

1 Minutes of the regular monthly meeting of the Planning Commission of the County of Henrico,  
2 Virginia, held in the Board Room of the County Administration Building in the Government  
3 Center at Parham and Hungary Springs Roads, Beginning at 9:00 a.m. Wednesday, February 28,  
4 2001.

5

6 Members Present: C. W. Archer, C.P.C., Chairperson (Fairfield)  
7 Ms. Elizabeth G. Dwyer, C.P.C., Vice Chairperson (Tuckahoe)  
8 Mr. Ernest B. Vanarsdall, C.P.C. (Brookland)  
9 Mr. Allen Taylor, P. E., C.P.C. (Three Chopt)  
10 Mr. E. Ray Jernigan (Varina)  
11 Mr. David A. Kaechele, Board of Supervisors Representative  
12 (Three Chopt)

13

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

26

27 **Mr. David A. Kaechele, the Board of Supervisors Representative, abstains on all cases**  
28 **unless otherwise noted.**

29

30 Mr. Archer - Good morning, the Planning Commission will come to order. I would  
31 like to recognize any members of the press who may be present. I did see Mr. Redmon  
32 earlier, but I don't see him now. We have a full agenda today so with that, I'll turn the  
33 meeting over to our secretary, Mr. Marlles. Good morning, Mr. Marlles.

34

35 Mr. Marlles - Good morning, Mr. Chairman, members of the Commission, ladies and  
36 gentlemen. We do have a full agenda today. The first item on the agenda are the requests for  
37 deferrals and withdrawals, and that will be presented by Mr. Wilhite.

38

39 Mr. Archer - Good morning, Mr. Wilhite.

40

41 Mr. Wilhite - Good morning, Mr. Chairman, Commission members, ladies and  
42 gentlemen. At this time we have seven requests for deferrals and/or withdrawals. The first  
43 one appears on page 2 of your agenda.

44 **TRANSFER OF APPROVAL (Deferred from the January 24, 2001, Meeting)**

45

POD-86-96  
Blockbuster Square  
(POD-37-87 Revised)

**Theodore and Faye Kefalas for Marpisa LLC:** Request for approval of a transfer of approval, as required by Chapter 24, Section 24-106 of the Henrico County Code, from Brookside Property Associates L.P. to Marpisa LLC. The 1.8 acre site is located at the southwest corner of W. Broad Street (U.S. Route 250) and Tanelorn Drive on parcel 59-3-A-2A. The zoning is B-2C, Business District (Conditional). **(Three Chopt)**

46

47 Mr. Wilhite - The applicant requests deferral until March 28, 2001.

48

49 Mr. Archer - Is there anyone present who is in opposition to this deferral? Mr.  
50 Taylor.

51

52 Mr. Taylor - Mr. Chairman, I move deferral of POD-86-96, Blockbuster Square, to  
53 March 28, 2001, at the request of the applicant.

54

55 Mr. Vanarsdall - Second.

56

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

59

60 At the request of the applicant, the Planning Commission deferred the transfer of approval  
61 request for POD-86-96, Blockbuster Square (POD-37-87 Revised) until March 28, 2001.

62

63 **PLAN OF DEVELOPMENT & MASTER PLAN**

64

POD-21-01  
Mount Olive Baptist Church  
8775 Mount Olive Avenue  
off Mountain Road

**Michael E. Doczi & Associates, PLLC for Mount Olive Baptist Church:** Request for approval of a plan of development and master plan, as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a one-story, 800 seat sanctuary church expansion. The 8.1966 acre site is located at 8775 Mount Olive Avenue on parcels 52-A-74A, 72 and part of 75. The zoning is R-3, One-Family Residence District and A-1, Agricultural District. County water and sewer. **(Fairfield)**

65

66

67 Mr. Wilhite - The applicant requests deferral to March 28, 2001.

68

69 Mr. Archer - Is there anyone here in opposition to this deferral, POD-21-01, Mount  
70 Olive Baptist Church? No opposition. I move deferral of POD-21-01, Mount Olive Baptist  
71 Church, to the March 28, 2001, meeting, at the applicant's request.

72

73 Mr. Vanarsdall - Second.

74

75 Mr. Archer - The motion was made by Mr. Archer and seconded by Mr. Vanarsdall.

76 All in favor say aye...all opposed say nay. The motion carries.

77

78 At the request of the applicant, the Planning Commission deferred POD-21-01, Mount Olive  
79 Baptist Church, 8775 Mount Olive Avenue off Mountain Road, until March 28, 2001.

80

81 **PLAN OF DEVELOPMENT**

82

POD-10-01  
First Citizens Bank -  
W. Broad Street

**Kimley-Horn & Associates, Inc. for Bon Secours -  
Richmond Health System and First Citizens Bank:** Request  
for approval of a plan of development, as required by Chapter  
24, Section 24-106 of the Henrico County Code to construct a  
two-story, 18,846 square foot bank with drive thru facilities  
and offices. The 3.69 acre site is located on the south line of  
W. Broad Street (U.S. Route 250), approximately 200 feet west  
of Lauderdale Drive on part of parcel 36-A-49. The zoning is  
B-2C, Business District (Conditional) and WBSO (West Broad  
Street Overlay) District. County water and sewer. **(Three  
Chopt)**

83

84

85 Mr. Wilhite - The applicant requests deferral to March 28, 2001.

86

87 Mr. Archer - Is there anyone here in opposition to this deferral, POD-10-01, First  
88 Citizens Bank? No opposition. Mr. Taylor.

89

90 Mr. Taylor - Mr. Chairman, I move deferral of POD-10-01, First Citizen Bank - W.  
91 Broad Street, to March 28, at the applicant's request.

92

93 Mr. Vanarsdall - Second.

94

95 Mr. Archer - The motion was made by Mr. Taylor and seconded by Mr. Vanarsdall.

96 All in favor say aye...all opposed say nay. The motion carries.

97

98 At the request of the applicant, the Planning Commission deferred POD-10-01, First Citizens  
99 Bank - W. Broad Street, until March 28, 2001.

100 **SUBDIVISION**

101

Stoney Run Estates  
(February 2001 Plan)

**Engineering Design Associates and Barbara Bannister for Glenwood Investments, LLC:** The 15.03 acre site is located at 3111 Creighton Road, approximately 1,450 feet south of Featherwood Way on part of parcel 140-A-45. The zoning is R-3AC, One-Family Residence District (Conditional) and ASO, Airport Safety Overlay District. County water and sewer. **(Varina) 44 Lots**

102

103 Mr. Wilhite - The applicant requests deferral to March 28, 2001.

104

105 Mr. Archer - Is there anyone here in opposition to this deferral, Stoney Run Estates  
106 (February 2001 Plan)? No opposition. Mr. Jernigan.

107

108 Mr. Jernigan - Mr. Chairman, I make a motion that we defer Stoney Run Estates  
109 subdivision to March 28, by the applicant's request.

110

111 Mr. Vanarsdall - Second.

112

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

115

116 At the request of the applicant, the Planning Commission deferred subdivision Stoney Run  
117 Estates (February 2001 Plan), until March 28, 2001.

118

119 **SUBDIVISION**

120

Matnick Estates  
(February 2001 Plan)

**Engineering Design Associates for Nancy S. Kesler:** The 25.63 acre site is located at 8461 Willis Church Road on the northeast corner of Willis Church Road and Hare Road on parcel 253-A-21. The zoning is A-1, Agricultural District and ASO, Airport Safety Overlay District. Individual Well and septic tank/drainfield. **(Varina) 7 Lots**

121

122 Mr. Wilhite - Once again, the applicant requests deferral to March 28, 2001.

123

124 Mr. Archer - Is there anyone here in opposition to this deferral, Matnick Estates  
125 (February 2001 Plan)? No opposition. Mr. Jernigan.

126

127 Mr. Jernigan - Mr. Chairman, I would like to recommend deferral of subdivision  
128 Matnick Estates to March 28, by the applicant's request.

129

130 Mr. Vanarsdall - Second.

131

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

134

135 At the request of the applicant, the Planning Commission deferred subdivision Matnick Estates  
136 (February 2001 Plan), until March 28, 2001.

137

138 **PLAN OF DEVELOPMENT**

139

POD-6-01 Short Pump Town Center - W. Broad Street (POD-123-98 Revised)	<b>McKinney &amp; Company for Short Pump Town Center LLC:</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 two-story, 1,300,000 square foot regional shopping center. The 147.19 acre site is located on the north line of W. Broad Street (U.S. Route 250), opposite its intersection with Lauderdale Drive on parcels 36-A-26, 27, 28, 29, 30, 31, 32, 34A, 35A, 36, 37, 38 and part of parcels 36-A-13 and 15. The zoning is B-3C, Business District (Conditional) and W.B.S.O. (West Broad Street Overlay) District. County water and sewer. <b>(Three Chopt)</b>
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140

141 Mr. Wilhite - The applicant requests deferral to March 28, 2001.

142

143 Mr. Archer - Is there anyone here in opposition to this deferral, POD-6-01, Short  
144 Pump Town Center? No opposition. Mr. Taylor.

145

146 Mr. Taylor - Mr. Chairman, I move deferral of POD-6-01, Short Pump Town Center  
147 on W. Broad Street, to March 28, at the applicant's request.

148

149 Mr. Vanarsdall - Second.

150

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

153

154 At the request of the applicant, the Planning Commission deferred POD-6-01, Short Pump  
155 Town Center - W. Broad Street (POD-123-98 Revised), until March 28, 2001.

156

157 Mr. Wilhite - Mr. Chairman, the final request we have is on page 34.

158

159 **SUBDIVISION (Deferred from the January 24, 2001 Meeting)**

160

Oak Hill Manor  
(June 2000 Plan)

**Schmidt & Associates for English Street Development, L.L.C.:** The 5.021 acre site is located on Tonoka Road and Tonoka Court, approximately 200 feet west of the intersection on parcels 128-A-55 and part of 128-A-44A. The zoning is R-4, One-Family Residence District. County water and sewer.  
**(Fairfield) 19 Lots**

161

162 Mr. Wilhite - The applicant is requesting that this proposal be withdrawn.

163

164 Mr. Archer - Mr. Wilhite, are we all right with this?

165

166 Mr. Wilhite - Yes, sir. It seems that they can't proceed under the original plan  
167 approved in 1999. The issues regarding the construction and dedication of the public road  
168 through this development has been worked out. There is an issue remaining with some off site  
169 easements but that's not affected by this revised plan.

170

171 Mr. Archer - Do we need a motion on this?

172

173 Mr. Marlles - No, sir.

174

175 Mr. Archer - All right. I believe this concludes the requests for deferrals and  
176 withdrawals.

177

178 **ON PAGES 35 and 36 OF THESE MINUTES, IT WAS BROUGHT TO THE**  
179 **COMMISSION'S ATTENTION THAT WITHDRAWN CASES DO NEED TO BE**  
180 **ACTED ON AND A MOTION FOR THIS CASE WAS STATED AT THAT TIME.**

181

182 Mr. Marlles - Mr. Chairman, the next item on the agenda is our expedited agenda, and,  
183 again, this will be presented by Mr. Wilhite.

