952

2953 Mr. Archer - I agree with my colleagues.

2954

2955 Mr. Taylor - I'll stick with the majority.

2956

2957 Mr. Vanarsdall - All right. We need a motion and a second.

2958

2959 Ms. Dwyer - I don't think we need a motion on this.

2960

2961 Mr. Marlles - I don't believe so, Mr. Chairman.

2962

2963 Mr. Vanarsdall - Oh, no, we don't. We just need to discuss it. I'm sorry. Okay. If there  
2964 is no further business.

2965

2966 Mr. Taylor - Mr. Chairman, there's one more. I would like to publicly thank the staff  
2967 for taking care of the rookie Commissioner of this meeting. Thank you very much.

2968

2969 Mr. Vanarsdall - Oh. I do have something to offer in the way of the telephone. Mr. Bob  
2970 Harris, all of us got a letter from Mr. Bob Harris about the phones. And I called him this  
2971 morning and asked him if we already had a phone in the car could we have a handheld one, and  
2972 he said yes. Thank you.

2973

2974 Ms. Dwyer - I have one other point to bring up. I happened to meet with Jeff Perry  
2975 this morning with some environmental questions, and he offered to meet with the Planning  
2976 Commission and go over what the environmental group does to give us some information about  
2977 the process they follow and what issues are in their review and what issues are not, not only for  
2978 the new planning commissioners, Debra and Al, but all of us could certainly learn a lot from  
2979 this kind of a work session, so I suggest that to the Commission as something we might want,  
2980 especially since we seem to be paying a lot of attention now to wetlands areas and what to do  
2981 with wetlands areas that that kind of work session could generate some good discussion on that.  
2982 Mrs. O'Bannon - The wetlands and common areas and homeowners association and the  
2983 lots, and I also wrote down sidewalks and so forth.

2984

2985 Mr. Vanarsdall - Thank you. Mr. Marlles, didn't you mention the other day, or maybe  
2986 that was Mr. O'Kelly, that you all were going to address some of those subjects?

2987

2988 Mr. Marlles - Just maybe to add to what Ms. Dwyer said, I was going to bring this up  
2989 earlier, but if you will recall, at our last meeting staff did brief the Commission on the draft  
2990 criteria that staff was looking at to assist in the evaluation of common open space. Perhaps we  
2991 could, at the Commission's pleasure, have a work session or set up some time when we could  
2992 hear from Mr. Perry but also receive some additional information from staff on those criteria  
2993 for common open space, since the two seem to be linked together.

2994

2995 Ms. Dwyer - I think if we get on the common areas versus putting wetlands in  
2996 subdivision lots, that that could take a work session, and I think what Mr. Perry is offering and  
2997 what I would like to see is a more basic general, how the environmental group fits into the  
2998 whole County scheme of approvals for review, so maybe we could open that up and let him do  
2999 his educational piece on that, and then maybe have a separate work session for afterwards and  
3000 get into this common area versus lots and the issue of wetland areas. But I want to make sure  
3001 that we give him the space to go over what it is that the environmental group does and how they  
3002 fit into proffers, and what information may be available to us that we don't realize we have.

3003

3004 Mr. Marlles - Mr. Chairman, maybe what staff can do is after this meeting contact Mr.  
3005 Perry, find out what type of time that their staff would have available to meet with the  
3006 Commission, and then coordinate a work session with the Commission members. I am not sure  
3007 we can set that right now is what I am saying, but we certainly will pursue that.

3008

3009 Mr. Vanarsdall - That is a good suggestion and I think anything we can learn about it will  
3010 be an improvement. It will help.

3011

3012 Mr. Marlles - Okay.

3013

3014 Mr. Vanarsdall - Thank you. All right, anybody else have anything to bring to the table?

3015

3016 Mr. Marlles - I have one quick item. I think at our previous meeting we made the  
3017 Commission aware of the American Planning Association Conference that's scheduled for New  
3018 York City in April, and a number of the members of the Commission have indicated their

3019 interest in attending. There is also a statewide conference that's sponsored by the Virginia  
3020 Chapter of the American Planning Association. That will be held in Norfolk from March 27 to  
3021 March 29. I do have copies of that program. So, maybe members of the Commission that may  
3022 not be able, or interested in going to the conference in New York, they may be interested in  
3023 going to the conference in Norfolk, Virginia. So, I do have copies of these available for any  
3024 Planning Commission member who is interested.

3025

3026 Mr. Silber - John, everyone here is planning to go to the New York conference with  
3027 the exception of Mrs. O'Bannon and Mrs. Quesinberry.

3028

3029 Mr. Marlles - Okay, Randy. Thank you.

3030

3031 Mr. Vanarsdall - There being no further business, I need a motion to adjourn.

3032

3033 Mr. Taylor - So moved.

3034

3035 Mr. Archer - Second.

3036

3037 On a motion by Mr. Taylor and seconded by Mr. Archer, the Planning Commission adjourned  
3038 its meeting at 12:45 p.m.

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Ernest B. Vanarsdall, C.P.C., Chairman

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John R. Marlles, AICP, Secretary

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