184

185 Mr. Wilhite - Thank you. We have nine items on the expedited agenda. The first one  
186 is on page one.

187

188 **TRANSFER OF APPROVAL (Deferred from the January 24, 2001, Meeting)**

189

POD-2-84  
First Union National Bank  
Building  
(Formerly Bank of Virginia)  
4025 Mechanicsville Turnpike

**LeClair Ryan, P.C. for Martha Dawson, D.D.S.:** Request for approval of a transfer of approval, as required by Chapter 24, Section 24-106 of the Henrico County Code, from Bank of Virginia to Martha Dawson, D.D.S. The 1.8 acre site is occupied by a 3,804 square foot office building, located at the southeast corner of Mechanicsville Turnpike and Neale Street on parcel 118-A-69A. The zoning is B-3, Business District.  
**(Fairfield)**

190 Mr. Archer - Is there anyone in the audience in opposition to this transfer, POD-2-84,  
191 First Union National Bank Building (Formerly Bank of Virginia)? No opposition. I move  
192 approval of the transfer of approval, POD-2-84, First Union National Bank.

193

194 Ms. Dwyer - Second.

195

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

198

199 The Planning Commission approved the transfer of approval request for POD-2-84, First  
200 Union National Bank (Formerly Bank of Virginia) 4025 Mechanicsville Turnpike, from Bank  
201 of Virginia to Martha Dawson, D.D.S.

202

### 203 **PLAN OF DEVELOPMENT**

204

POD-20-01

Haynes Motor Company -  
W. Broad Street

**Balzer & Associates, Inc. for Springfield Land Development Group:** Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a two-story, 84,714 square foot automobile sales and service building. The 9.86 acre site is located on the south line of W. Broad Street (U.S. Route 250), approximately 780 feet west of Tuckernuck Drive on parcel 59-A-5. The zoning is B-3C, Business District (Conditional). County water and sewer. **(Three Chopt)**

205

206

207 Mr. Wilhite - There is a revised recommendation on your addendum for this case. The  
208 staff does recommend approval.

209

210 Mr. Archer - Is there any opposition to....

211

212 Mr. Strauss - Excuse me, Mr. Chairman, I do have one additional bit of information  
213 that I was just made aware of this morning. The staff plan that we handed out with your  
214 addendum includes an annotation, at the bottom right, to extend and construct a sidewalk  
215 across the frontage of the adjacent site. In my conversation with the applicant this morning, he  
216 feels that that sidewalk is "offsite," therefore it should be struck from the plan. Staff would  
217 like to acquire that sidewalk, and have the developer build that sidewalk, with the future  
218 improvements adjacent to this Haynes Motor project. But we would have to deal with the  
219 adjacent owner in order to do that and not this applicant. So, we can recommend approval of  
220 the plan as handed out this morning.

221

222 Mr. Vanarsdall - The applicant agree to that?

223

224 Mr. Strauss - Yes.

225

226 Mr. Archer - Do we have any discussion on it, Mr. Taylor?  
227  
228 Mr. Taylor - I haven't had time to look at it, but I'm sure if it's acceptable to the staff,  
229 that we'll accept it.  
230  
231 Mr. Strauss - Okay.  
232  
233 Mr. Archer - All right. Thank you, Mr. Strauss. All right, Mr. Taylor, we are ready  
234 for a motion.  
235  
236 Mr. Taylor - Mr. Chairman, I'll move approval of POD-20-01, Haynes Motor  
237 Company, subject to the standard conditions for developments of this type, additional  
238 comments Nos. 23 through 37 and the annotations on the plan.  
239  
240 Mr. Vanarsdall - Second.  
241  
242 Mr. Archer - The motion was made by Mr. Taylor and seconded by Mr. Vanarsdall.  
243 All in favor say aye...all opposed say nay. The motion carries.  
244  
245 The Planning Commission approved POD-20-01, Haynes Motor Company - W. Broad Street,  
246 subject to the standard conditions attached to these minutes for developments of this type, the  
247 annotations on the plan and the following additional conditions:  
248  
249 23. The easements for drainage and utilities as shown on approved plans shall be granted to  
250 the County in a form acceptable to the County Attorney prior to any occupancy permits  
251 being issued. The easement plats and any other required information shall be submitted  
252 to the County Real Property Agent at least sixty (60) days prior to requesting  
253 occupancy permits.  
254 24. The entrances and drainage facilities on W. Broad Street (U.S. Route 250) shall be  
255 approved by the Virginia Department of Transportation and the County.  
256 25. A notice of completion form, certifying that the requirements of the Virginia  
257 Department of Transportation entrances permit have been completed, shall be submitted  
258 to the Planning Office prior to any occupancy permits being issued.  
259 26. The required building setback shall be measured from the proposed right-of-way line  
260 and the parking shall be located behind the proposed right-of-way line.  
261 27. The developer shall provide fire hydrants as required by the Department of Public  
262 Utilities and Division of Fire.  
263 28. A standard concrete sidewalk shall be provided along the south side of W. Broad Street  
264 (U.S. Route 250).  
265 29. All repair work shall be conducted entirely within the enclosed building.  
266 30. Outside storage shall not be permitted.  
267 31. The proffers approved as a part of zoning case C-32C-00 shall be incorporated in this  
268 approval.  
269 32. Any necessary off-site drainage and/or water and sewer easements must be obtained in  
270 a form acceptable to the County Attorney prior to final approval of the construction



- 271 plans.
- 272 33. The loading areas shall be subject to the requirements of Chapter 24, Section 24-97(b)
- 273 of the Henrico County Code.
- 274 34. Storm water retention, based on the 50-10 concept, shall be incorporated into the
- 275 drainage plans.
- 276 35. Insurance Services Office (ISO) calculations must be included with the plans and
- 277 approved by the Department of Public Utilities prior to the issuance of a building
- 278 permit.
- 279 36. Approval of the construction plans by the Department of Public Works does not
- 280 establish the curb and gutter elevations along the Virginia Department of Transportation
- 281 maintained right-of-way. The elevations will be set by the contractor and approved by
- 282 the Virginia Department of Transportation.
- 283 37. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the
- 284 Planning Office and approved prior to issuance of a certificate of occupancy for this
- 285 development.

286

287 **LANDSCAPE & LIGHTING PLAN**

288

LP/POD-19-99  
Stillman Place II

**James River Nurseries for The Harvard Company, Inc.:**  
Request for approval of a landscape and lighting plan as required by Chapter 24, Sections 24-106-106.2 of the Henrico County Code. The 1.42 acre site is located along the north line of Mayland Drive, approximately 260 feet west of Pemberton Road (State Route 157) on part of parcels 58-A-21C and 21. The zoning is O-2C, Office District (Conditional).  
**(Three Chopt)**

289

290

291 Mr. Archer - Is there anyone in the audience in opposition to the landscape and

292 lighting plan for LP/POD-19-99, Stillman Place II? No opposition, Mr. Taylor.

293

294 Mr. Taylor - Mr. Chairman, I move approval of landscaping plan LP/POD-19-99,

295 Stillman Place, on the expedited agenda subject to the annotations on the plans and the standard

296 conditions for landscape and lighting plans.

297

298 Mr. Vanarsdall - Second.

299

300 Mr. Archer - The motion was made by Mr. Taylor and seconded by Mr. Vanarsdall.

301 All in favor say aye...all opposed say nay. The motion carries.

302

303 The Planning Commission approved the landscape and lighting plan for LP/POD-19-99,

304 Stillman Place II, subject to the annotations on the plans and the standard conditions for

305 landscape and lighting plans attached to these minutes.

306

307

308 **PLAN OF DEVELOPMENT & ~~TRANSITIONAL BUFFER DEVIATION~~**

309

POD-17-01 **Stantec Consulting for and Wayne Mayton for E. Carlton**  
Gayton Business Center, **Wilton:** Request for approval of a plan of development, as  
Phase VIII - Gayton Centre required by Chapter 24, Section 24-106 and ~~24.106.2~~ of the  
Parkway Henrico County Code to construct a one-story, ~~5,719~~ 5,725  
square foot building. The 1.06 acre site is located at 2551  
Gayton Centre Drive, approximately 295 feet west of Gayton  
Road on parcel 65-A-12B. The zoning is B-3, Business  
District. County water and sewer. **(Tuckahoe)**

310

311 Mr. Wilhite - On page two of your addendum there is a revised caption and  
312 recommendation and there is also a revised plan that was a part of your addendum packet for  
313 this case. Staff recommends approval.

314

315 Mr. Archer - Is there anyone in the audience in opposition to POD-17-01, Gayton  
316 Business Center? No opposition, Ms. Dwyer.

317

318 Ms. Dwyer - I move for the approval of POD-17-01, Gayton Business Center, subject  
319 to the annotations on the revised plan, the standard conditions for developments of this type,  
320 additional conditions Nos. 23 thru 34, plus No. 9 amended.

321

322 Mr. Vanarsdall - Second.

323

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

326

327 The Planning Commission approved POD-17-01, Gayton Business Center, Phase VIII - Gayton  
328 Centre Parkway, subject to the standard conditions attached to these minutes, the annotations  
329 on the plan and the following additional conditions.

330

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

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

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

341 25. Outside storage shall not be permitted.

342 26. Before the final plan is approved, the developer shall submit to the Department of  
343 Public Works and the Planning Office a report prepared by a qualified professional  
344 engineer specifying the proposed treatment of mine shafts and scars.

- 345 27. The certification of building permits, occupancy permits and change of occupancy  
346 permits for individual units shall be based on the number of parking spaces required for  
347 the proposed uses and the amount of parking available according to approved plans.
- 348 28. Any necessary off-site drainage and/or water and sewer easements must be obtained in  
349 a form acceptable to the County Attorney prior to final approval of the construction  
350 plans.
- 351 29. Deviations from County standards for pavement, curb or curb and gutter design shall be  
352 approved by the County Engineer prior to final approval of the construction plans by  
353 the Department of Public Works.
- 354 30. The loading areas shall be subject to the requirements of Chapter 24, Section 24-97(b)  
355 of the Henrico County Code.
- 356 31. Insurance Services Office (ISO) calculations must be included with the plans and  
357 approved by the Department of Public Utilities prior to the issuance of a building  
358 permit.
- 359 32. Approval of the construction plans by the Department of Public Works does not  
360 establish the curb and gutter elevations along the Henrico County maintained right-of-  
361 way. The elevations will be set by Henrico County.
- 362 33. The owners shall not begin clearing of the site until the following conditions have been  
363 met:  
364
- 365 (a) The site engineer shall conspicuously illustrate on the plan of development or  
366 subdivision construction plan and the Erosion and Sediment Control Plan, the limits  
367 of the areas to be cleared and the methods of protecting the required buffer areas.  
368 The location of utility lines, drainage structures and easements shall be shown.
- 369 (b) After the Erosion and Sediment Control Plan has been approved but prior to any  
370 clearing or grading operations of the site, the owner shall have the limits of clearing  
371 delineated with approved methods such as flagging, silt fencing or temporary  
372 fencing.
- 373 (c) The site engineer shall certify in writing to the owner that the limits of clearing  
374 have been staked in accordance with the approved plans. A copy of this letter shall  
375 be sent to the Planning Office and the Department of Public Works.
- 376 (d) The owner shall be responsible for the protection of the buffer areas and for  
377 replanting and/or supplemental planting and other necessary improvements to the  
378 buffer as may be appropriate or required to correct problems. The details shall be  
379 included on the landscape plans for approval.
- 380 34. If this building is used for office/warehouse purposes, it shall be occupied by only one  
381 tenant.  
382

383 **SUBDIVISION**

384

Kings Forest  
(February 2001 Plan)

**E. D. Lewis & Associates, P.C. for Willbrook, L.L.C.:** The 10.06 acre site is located on the east line of Springfield Road, approximately 210 feet south of Wintercreek Drive on parcels 29-A-22, 24A and 25. The zoning is R-3C, One-Family Residence District (Conditional). County water and sewer.  
**(Three Chopt) 21 Lots**

385

386 Mr. Wilhite - Staff recommends approval.

387

388 Mr. Archer - Is there opposition to Kings Forest (February 2001 Plan)? No  
389 opposition. Mr. Taylor.

390

391 Mr. Taylor - Mr. Chairman, I move approval of Kings Forest subdivision subject to  
392 the annotations on the plans, the standard conditions for subdivisions served by public utilities,  
393 and added conditions Nos. 12 thru 17.

394

395 Mr. Vanarsdall - Second.

396

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

399

400 The Planning Commission granted conditional approval to subdivision Kings Forest (February  
401 2001 Plan) subject to the standard conditions attached to these minutes, the annotations on the  
402 plans and the following additional conditions.

403

404 12. Before the final plat is recorded, the developer shall submit to the Planning Office a  
405 detailed report prepared by a qualified professional engineer specifying the proposed  
406 treatment of mine shafts and scars. This report shall be reviewed by the Design Division  
407 of Public Works, and shall be made a part of the construction plans approved for the  
408 subdivision.

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

411 14. The detailed plant list and specifications for the landscaping to be provided within the 25-  
412 foot-wide planting strip easement along Springfield Road shall be submitted to the  
413 Planning Office for review and approval prior to recordation of the plat.

414 15. The proffers approved as part of zoning case C-73C-00 shall be incorporated in this  
415 approval.

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

421 17. Prior to final approval, the engineer shall furnish the Planning Staff a plan showing a

422 dwelling situated on Lot 6, Block B, to determine if the lot design is adequate to meet  
423 the requirements of Chapter 24, of the Henrico County Code.

424

425 **PLAN OF DEVELOPMENT**

426

POD-11-01                                    **E. D. Lewis for Epiphany Lutheran Church:** Request for  
Epiphany Lutheran Church - approval of a plan of development, as required by Chapter 24,  
Horsepen Road                            Section 24-106 of the Henrico County Code to construct a one-  
story, 2,734 square foot chapel building addition, a two-story,  
550 square foot, 80 seat sanctuary addition, and parking lot  
additions for an existing church. The 5.24 acre site is located  
on the northwest corner of the intersection of W. Franklin  
Street and Horsepen Road, at 1400 Horsepen Road, on parcel  
92-A-3. The zoning is R-3, One-Family Residence District.  
County water and sewer. **(Three Chopt)**

427

428 Mr. Wilhite -                            Staff recommends approval.

429

430 Mr. Archer -                            Is there opposition to POD-11-01, Epiphany Lutheran Church? No  
431 opposition. Mr. Taylor.

432

433 Mr. Taylor -                            Mr. Chairman, I move approval of POD-11-01, Epiphany Lutheran  
434 Church on Horsepen Road subject to the annotations on the plan, the standard conditions for  
435 developments of this type, and additional conditions Nos.23 thru 28.

436

437 Mr. Vanarsdall -                            Second.

438

439 Mr. Archer -                            The motion was made by Mr. Taylor and seconded by Mr. Vanarsdall.

440 All in favor say aye...all opposed say nay. The motion carries.

441

442 The Planning Commission approved POD-11-01, Epiphany Lutheran Church - Horsepen  
443 Road, subject to the standard conditions attached to these minutes for developments of this  
444 type, the annotations on the plans and the following additional conditions.

445

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

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

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

456 26. Deviations from County standards for pavement, curb or curb and gutter design shall be

457 approved by the County Engineer prior to final approval of the construction plans by  
458 the Department of Public Works.  
459 27. Insurance Services Office (ISO) calculations must be included with the plans and  
460 approved by the Department of Public Utilities prior to the issuance of a building  
461 permit.  
462 28. Approval of the construction plans by the Department of Public Works does not  
463 establish the curb and gutter elevations along the Henrico County maintained right-of-  
464 way. The elevations will be set by Henrico County.  
465  
466

467 **PLAN OF DEVELOPMENT**

468

POD-9-01  
Elko Junction - Elko Road

**E. D. Lewis for Wilton Development Corporation:** Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a two-story, 4,000 square foot office building. The 3.968 acre site is located on Elko Road (State Route 156) and the northwest corner of Old Elko Road on part of parcel 117-A-40. The zoning O-1C, Office District (Conditional). County water and septic tank/drainfield. **(Varina)**

469

470 Mr. Wilhite - Staff recommends approval.

471

472 Mr. Archer - Is there opposition to POD-9-01, Elko Junction? No opposition. Mr.  
473 Jernigan.

474

475 Mr. Jernigan - Mr. Chairman, I would like to move for approval of POD-9-01, Elko  
476 Junction, subject to the annotations on the plan, the standard conditions for developments of  
477 this type, and the following additional conditions Nos.23 thru 34d.

478

479 Mr. Vanarsdall - Second.

480

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

483

484 The Planning Commission approved POD-9-01, Elko Junction - Elko Road, subject to the  
485 standard conditions attached to these minutes for developments of this type, the annotations on  
486 the plans and the following additional conditions.

487

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

493 24. The entrances and drainage facilities on Elko Road (State Route 156) shall be approved

- 494 by the Virginia Department of Transportation and the County.
- 495 25. A notice of completion form, certifying that the requirements of the Virginia  
496 Department of Transportation entrances permit have been completed, shall be submitted  
497 to the Planning Office prior to any occupancy permits being issued.
- 498 26. The developer shall provide fire hydrants as required by the Department of Public  
499 Utilities and Division of Fire.
- 500 27. The proffers approved as a part of zoning case C-7C-00 shall be incorporated in this  
501 approval.
- 502 28. Any necessary off-site drainage and/or water and sewer easements must be obtained in  
503 a form acceptable to the County Attorney prior to final approval of the construction  
504 plans.
- 505 29. Deviations from County standards for pavement, curb or curb and gutter design shall be  
506 approved by the County Engineer prior to final approval of the construction plans by  
507 the Department of Public Works.
- 508 30. The applicant shall furnish proof to the Planning Office that conditions satisfactory to  
509 the Health Department have been met that insure the proposed septic tank drainfield  
510 system is suitable for this project prior to the issuance of a building permit.
- 511 31. Insurance Services Office (ISO) calculations must be included with the plans and  
512 approved by the Department of Public Utilities prior to the issuance of a building  
513 permit.
- 514 32. Approval of the construction plans by the Department of Public Works does not  
515 establish the curb and gutter elevations along the Henrico County maintained right-of-  
516 way. The elevations will be set by Henrico County.
- 517 33. Approval of the construction plans by the Department of Public Works does not  
518 establish the curb and gutter elevations along the Virginia Department of Transportation  
519 maintained right-of-way. The elevations will be set by the contractor and approved by  
520 the Virginia Department of Transportation.
- 521 34. The owners shall not begin clearing of the site until the following conditions have been  
522 met:
- 523
- 524 (a) The site engineer shall conspicuously illustrate on the plan of development or  
525 subdivision construction plan and the Erosion and Sediment Control Plan, the limits  
526 of the areas to be cleared and the methods of protecting the required buffer areas.  
527 The location of utility lines, drainage structures and easements shall be shown.
- 528 (b) After the Erosion and Sediment Control Plan has been approved but prior to any  
529 clearing or grading operations of the site, the owner shall have the limits of clearing  
530 delineated with approved methods such as flagging, silt fencing or temporary  
531 fencing.
- 532 (c) The site engineer shall certify in writing to the owner that the limits of clearing  
533 have been staked in accordance with the approved plans. A copy of this letter shall  
534 be sent to the Planning Office and the Department of Public Works.
- 535 (d) The owner shall be responsible for the protection of the buffer areas and for  
536 replanting and/or supplemental planting and other necessary improvements to the  
537 buffer as may be appropriate or required to correct problems. The details shall be  
538 included on the landscape plans for approval.

539 **PLAN OF DEVELOPMENT**

540

POD-19-01  
Cambridge Office - Pouncey  
Tract Road

**Koontz-Bryant, P.C. for Ghassan Rubeiz:** Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a two-story, 7,500 square foot office building with a parking lot. The 1.49 acre site is located on the southwest corner of the intersection of Nuckols Road and Pouncey Tract Road on parcel 9-A-36C. The zoning is O-1C, Office District (Conditional). County water and sewer. **(Three Chopt)**

541

542 Mr. Wilhite - There is a revised site plan in your addendum packet on this case and  
543 staff can recommend approval.

544

545 Mr. Archer - Is there opposition to POD-19-01, Cambridge Office? No opposition.  
546 Mr. Taylor.

547

548 Mr. Taylor - Mr. Chairman, I move approval of POD-19-01, Cambridge Office on  
549 Pouncey Tract Road, subject to the annotations on the plan, the standard conditions for  
550 developments of this type, and the following additional conditions Nos. 23 thru 34, No. 9  
551 amended and the revised plan.

552

553 Mr. Vanarsdall - Second.

554

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

557

558 The Planning Commission approved POD-19-01, Cambridge Office - Pouncey Tract Road,  
559 subject to the standard conditions attached to these minutes for developments of this type, the  
560 annotations on the plans and the following additional conditions.

561

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

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

570 24. The entrances and drainage facilities on Pouncey Tract Road (State Route 161) shall be  
571 approved by the Virginia Department of Transportation and the County.

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

575 26. The developer shall provide fire hydrants as required by the Department of Public



- 576 Utilities and Division of Fire.
- 577 27. The proffers approved as a part of zoning case C-50C-99 shall be incorporated in this  
578 approval.
- 579 28. Any necessary off-site drainage and/or water and sewer easements must be obtained in a  
580 form acceptable to the County Attorney prior to final approval of the construction plans.
- 581 29. Deviations from County standards for pavement, curb or curb and gutter design shall be  
582 approved by the County Engineer prior to final approval of the construction plans by the  
583 Department of Public Works.
- 584 30. The applicant shall furnish proof to the Planning Office that conditions satisfactory to the  
585 Health Department have been met that insure the proposed septic tank drainfield system  
586 is suitable for this project prior to the issuance of a building permit.
- 587 31. Insurance Services Office (ISO) calculations must be included with the plans and  
588 approved by the Department of Public Utilities prior to the issuance of a building  
589 permit.
- 590 32. Approval of the construction plans by the Department of Public Works does not  
591 establish the curb and gutter elevations along the Henrico County maintained right-of-  
592 way. The elevations will be set by Henrico County.
- 593 33. Approval of the construction plans by the Department of Public Works does not  
594 establish the curb and gutter elevations along the Virginia Department of Transportation  
595 maintained right-of-way. The elevations will be set by the contractor and approved by  
596 the Virginia Department of Transportation.
- 597 34. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the  
598 Planning Office and approved prior to issuance of a certificate of occupancy for this  
599 development.

600

601 **PLAN OF DEVELOPMENT REVISED ARCHITECTURAL PLANS**

602

POD-87-99 Westchase I & II - Cox Road and Westerre Parkway	<b>RealtiCorp for T. Walter Brashier and Retlaw 100, LLC:</b> Request for approval of revised architectural plans, as required by Chapter 24, Section 24-106 of the Henrico County Code. The 14.8 acre site is located on the south line of proposed Westerre Parkway, approximately 400 feet east of Cox Road on parcels 48-A-39 and 58. The zoning is B-2C, Business District (Conditional) and B-3C, Business District (Conditional). County water and sewer. <b>(Three Chopt)</b>
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603

604 Mr. Wilhite - The last expedited item we have, Mr. Chairman, is on page 35, the  
605 revised architectural plans for Westchase I and II. The staff recommends approval.

606

607 Mr. Archer - Okay. Is there anyone in the audience in opposition to POD-87-99,  
608 Westchase I and II. No opposition. Mr. Taylor.

609

610 Mr. Taylor - Mr. Chairman, I move approval of POD-87-99, Westchase I and II, Cox  
611 Road and Westerre Parkway, subject to the annotations for approval dated November 17,  
612 which will remain in effect.

613 Mr. Vanarsdall - Second.

614

615 Mr. Archer - The motion was made by Mr. Taylor and seconded by Mr. Vanarsdall.

616 All in favor say aye...all opposed say nay. The motion carries.

617

618 The Planning Commission approved the revised architectural plans for POD-87-99, Westchase  
619 I and II, Cox Road and Westerre Parkway. The original site plan annotations and conditions  
620 of approval, dated November 17, 1999, would remain in effect.

621

622 Mr. Archer - Okay, Mr. Secretary, where are we?

623

624 Mr. Marlles - Mr. Chairman, the first case to be heard is on page 5 of your agenda.

625

626 **PLAN OF DEVELOPMENT & ALTERNATE FENCE HEIGHT**

627

POD-13-01

Smith Turf - Dabney Road

**Balzer & Associates for Smith Holdings, L.L.C.:** Request for approval of a plan of development and alternative fence height, as required by Chapter 24, Sections 24-106 and 24-95(s)(5)b of the Henrico County Code to construct a one-story, 8,000 square foot service shop for the first phase and a 3,200 square foot service shop for the second phase with an eight-foot-high fence in the front yard along Dabney Road. The 2.102 acre site is located at 2203 Dabney Road on parcel 116-A-56B. The zoning is M-1, Light Industrial District. County water and sewer. **(Brookland)**

628

629 Mr. Archer - Is there anyone here in opposition to POD-13-01, Smith Turf - Dabney  
630 Road? No opposition. Good morning, Mr. Kennedy.

631

632 Mr. Kennedy - Good morning ladies and gentlemen and Commission. The reason why  
633 this is not on the expedited agenda is because there is a requirement for a separate vote on the  
634 alternative fence height within a front yard. Fences in front yards can only be 3 1/2 feet in  
635 height normally. This fence is within the required front yard along Dabney Road and it is  
636 eight feet high. It's vinyl coated chain link. The applicant will be here to speak to that issue,  
637 shortly. Basically, it's kind of an unusual site, it's in the Dabney Business Park. It's partially  
638 zoned M-2 and partially zoned M-1. They have some outdoor storage. The outdoor storage is  
639 actually in the M-2 zone section of the property, which does not require screening. What the  
640 applicant is doing is providing a 10-foot landscape strip along Dabney Road. It is an industrial  
641 area and it satisfies the screening requirements as they are providing landscaping along there.  
642 Landscaping there will also satisfy the screen requirement for parking when they park trucks  
643 within the fenced area. There is also some outdoor storage in the M-1 zone area, which is in  
644 the back. It's kind of like lean to sheds in the back of the building. They are enclosed except  
645 for the area facing the rear, which was formerly an alley which is closed. And along that area  
646 they are providing a landscape strip with trees as well. Staff feels that, given the industrial  
647 nature of the area, the screening is adequate and meets the requirements of the code and

648 recommend approval.

649

650 Mr. Archer - Thank you, sir. Are there any questions for Mr. Kennedy from the  
651 Commission?

652

653 Mr. Vanarsdall - Mr. Kennedy, we are approving the plan this morning that was  
654 distributed here dated February 28, is that right?

655

656 Mr. Kennedy - Yes.

657

658 Mr. Vanarsdall - Let me ask you a question. On the original plan on page... there are two  
659 pages CO3, on the first CO3 page or the last one, there are staff comments and annotations at  
660 the top and they go way down to.... Did the applicant agree to all of these?

661

662 Mr. Kennedy - The applicant has agreed to all of those annotations. Those annotations  
663 have been carried over to the new plan as well.

664

665 Mr. Vanarsdall - All right. Is the applicant here?

666

667 Mr. Kennedy - The applicant is here.

668

669 Mr. Vanarsdall - Mr. Chairman, I would like to hear from the applicant?

670

671 Mr. Archer - Yes, you may. Will the applicant come forward please.

672

673 Mr. Staub - Good morning. My name is Jeff Staub from Balzer and Associates.

674

675 Mr. Vanarsdall - How are you doing Jeff. I don't want you to go through the whole case,  
676 I just want to ask you if you agree with all of these and the revised plan?

677

678 Mr. Staub - Yes, sir.

679

680 Mr. Vanarsdall - Good. Thank you. I don't have any more questions.

681

682 Mr. Archer - All right. Are there any further questions? All right, Mr. Vanarsdall.

683

684 Mr. Vanarsdall - I move that POD-13-01, Smith Turf - Dabney Road, be approved with  
685 the annotations on the plans for developments of this type, and we are approving revised plan  
686 dated February 28, 2001, and we are also picking up what was on the original annotations and  
687 remarks on page CO3 and the others on the original plans and then conditions Nos. 23 thru 30  
688 and I would like to add No. 9 amended.

689

690 Mr. Taylor - Second.

691

692 Mr. Archer - The motion was made by Mr. Vanarsdall and seconded by Mr. Taylor.

693 All in favor say aye...all opposed say nay. The motion carries.

694

695 Mr. Kennedy - Mr. Chairman, we also need a motion on the alternative fence height.

696

697 Mr. Vanarsdall - Oh, I should have done that first I guess. I move that we accept the  
698 alternative fence height.

699

700 Mr. Taylor - Second.

701

702 Mr. Archer - The motion was made by Mr. Vanarsdall and seconded by Mr. Taylor to  
703 accept the alternative fence height. All in favor say aye...all opposed say nay. The motion  
704 carries.

705

706 The Planning Commission approved the alternative fence height for POD-13-01, Smith Turf -  
707 Dabney Road, also subject to the standard conditions attached to these minutes for  
708 developments of this type, the annotations on the plans, and the following additional  
709 conditions.

710

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

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

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

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

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

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

728 28. Insurance Services Office (ISO) calculations must be included with the plans and  
729 approved by the Department of Public Utilities prior to the issuance of a building  
730 permit.

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

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

737

738 **PLAN OF DEVELOPMENT**

739

POD-12-01  
Pruitt/Porter Office Park -  
Emerywood Parkway  
(POD-113-98 Revised)

**TIMMONS for Pruitt Properties, Inc.:** Request for approval of a revised plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code to construct two, two-story office buildings totaling 49,511 square feet. The 4.148 acre site is located on the east side of Emerywood Parkway between Grenoble and Galion Roads on parcels 81-8-D-1, 81-A-17, 18, 20, 24, 25, 26 and 27. The zoning is M-1, Light Industrial District. County water and sewer.  
**(Three Chopt)**

740

741 Mr. Archer - Is there opposition to POD-12-01? No opposition. Mr. McGarry.

742

743 Mr. McGarry - Good morning, Mr. Chairman. The staff review of the revised plan is  
744 complete. Traffic Engineering, Public Utilities, and Fire can all recommend approval. The  
745 staff is now in a position to recommend approval of the plan that's in your packet. In addition,  
746 the standard conditions for developments of this type, plus conditions Nos. 23 through 30.

747

748 Mr. Archer - All right. Are there any questions of Mr. McGarry?

749

750 Mr. Taylor - Is Mr. Walker here?

751

752 Mr. McGarry - No, he is not here.

753

754 Mr. Taylor - Have we heard from Mr. Walker?

755

756 Mr. McGarry - Not since I talked with you yesterday.

757

758 Mr. Taylor - Okay. Mr. Chairman, I will move approval of POD-12-01, Pruitt/Porter  
759 Office Park - Emerywood Parkway, subject to the standard conditions for developments of this  
760 type, and additional conditions Nos. 23 through 30 and the annotations on the plan.

761

762 Mr. Vanarsdall - Second.

763

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

766

767 **THERE WAS AN ADDITIONAL CONDITION NO. 31 ON THE ADDENDUM THAT**  
768 **WAS LEFT OUT DURING THE MOTION AND WAS INCLUDED LATER WITH THE**  
769 **AMENDED MOTION ON PAGES 24 and 25 OF THESE MINUTES.**

770

771

772 The Planning Commission approved POD-12-01, Pruitt/Porter Office Park - Emerywood  
773 Parkway (POD-113-98 Revised), subject to the standard conditions attached to these minutes,

774 the annotations on the plan and the following additional conditions.

775

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

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

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

784 26. Insurance Services Office (ISO) calculations must be included with the plans and  
785 approved by the Department of Public Utilities prior to the issuance of a building  
786 permit.

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

790 28. The limits and elevations of the 100-year frequency flood shall be conspicuously noted  
791 on the plan "Limits of 100 Year Floodplain." In addition, the delineated 100-year  
792 floodplain must be labeled "Variable Width Drainage and Utility Easement." The  
793 easement shall be granted to the County prior to the issuance of any occupancy permits.

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

796 30. The drainage facilities along I-64 shall be approved by the Virginia Department of  
797 Transportation.

798 31. Planting of trees, shrubs, or woody vegetation along Emerywood Parkway must respect  
799 the required 400-foot sight distance easement.

800

## 801 **PLAN OF DEVELOPMENT**

802

POD-18-01

Dental Office - Westgate @  
Wellesley - Three Chopt  
Road

**TIMMONS for Wellesley Centre, L.C. and W. Baxter  
Perkinson & Associates, Ltd.:** Request for approval of a plan  
of development, as required by Chapter 24, Section 24-106 of  
the Henrico County Code to construct a one-story, 6,200  
square foot medical office building. The 1.53 acre site is  
located along the north line of Three Chopt Road,  
approximately 600 feet east of Lauderdale Drive on part of  
parcel 36-A-49A. The zoning is O-3C, Office District  
(Conditional) and WBSO (West Broad Street Overlay) District.  
County water and sewer. **(Three Chopt)**

803

804 Mr. Archer - Is there any opposition to POD-18-01, Dental Office - Westgate @  
805 Wellesley - Three Chopt Road? No opposition. Mr. Wilhite.

806

807 Mr. Wilhite - Thank you. All issues with the site plan have been worked out at this  
808 time. There is one remaining issue that staff has that deals with the type of brick being used

809 on this building. Currently we already have four buildings approved out in this complex.  
810 One, Virginia Credit Union has been completed. Goddard School has been completed, and  
811 that is directly behind this site. The two office buildings are currently under construction. All  
812 of these buildings that were in this complex were approved with one style of brick as the main  
813 brick being used in here. It has come to our attention that the Goddard School; a field change  
814 was done without the approval of the Planning Office and the County, and they used a different  
815 type of brick color, which is what the Dental Office was proposing to use. The applicant has  
816 indicated to me that they are willing to work with staff on getting the color approved. They  
817 would be willing to either defer the architectural or allow staff to work it out administratively,  
818 if the Planning Commission so wishes. Other than that, staff can recommend approval of the  
819 site plan with the annotations currently on it, the standard conditions, and additional conditions  
820 Nos. 23 through 30.

821

822 Mr. Archer - All right. Are there any questions of Mr. Wilhite? Would you like to  
823 hear from the applicant, Mr. Taylor?

824

825 Mr. Taylor - Is the applicant available?

826

827 Mr. Wilhite - The applicant is present, yes.

828

829 Mr. Taylor - Would the applicant appreciate the opportunity to make a few comments?

830

831 Mr. Saunders - My name is Sam Saunders with TIMMONS, representing the applicant.  
832 We agree with what Mr. Wilhite said. Our client indicated that he is willing to pretty much  
833 work with whatever brick color that the staff wants to use out there, in light of the fact that we  
834 have a difference on the other building. It would be our desire to have any other architectural  
835 issues worked out with staff after this meeting or at a later time. We can come back and work  
836 with them on that. I really don't have anything else to say. I think we have worked all of the  
837 other issues out.

838

839 Mr. Taylor - Is the current architectural configuration consistent with the changing  
840 brick, the same dimensionally?

841

842 Mr. Wilhite - At this time there is no change in building design, it's now just a matter  
843 of what shade of brick is going to be used out there. And staff is trying to get everything  
844 coordinated and matching with what's approved out there already.

845

846 Mr. Taylor - And I think that's a good concept. Thank you, sir. Mr. Chairman, I'll  
847 move approval of POD-18-01, Dental Office - Westgate @ Wellesley on Three Chopt Road,  
848 subject to the standard conditions for developments of this type, and condition No. 9 amended,  
849 added conditions Nos. 23 through 30 and the annotations on the plans.

850

851 Mr. Vanarsdall - Second.

852

853 Mr. Archer - The motion was made by Mr. Taylor and seconded by Mr. Vanarsdall.

854 All in favor say aye...all opposed say nay. The motion carries.

855

856 The Planning Commission approved POD-18-01, Dental Office - Westgate @ Wellesley -  
857 Three Chopt Road, subject to the standard conditions attached to these minutes, the annotations  
858 on the plan and the following additional conditions.

859

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

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

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

870 25. Outside storage shall not be permitted.

871 26. The proffers approved as a part of zoning case C-69C-95 shall be incorporated in this  
872 approval.

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

876 28. Insurance Services Office (ISO) calculations must be included with the plans and  
877 approved by the Department of Public Utilities prior to the issuance of a building  
878 permit.

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

882 30. The conceptual master plan, as submitted with this application, is for planning and  
883 information purposes only.

884

885 Mr. McGarry - Mr. Chairman, it has been pointed out that I fail to include an addendum  
886 item to my case on the Pruitt/Porter Office Park, POD-12-01.

887

888 Mr. Archer - Okay.

889

890 Mr. McGarry - It's on your page 2 of your addendum, it's condition No. 31 regarding  
891 keeping a sight distance easement clear of vegetation.

892

893 Mr. Archer - All right. That was on the prior case. Is it necessary to include that in a  
894 motion, Mr. Secretary?

895

896 Mr. McGarry - I would ask that a revised motion from you, Mr. Taylor, to include  
897 condition No. 31.

898



899 Mr. Taylor - All right. Mr. Chairman, I'll move to amend my previous motion with  
900 the addition of item No. 31.

901

902 Mr. Vanarsdall - I'll second.

903

904 Mr. Archer - Okay. A motion by Mr. Taylor and seconded by Mr. Vanarsdall. All in  
905 favor say aye...all opposed say nay. The motion carries.

906

907 Mr. Kaechele - What is item No. 31? Would you read that.

908

909 Mr. McGarry - I'll be happy to. On the addendum item the condition No. 31 says,  
910 "Planting of trees, shrubs, or woody vegetation along Emerywood Parkway must respect the  
911 required 400-foot sight distance easement."

912

913 Mr. Kaechele - Thank you.

914

915 Mr. Archer - All right. Thank you, Mr. McGarry.

916

917 The Planning Commission amended the motion for POD-12-01, Pruitt/Porter Office Park, to  
918 include added condition No. 31 that was listed on the addendum.

919

920 31. Planting of trees, shrubs, or woody vegetation along Emerywood Parkway must respect  
921 the required 400-foot sight distance easement.

922

## 923 **PLAN OF DEVELOPMENT**

924

POD-14-01

Mayland and Parham Office  
Building - Parham Road

**TIMMONS for Mayland Investors, L.C. and Maypar Associates, L.P.:** Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a one-story, 103,000 square foot office building. The 12.15 acre site is located approximately 60 feet from the northeast corner of the intersection of Parham Road and Mayland Road on parcel 69-A-78A. The zoning is O-2, Office District. County water and sewer. **(Three Chopt)**

925

926 Mr. Archer - Is there anyone in the audience in opposition to POD-14-01, Mayland  
927 and Parham Office Building? We have opposition. Ma'am, we will get to you in a minute.

928 All right, Ms. Goggin.

929

930 Ms. Goggin - At this time staff can not recommend approval of the plan of  
931 development, POD-14-01, as submitted. The plan still has some issues to resolve with the  
932 Department of Public Works design division for water quality and quantity. And the revised  
933 plan that was handed out to you this morning was brought in yesterday and staff has not had  
934 time to review it. There are letters from concerned neighborhood property owners that are

935 attached to the revised plan and staff would like a chance to address the issues raised by the  
936 neighborhood prior to recommending approval. Staff also believes that there are two main  
937 issues concerning this plan of development. The first is relocating the originally proposed  
938 entrance from Parham Road onto Mayland Drive, near Upham Brook. The second issue is  
939 requiring the installation of a sidewalk on Mayland Drive. I do have a request from one  
940 person that mentioned that she would like to speak in front of the Planning Commission. And  
941 I will be glad to answer any questions.

942

943 Mr. Archer - Thank you, Ms. Goggin. Are there any questions of Ms. Goggin from  
944 the Commission?

945

946 Mr. Taylor - I have one question, Mr. Chairman, and that's with regard to the  
947 configuration of the plan from the standpoint of highways. Active, currently, is an entrance  
948 from Parham versus an entrance from Mayland, and on Mayland the issue is whether to have  
949 one entrance or the back entrance adjacent to Lawland Drive, is that correct?

950

951 Ms. Goggin - Yes, sir. The plan that was submitted yesterday showed the removal of  
952 an access off of Parham Road and that access being put down right across from Lawland Drive  
953 by Upham Brook closer to the neighborhood.

954

955 Mr. Taylor - Mr. Chairman, these changes, we have been working hard at trying to  
956 get this resolved and as of yesterday, we weren't able to get the comments from the  
957 neighborhood assembled and get the design with an entrance on Parham resolved as contracted  
958 to the entrances on Mayland. So, I believe it is appropriate to defer this. But I would like to  
959 hear from the engineer for the applicant.

960

961 Mr. Pike - Mr. Chairman and members of the Commission, my name is Charlie  
962 Pike and I'm with TIMMONS and I'm here to represent the applicant. As Mr. Taylor spoke,  
963 we have been diligently trying to pursue the resolution of the issues associated with the access  
964 and looking for an opportunity to meet with the people in the neighborhood. In that light, we  
965 will be willing to accept a deferral that the staff has been recommending. And, if the  
966 Commission would like, I could certainly go into the details of why we want our entrances  
967 configured the way you have in this latest drawing, if the Commission would like to hear that  
968 at this point in time.

969

970 Mr. Archer - Mr. Taylor, would you like to hear that now or wait until the deferred  
971 case is heard?

972

973 Mr. Taylor - Mr. Chairman, I think in the interest of time and brevity and fairness to  
974 everybody, including the staff and the residents, I would prefer we not discuss this at all. That  
975 will give us lots of different options and the opportunity to express what we really want with  
976 the people who live in the community with the staff. And on the staff there are two  
977 components and we would like to hear from Roads as well as from Planning. So, if I might, I  
978 would just forgo any further discussion on this and defer it and then we will just meet again at  
979 the next meeting.

980

981 Mr. Vanarsdall - Charlie, are you going to defer it?

982

983 Mr. Pike - I would prefer Mr. Taylor doing so.

984

985 Mr. Vanarsdall - You don't want us to collect that \$100.00.

986

987 Mr. Pike - Mr. Taylor and I discussed this so....

988

989 Mr. Taylor - Mr. Ex-Chairman, we had discussed this and in fairness to the staff we  
990 were discussing this with Mr. Pike yesterday and we were on the verge of a solution and then  
991 we just simply got thrown back. And I think it would be fair if we defer this at the request of  
992 the Commissioner because I made that request late yesterday afternoon and I think it would be  
993 fair to everybody if we just waited and talked to the community and talked to the staff and get  
994 a compromise solution. So, with that, Mr. Pike, thank you very much.

995

996 Mr. Pike - Thank you.

997

998 Mr. Taylor - And, Mr. Chairman, I move.....

999

1000 Mr. Archer - Mr. Taylor, before you make your motion we did have a citizen that's  
1001 here in opposition and maybe if we hear what she has to say, and it may not be necessary for  
1002 her to make a return trip.

1003

1004 Mr. Taylor - Correct, Mr. Chairman. If she would like to make some comments, we  
1005 would be delighted to hear them.

1006

1007 Mrs. Vithoukaskas - Good morning. My name is Kristen Vithoukaskas and I thank you in  
1008 advance for listening to my concerns. My husband and two young children and I live at 3010  
1009 Comet Road, which is just behind the proposed development. In addition, my mother-in-law  
1010 and father-in-law who cares for my two young nieces and nephews live right at 8207 Mayland  
1011 Drive, so this proposal hits home for us. My foremost concern with the proposed development  
1012 is the increased traffic at an already congested area. And the resulting rest to all the younger  
1013 and older children in the neighborhood, as well as the adults and elderly who walk our  
1014 neighborhood regularly. In addition, the congestion at Parham and Mayland, which most of us  
1015 know is pretty horrendous now and the back up onto Mayland Drive a residential road would  
1016 get even worse. Almost equally important is the environmental impact of this proposed  
1017 development. Additional runoff from the parking lot and developing that area, will certainly  
1018 worsen the flooding that we experience that we experience in our backyards with each  
1019 rainstorm. And finally we are, of course, sadden by the idea that our peaceful view of the  
1020 woods will be taking away. However, economic considerations require that this land must be  
1021 developed, we hope that you will accept some concessions to protect the well being of the  
1022 neighborhood residents. First, we do strongly oppose the additional access road off of  
1023 Mayland Drive just because of the backup that is already evident on Mayland and the fact that  
1024 children live right on that road, and we often, everyday, see high school students walking

1025 home along Mayland. We also think that a sidewalk along Mayland Drive, as well as  
1026 resolution to the flooding from the runoff water to the homes along Comet is critical.  
1027 Aesthetically, we think that tall trees and shrubbery around the perimeter of the property,  
1028 perhaps a privacy fence along the creek area and low level lighting, if any, that perhaps will  
1029 turn off at some point in the evening are necessary. I also urge the County and the developer  
1030 to make the propose office building either smaller, if that is at all possible, or perhaps two  
1031 levels to preserve some of the woods and leave more of the floodplain and agree never to place  
1032 a cellular tower on the property. I thank you for your time and your consideration.

1033

1034 Mr. Archer - Thank you, ma'am.

1035

1036 Ms. Dwyer - Mrs. Vithoukas, we have in our file a letter, is that from your husband?

1037

1038 Mrs. Vithoukas - That is correct. He could not be here today.

1039

1040 Ms. Dwyer - He has outlined in writing some of the concerns you stated today.

1041

1042 Mrs. Vithoukas - Yes, that is correct.

1043

1044 Mr. Archer - Are there any other questions? Thank you very much, ma'am.

1045

1046 Mr. Taylor - Thank you very much, Mrs. Vithoukas.

1047

1048 Mr. Archer - All right, Mr. Taylor, we can entertain a motion.

1049

1050 Mr. Taylor - Mr. Chairman, those are some of the concerns that came up and I think  
1051 you will see for that reason it would be wise that we defer this. So, with that, I'll move  
1052 deferral, at the request of the Commissioner, to defer POD-14-01, Mayland and Parham Office  
1053 Building on Parham Road until the next week, which will be our zoning meeting, which is  
1054 March 8.

1055

1056 Mr. Archer - Do you think that will give us enough time?

1057

1058 Mr. Taylor - I think that will give us enough time. I think we are close enough. We  
1059 just need one or two meetings to discuss this and I particularly want to talk to neighbors and  
1060 Mrs. Vithoulakas.

1061

1062 Mr. Vanarsdall - I'll second it, if that's what you want.

1063

1064 Mr. Archer - The motion was made by Mr. Taylor and seconded by Mr. Vanarsdall.  
1065 All in favor say aye...all opposed say nay. The motion carries.

1066

1067 At the request of the Commission, the Planning Commission deferred POD-14-01, Mayland  
1068 and Parham Office Building - Parham Road, to its rezoning meeting on March 8, 2001.

1069

1070 **SEE PAGES 34 and 35 OF THESE MINTUES FOR THE REVISED MOTION TO**  
1071 **DEFER THIS CASE TO THE MARCH 28, 2001, MEETING.**

1072

1073 **PLAN OF DEVELOPMENT**

1074

POD-8-01

Bon Secours - Wellesley -  
W. Broad Street and  
Lauderdale Drive

**TIMMONS for Bon Secours Richmond Health System:**  
Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code to construct an access drive. The 41.066 acre site is located at the southwest corner of W. Broad Street (U.S. Route 250) and Lauderdale Drive on part of parcel 36-A-49. The zoning is B-2C, Business District (Conditional), O-3C, Office District (Conditional), R-6C, General Residence District (Conditional) and WBSO (West Broad Street Overlay) District. County water and sewer. **(Three Chopt)**

1075

1076 Mr. Archer - Is there anyone in the audience in opposition to POD-8-01, Bon Secours?  
1077 No opposition. Mr. Wilhite.

1078

1079 Mr. Wilhite - The applicant is requesting an exception from the entrance location  
1080 requirements for the entrance off W. Broad Street. The Code requires at least a 12 and a half  
1081 foot setback from the property line. But, because of the location and the need to intersect with  
1082 W. Broad Street at a 90 degree angle, they have requested an exception and Planning, Public  
1083 Works and Police are okay with this exception. In addition, the comment that staff had made  
1084 about requesting the turn lane be constructed at this entrance onto W. Broad Street, the  
1085 applicant has produced documentation from VDOT where VDOT is not making a request for  
1086 this to be constructed at this time. They would reexamine this issue with further development  
1087 of this site. The traffic engineer for the County has looked at this and he is in agreement with  
1088 that letter. Also we received the requested utility information that we needed at this point, and  
1089 that is acceptable to us. So, staff is in a position to recommend approval of this plan with the  
1090 annotations on the plan, the additional comments as annotations as well, plus the conditions  
1091 listed on your agenda.

1092

1093 Mr. Archer - All right. Thank you, Mr. Wilhite. There was no opposition, are there  
1094 any questions from the Commission? Be it not, all right, Mr. Taylor.

1095

1096 Mr. Taylor - Mr. Chairman, I move approval of POD-8-01, Bon Secours - Wellesley  
1097 at W. Broad Street and Lauderdale Drive, subject to the standard conditions for developments  
1098 of this type, additional conditions Nos. 23 through 32 and the annotations on the plan.

1099

1100 Mr. Vanarsdall - Second.

1101

1102 Mr. Archer - The motion was made by Mr. Taylor and seconded by Mr. Vanarsdall.  
1103 All in favor say aye...all opposed say nay. The motion carries.

1104

1105 The Planning Commission approved POD-8-01, Bon Secours - Wellesley - W. Broad Street  
1106 and Lauderdale Drive, subject to the standard conditions attached to these minutes for  
1107 developments of this type, the annotations on the plan and the following additional conditions.

1108

1109 23. The easements for drainage and utilities as shown on approved plans shall be granted to  
1110 the County in a form acceptable to the County Attorney prior to any occupancy permits  
1111 being issued. The easement plats and any other required information shall be submitted  
1112 to the County Real Property Agent at least sixty (60) days prior to requesting  
1113 occupancy permits.

1114 24. The entrances and drainage facilities on W. Broad Street (U.S. Route 250) shall be  
1115 approved by the Virginia Department of Transportation and the County.

1116 25. A notice of completion form, certifying that the requirements of the Virginia  
1117 Department of Transportation entrances permit have been completed, shall be submitted  
1118 to the Planning Office prior to any occupancy permits being issued.

1119 26. The developer shall provide fire hydrants as required by the Department of Public  
1120 Utilities and Division of Fire.

1121 27. A standard concrete sidewalk shall be provided along the west side of Lauderdale  
1122 Drive. Construction of said sidewalk shall occur prior to the issuance of a certificate of  
1123 occupancy for any portion of the development abutting Lauderdale Drive.

1124 28. The proffers approved as a part of zoning case C-68C-95 shall be incorporated in this  
1125 approval.

1126 29. Any necessary off-site drainage and/or water and sewer easements must be obtained in  
1127 a form acceptable to the County Attorney prior to final approval of the construction  
1128 plans.

1129 30. Deviations from County standards for pavement, curb or curb and gutter design shall be  
1130 approved by the County Engineer prior to final approval of the construction plans by  
1131 the Department of Public Works.

1132 31. Approval of the construction plans by the Department of Public Works does not  
1133 establish the curb and gutter elevations along the Virginia Department of Transportation  
1134 maintained right-of-way. The elevations will be set by the contractor and approved by  
1135 the Virginia Department of Transportation.

1136 32. The conceptual master plan, as submitted with this application, is for planning and  
1137 information purposes only.

1138 **PLAN OF DEVELOPMENT**

1139

POD-15-01  
Henrico Senior  
Living/Reflections - Gay  
Avenue

**Horton & Dodd, P.C. for H. C. One, L.P.:** Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code to construct 26 one-story, 4-unit, senior living apartment buildings totaling 104 units; a one-story, 900 square foot maintenance building; and a ~~2,158~~ 2,518 square foot clubhouse. The 14.061 acre site is located on the south line of Gay Avenue approximately 750 feet west of Laburnum Avenue on parcels 162-A-31, and 38. The zoning is R-5C, General Residence District (Conditional) and ASO (Airport Safety Overlay) District. County water and sewer. **(Varina)**

1140

1141 Mr. Archer - Is there anyone in the audience in opposition to POD-15-01, Henrico  
1142 Seniors? No opposition. Ms. News.

1143

1144 Ms. News - Revised plans are being distributed to you which address staff's original  
1145 annotations. The rezoning case for this site include many proffers, all of which have been  
1146 addressed with this plan. The plan also meets almost all of the new multi-family guidelines,  
1147 many of which were incorporated into the proffers during the rezoning process. Substantial  
1148 revisions were required to be made to the layout including relocation of the BMP out of the  
1149 RPA, relocation of utility lines which conflicted with buffers and landscaped areas, provision  
1150 of recreational vehicle parking, and layout adjustments to the community garden area. All of  
1151 these changes have been incorporated into the revised plans to staff's satisfaction. Additional  
1152 detailed grading submitted with the revision revealed that it would be necessary to construct  
1153 ramps to many of the units to provide handicap accessibility. The applicant has agreed to  
1154 provide brick facing on any ramps which must have side walls above grade so the ramps will  
1155 be compatible with the building, and finished annodized white railings will be used. The  
1156 principal buildings proposed all exceed the proffered requirement of minimum 30% brick and  
1157 will have brick foundations. The revised elevation, just distributed, reflects a change in the  
1158 location of the brick. Brick is incorporated into the patio walls in lieu of extending the brick to  
1159 the roof on one wall, which is in keeping with the elevations presented at the time of rezoning.  
1160 All of the amenities required by the proffers, including the clubhouse, tot lot, shuffleboard  
1161 courts, exercise trails and garden areas have been incorporated into the plans. The proffers  
1162 require retention of existing large mature trees where possible, but extensive grading of the site  
1163 has limited retention of most of the internal trees. Any tree save areas are limited to the  
1164 perimeter. Proffered landscape buffers exist around the entire perimeter of the site and the  
1165 applicant has proffered extensive landscaping planting of the entrances, recreational areas,  
1166 parking areas, and areas surrounding building spaces and open spaces. No. 9 amended has  
1167 been recommended in your agenda to allow the final landscape plan to be reviewed by the  
1168 Commission. Due to the extent of the changes required, and the applicant's attention to every  
1169 detail, detail revisions were submitted past the Friday deadline so it will be necessary for the  
1170 Commission to waive the time limits. Staff recommends approval of the revised annotated  
1171 plans subject to the standard conditions and the additional conditions on the agenda. Staff will

1172 be happy to answer any questions.

1173

1174 Mr. Archer - Thank you, Ms. News. Are there any questions of Ms. News by the  
1175 Commission?

1176

1177 Mr. Vanarsdall - I have a question. Ms. News, I notice we have No. 9 amended on here  
1178 but we don't have No. 11 for lighting. Has the lighting been taking care of?

1179

1180 Ms. News - The lighting is covered by the proffers. There are requirements  
1181 restricting the height and the type of lighting in the proffers so, staff didn't feel that was  
1182 absolutely necessary to come back to the Commission unless the Commission wishes to see it.

1183

1184 Mr. Vanarsdall - Mr. Jernigan, sometimes when we bring them back for No. 9 amended  
1185 for landscaping, sometimes we like to do the lighting the same way, No. 11, and that's the  
1186 reason why I asked the question.

1187

1188 Mr. Jernigan - She had told me earlier this morning that the lighting packet would come  
1189 later. Thank you, Mr. Vanarsdall.

1190

1191 Mr. Archer - Thank you, Mr. Vanarsdall. Are there any further questions of Ms.  
1192 News?

1193

1194 Ms. Dwyer - On these new elevations that have been handed out, I see that there is a  
1195 brick base to the fence that will surround the patio.

1196

1197 Ms. News - That's correct.

1198

1199 Ms. Dwyer - So, that will essentially hide the brick on the building, but just for that  
1200 part of the building, is that right? I guess my question is will the brick that's associated with  
1201 the fence, be the only brick on that part of the building?

1202

1203 Ms. News - No. It is my understanding that brick is around the entire base of the  
1204 building.

1205

1206 Ms. Dwyer - Okay. In addition to that there is brick at the base of the fence.

1207

1208 Ms. News - That's correct. And because of the handicap ramps and the elevation  
1209 changes, there is going to be some foundation exposed on many of these buildings so the brick  
1210 could extend down a couple feet in some cases.

1211

1212 Mr. Archer - Okay. Are there any further questions? No further questions, would  
1213 you like to hear from the applicant, Mr. Jernigan?

1214

1215 Mr. Jernigan - I don't think it is necessary. I think everything is okay. I would like to  
1216 commend Mr. Dicks, though, in getting this package together because when I spoke to Mr.



1217 O'Kelly on Friday we had some serious problems. And it wasn't looking too good, but there  
1218 was a lot of work done on the weekend by your people and Ms. News reviewing it and if it's  
1219 all right with her, it's all right with me, so at this time I would like to recommend approval of  
1220 POD-15-01, Henrico Senior Living at Gay Avenue, with the standard conditions for  
1221 developments of this type, and the following additional conditions are recommended No. 9  
1222 amended through No. 34.

1223

1224 Mr. Vanarsdall - I'll second it, but I would like to suggest to you to make sure that the  
1225 right plans are approved. It looks like both of them were dated with today's date.

1226

1227 Ms. News - It would be the revised staff plan that you were handed this morning that  
1228 we are approving, not the original staff plan.

1229

1230 Mr. Archer - Thank you, Mr. Vanarsdall. The motion was made by Mr. Jernigan and  
1231 seconded by Mr. Vanarsdall. All in favor say aye...all opposed say nay. The motion carries.

1232

1233 **SEE PAGE 35 OF THESE MINUTES FOR THE MOTION TO WAIVE THE TIME**  
1234 **LIMIT ON THIS CASE.**

1235

1236 The Planning Commission approved POD-15-01, Henrico Senior Living/Reflections - Gay  
1237 Avenue, subject to the standard conditions attached to these minutes for developments of this  
1238 type, the annotations on the plan and the following additional conditions.

1239

1240 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for  
1241 review and Planning Commission approval prior to the issuance of any occupancy  
1242 permits.

1243 23. The right-of-way for widening of Gay Avenue as shown on approved plans shall be  
1244 dedicated to the County prior to any occupancy permits being issued. The right-of-way  
1245 dedication plat and any other required information shall be submitted to the County  
1246 Real Property Agent at least sixty (60) days prior to requesting occupancy permits.

1247 24. The easements for drainage and utilities as shown on approved plans shall be granted to  
1248 the County in a form acceptable to the County Attorney prior to any occupancy permits  
1249 being issued. The easement plats and any other required information shall be submitted  
1250 to the County Real Property Agent at least sixty (60) days prior to requesting  
1251 occupancy permits.

1252 25. The limits and elevations of the 100-year frequency flood shall be conspicuously noted  
1253 on the plan "Limits of 100 Year Floodplain." In addition, the delineated 100-year  
1254 floodplain must be labeled "Variable Width Drainage and Utility Easement." The  
1255 easement shall be granted to the County prior to the issuance of any occupancy permits.

1256 26. The developer shall provide fire hydrants as required by the Department of Public  
1257 Utilities and Division of Fire.

1258 27. The proffers approved as a part of zoning case C-67C-00 shall be incorporated in this  
1259 approval.

1260 28. Any necessary off-site drainage and/or water and sewer easements must be obtained in  
1261 a form acceptable to the County Attorney prior to final approval of the construction

- 1262 plans.
- 1263 29. Deviations from County standards for pavement, curb or curb and gutter design shall be  
1264 approved by the County Engineer prior to final approval of the construction plans by  
1265 the Department of Public Works.
- 1266 30. Insurance Services Office (ISO) calculations must be included with the plans and  
1267 approved by the Department of Public Utilities prior to the issuance of a building  
1268 permit.
- 1269 31. Approval of the construction plans by the Department of Public Works does not  
1270 establish the curb and gutter elevations along the Henrico County maintained right-of-  
1271 way. The elevations will be set by Henrico County.
- 1272 32. The owners shall not begin clearing of the site until the following conditions have been  
1273 met:
- 1274
- 1275 (a) The site engineer shall conspicuously illustrate on the plan of development or  
1276 subdivision construction plan and the Erosion and Sediment Control Plan, the limits  
1277 of the areas to be cleared and the methods of protecting the required buffer areas.  
1278 The location of utility lines, drainage structures and easements shall be shown.
- 1279 (b) After the Erosion and Sediment Control Plan has been approved but prior to any  
1280 clearing or grading operations of the site, the owner shall have the limits of clearing  
1281 delineated with approved methods such as flagging, silt fencing or temporary  
1282 fencing.
- 1283 (c) The site engineer shall certify in writing to the owner that the limits of clearing  
1284 have been staked in accordance with the approved plans. A copy of this letter shall  
1285 be sent to the Planning Office and the Department of Public Works.
- 1286 (d) The owner shall be responsible for the protection of the buffer areas and for  
1287 replanting and/or supplemental planting and other necessary improvements to the  
1288 buffer as may be appropriate or required to correct problems. The details shall be  
1289 included on the landscape plans for approval.
- 1290 33. The unit house numbers shall be visible from the parking areas and drives.
- 1291 34. The names of streets, drives, courts and parking areas shall be approved by the Richmond  
1292 Regional Planning District Commission and such names shall be included on the  
1293 construction plans prior to their approval. The standard street name signs shall be  
1294 ordered from the County and installed prior to any occupancy permit approval.
- 1295

1296 Mr. Marlles - Mr. Chairman, before we move on to the next case, staff has advised me  
1297 that for POD-14-01, this is the Office Building, Mr. Taylor's case on Mayland and Parham.  
1298 There isn't sufficient time before the zoning hearing to provide adequate notice to the  
1299 neighborhood so it would be necessary to defer that, Mr. Taylor, to the March 28, 2001,  
1300 meeting.

1301

1302 Ms. Dwyer - So, we might want to make some special effort to make sure that the  
1303 neighbor who came today is aware of that new date.

1304

1305 Mr. Marlles - We have, the applicant, as well as the resident.

1306

1307 Mr. Archer - I guess that would require an amended motion also.  
1308  
1309 Mr. Marlles - Yes, sir.  
1310  
1311 Mr. Taylor - I think it will, Mr. Chairman, and I will move to amend my previous  
1312 motion on case POD-14-01, Mayland and Parham Office Building on Parham Road, to defer  
1313 this case until our next POD meeting, which is the 28<sup>th</sup> of March.  
1314  
1315 Mr. Vanarsdall - I'll second that.  
1316  
1317 Mr. Archer - The motion was made by Mr. Taylor and seconded by Mr. Vanarsdall.  
1318 All in favor say aye...all opposed say nay. The motion carries.  
1319  
1320 The Planning Commission amended the motion for POD-14-01, Mayland and Parham Office  
1321 Building - Parham Road, to defer it to the March 28, 2001, meeting, instead of the March 8,  
1322 2001 Rezoning meeting as previously stated.  
1323  
1324 Ms. News - Mr. Chairman, may I point out one other thing?  
1325  
1326 Mr. Archer - Sure, go ahead.  
1327  
1328 Ms. News - On the previous case POD-15-01, we needed to waive the time limit on  
1329 that.  
1330  
1331 Mr. Archer - Yes we do. You mentioned that, didn't you? All right. Mr. Jernigan.  
1332  
1333 Mr. Jernigan - Mr. Chairman, I make a motion that we waive the time limit for POD-  
1334 15-01, Henrico Senior Living/Reflections - Gay Avenue.  
1335  
1336 Mr. Vanarsdall - Second.  
1337  
1338 Mr. Archer - The motion was made by Mr. Jernigan and seconded by Mr. Vanarsdall  
1339 to waive the time limit for POD-15-01, Henrico Senior Living/Reflections. All in favor say  
1340 aye...all opposed say nay. The motion carries.  
1341  
1342 The Planning Commission approved to waive the time limit for POD-15-01, Henrico Senior  
1343 Living/Reflections.  
1344  
1345 Mr. Marlles - Mr. Chairman, I have one other item to take care of.  
1346  
1347 Mr. Archer - All right, one more thing.  
1348  
1349 Mr. Marlles - I stand corrected on the motion dealing with Oak Hill Manor on page 34.  
1350 When items are withdrawn from the Commission it does require a motion to withdraw items  
1351 on PODs and subdivisions, as stated in the Rules and Regulations. So, if we could make a

1352 motion to withdraw that item.

1353

1354 Mr. Archer - I'll be happy to. I move to withdraw Oak Hill Manor (June 2000 Plan).

1355

1356 Mr. Vanarsdall - Second.

1357

1358 Mr. Archer - The motion was made by Mr. Archer and seconded by Mr. Vanarsdall.

1359 All in favor way aye...all opposed say nay. The motion carries.

1360

1361 The Planning Commission withdrew subdivision Oak Hill Manor (June 2000 Plan) from any  
1362 further consideration.

1363

1364 Mr. Vanarsdall - Mr. Secretary or Mr. Chairman, I think where the confusion comes in,  
1365 we have to do these on PODs and subdivisions but we don't have to do it on zoning cases.

1366

1367 Mr. Marlles - That's correct.

1368

1369 Mr. Archer - Thank you, Mr. Vanarsdall. You are a fountain of wisdom today. We  
1370 took care of a lot of business in a short period of time. All right, Mr. Secretary, our next  
1371 item.

1372

1373 Mr. Marlles - Mr. Chairman, our last case is on page 36 of your agenda.

1374

### 1375 **REVISED PLAN OF DEVELOPMENT AND LANDSCAPE & LIGHTING PLAN**

1376

POD-21-98 (Revised) and  
LP/POD-21-98 Ranco Road  
Office/Warehouse Phase II

**Bertozzi Family Limited Partnership:** Request for approval of a revised plan of development and a landscape and lighting plan as required by Chapter 24, Sections 24-106-106.2 of the Henrico County Code to construct a one-story, 62,869 square foot office/warehouse and related improvements, including landscaping and lighting. The 17.6 acre site is located on the northern terminus of Ranco Road on part of parcel 71-A-91F. The zoning is M-1, Light Industrial District. County water and sewer. **(Brookland)**

1377

1378 Mr. Archer - Is there anyone in the audience in opposition to this case? No  
1379 opposition. Mr. Strauss.

1380

1381 Mr. Strauss - Thank you, Mr. Chairman. This is an application for both a  
1382 landscape/lighting plan and a revised POD. The landscape/lighting plan requires Planning  
1383 Commission approval in accordance with conditions of approval of the original POD, which  
1384 was approved in February 1998. The POD is also being revised at this time to account for  
1385 changes in loading door locations. There are still 17 loading doors for this project as  
1386 originally approved - it's the locations that have changed since the original POD approval.  
1387 This is due to the terms of recent lease agreements that the applicant has entered into since the

1388 time of the original POD approval. The revised POD also shows pedestrian door locations and  
1389 the addition of a ramp in front of one building.

1390

1391 The landscape plan shows the final location of the 10-foot screen fence, which was "field-  
1392 located" with the neighbor's assistance since POD approval. The landscape plan also shows a  
1393 staggered row of six-foot Leyland Cypress trees, which have been installed as a supplemental  
1394 screen method to the fence. The lighting plan show proposed wall fixtures on the side of the  
1395 building opposite the adjacent neighborhood. While the light levels are a bit low, due to the  
1396 fact that neighbors in the area have complained in the past about glare from lights, staff is  
1397 willing to concede the level of illumination needed to the applicant's judgement, in this case.  
1398 We would rather err on the side of the neighborhood, in this case, than request additional  
1399 higher illumination levels.

1400

1401 In conclusion, staff can recommend approval of both the revised POD and the  
1402 landscape/lighting plan in accordance with the annotations made on the revised staff plan in  
1403 this morning's addendum, and with the additional conditions proposed on the addendum Nos.  
1404 38 through 44.

1405

1406 I would note that the applicant Mr. Sonny Bertozzi is here. He's in agreement with these  
1407 conditions with the exception of No. 42. That is the condition which has to do with the  
1408 loading doors. Staff recommended that the loading doors, and this is how condition No. 42  
1409 reads: The loading doors shall remain closed at all times except while loading or unloading.  
1410 The origin for this recommendation is due to the fact that in the past, for a warehouse facility  
1411 of this type, when the doors are left open, there are noise problems with the residential  
1412 neighborhood nearby. They find noise from those operations inside objectionable, so staff felt  
1413 that it would be wise to have this condition to keep the door closes, except while loading and  
1414 unloading to help buffer the noise of activities inside the building. I guess Mr. Bertozzi could  
1415 address, why he would prefer not to have this condition. Staff feels that it is a good condition  
1416 and we can avoid problems in the future by having this condition with respect to the loading  
1417 doors. With respect to enforcing or policing this, we do have Zoning Enforcement who can go  
1418 out there and observe, on a compliant basis, if these doors are not left closed, as the condition  
1419 would indicate. I'll be happy to answer any additional questions you may have. And, of  
1420 course, as I have said, Mr. Bertozzi is here also.

1421

1422 Mr. Archer - Thank you, Mr. Strauss. Are there any questions for Mr. Strauss by the  
1423 Commission? No question. All right, Mr. Vanarsdall, do you need to hear from the  
1424 applicant?

1425

1426 Mr. Vanarsdall - I would like to hear from the applicant.

1427

1428 Mr. Archer - Mr. Bertozzi.

1429

1430 Mr. Bertozzi - Good morning, Mr. Chairman, members of the Commission. My name  
1431 is A. G. Bertozzi.

1432

1433 Mr. Vanarsdall - Mr. Bertozzi, I know this has been a long drawn out affair and  
1434 everybody has worked diligently on it. I believe that you are in agreement with everything  
1435 except No. 42.

1436

1437 Mr. Bertozzi - Yes. I would like to see that removed. In these little, small,  
1438 warehouses, that's your air conditioning. It just wouldn't work.

1439

1440 Mr. Vanarsdall - But, you are in agreement with the rest of it?

1441

1442 Mr. Bertozzi - Oh, yes.

1443

1444 Mr. Vanarsdall - Let me tell you why this is. There is an old saying in Planning that "if  
1445 you can't police it, don't pass it." But, there is also another way to look at it. If we don't  
1446 have it here as a condition or in writing, see you won't be at the building, so, we can't rely on  
1447 you to close the door. We need someone to keep those doors close because, as Mr. Strauss  
1448 said, because of the neighborhood and the noise. I understand your position, you probably  
1449 don't have it air conditioned, but probably sooner or later the tenants are going to put a hurting  
1450 on you for air conditioning. But, the problem we have is if one of our conformance inspectors  
1451 go out there, and the neighborhood is going to call, they are going to call all the time. They  
1452 are going to call them and me and Mr. Glover and Mr. Marlles, and if we don't have  
1453 something in writing when that conformance officer goes out there, your tenant is going to say,  
1454 we don't know anything about that. So the conformance officers will say you shouldn't do it  
1455 and so the tenant will call his attorney and the attorney will say show me in writing where it  
1456 states that. So, I would like to leave it on there, if you don't mind. It's not that big of a  
1457 problem, it's just who is ever going to go in there, it will be your job to tell them to keep  
1458 those, whatever kind of doors you want to call them, close. I don't want to hear from the  
1459 neighborhood and neither does the County. It's as simple as that, and I appreciate the rest of  
1460 it.

1461

1462 Mr. Bertozzi - Yes, sir.

1463

1464 Mr. Vanarsdall - Thank you.

1465

1466 Mr. Bertozzi - Thank you.

1467

1468 Mr. Vanarsdall - Mr. Chairman, before I make my motion, I want to congratulate, I guess  
1469 is the word, compliment, Mr. Strauss and Mr. Marlles and who else?

1470

1471 Mr. Strauss - Dave O'Kelly.

1472

1473 Mr. Vanarsdall - And, Dave O'Kelly, of course, and Pat raised his hand, oh, and Sonny.  
1474 Put this has been a long, long, drawn out affair. Between Mr. Marlles and Mr. Strauss, Mr.  
1475 O'Kelly, some people in the community thought they lived over there. So, I want to thank all  
1476 of you for working on it and I appreciate Mr. Bertozzi so graciously accepting these things.

1477

1478 Mr. Marlles - Mr. Vanarsdall, I would like to ask one question before you make your  
1479 motion.  
1480  
1481 Mr. Vanarsdall - Go ahead.  
1482  
1483 Mr. Marlles - Mr. Bertozzi, can I ask you one question before Mr. Vanarsdall makes  
1484 his motion?  
1485  
1486 Mr. Bertozzi - Yes.  
1487  
1488 Mr. Marlles - There was a lot of discussions about phasing of this project, which I  
1489 think was a miscommunication problem during the discussions over the past several months on  
1490 this project. I think we have that resolved, but I would just like to ask you, for the record, to  
1491 clarify that it is not your intent to phase the project.  
1492  
1493 Mr. Bertozzi - It never was, and I have written numerous letters in the past stating that  
1494 and I think it has come out in these points and it's not to be phased.  
1495  
1496 Mr. Marlles - Thank you, sir.  
1497  
1498 Mr. Vanarsdall - Is there anything else? I move that POD-21-98, Ranco Road  
1499 Office/Warehouse be approved with the annotations on the plan and the standard conditions for  
1500 developments of this type and on the addendum dated today the 28<sup>th</sup> of February, we have  
1501 standard condition No. 7 revised, and additional conditions Nos. 38 through 44.  
1502  
1503 Mr. Strauss - I think we would need motions on the revised POD and the  
1504 landscape/lighting plans. There are two components of this application. Perhaps we can  
1505 approve them all in one motion, but we are referring to the revised staff plan and additional  
1506 conditions Nos. 38 through 44.  
1507  
1508 Mr. Vanarsdall - Okay. That's good. And we approve the staff plan dated February 28,  
1509 2001 and the original conditions on POD approved on February 24, 1998. Did I get it?  
1510  
1511 Mr. Strauss - I believe so.  
1512  
1513 Mr. Vanarsdall - I believe that's about it.  
1514  
1515 Ms. Dwyer - Second.  
1516  
1517 Mr. Archer - The motion was made by Mr. Vanarsdall and seconded by Ms. Dwyer.  
1518 All in favor say aye...all opposed say nay. The motion carries.  
1519  
1520 The Planning Commission approved the revised plans and the landscape and lighting plan for  
1521 POD-21-98, Ranco Road Office/Warehouse Phase II, subject to the original standard  
1522 conditions and added conditions approved February 24, 1998, and the following new additional

1523 conditions approved February 28, 2001.

1524

1525 7. **REVISED** - The plan of development plan shall be revised as annotated on the revised  
1526 plan dated **February 28, 2001**, which shall be as much as a part of this approval as if  
1527 details were fully described herein. Then (10) sets of the revised plans including the  
1528 detailed drainage and erosion control plan shall be submitted by the design engineer  
1529 who prepared the plans to the Department of Public Works for approval stamps and  
1530 distribution and one copy with all required information shall be simultaneously  
1531 submitted to the Planning Office for review. Two (2) sets of the approved plan shall be  
1532 attached to the building permit application.

1533 38. Adequate parking shall be provided for the uses in accordance with the approved tenant  
1534 up-fit plans. The certification of building permits, occupancy permits and change of  
1535 occupancy permits for individual units shall be based on the number of parking spaces  
1536 required for the proposed uses and the amount of parking available according to  
1537 approved plans.

1538 39. Construction of the second building of Phase II shall not be phased, and the building  
1539 shall be completed within 18 months of the date of this approval, unless the Director of  
1540 Planning approves an extension. If the building is not completely constructed, the  
1541 screen fence along the existing buffer with Old Hermitage subdivision shall be  
1542 constructed in its entirety, and completed prior to the issuance of any additional  
1543 building permits.

1544 40. Prior to the issuance of any Certificate of Occupancy, the applicant shall revise and  
1545 resubmit for approval all existing building permits or applications for building permits  
1546 in order to comply with the approved revised POD.

1547 41. Any deviation to this approved revised plan of development that is pursuant to a future  
1548 tenant up-fit plan will be submitted for administrative review and approval, prior to the  
1549 issuance of the tenant up-fit permit.

1550 42. Loading doors shall remain closed at all times except while loading or unloading.

1551 43. All outdoor storage shall be screened in accordance with approved plan.

1552 44. There shall be no mechanical equipment placed in the rear of building two, in the area  
1553 between the rear of the building and the property line of the Old Hermitage subdivision.

1554

1555 Mr. Marlles - Mr. Chairman, our next item is a short work session on a draft zoning  
1556 ordinance amendment.

1557



1558 **WORK SESSION:** To Review Draft Zoning Ordinance Amendment to Allow by Provisional  
1559 Use Permit an Increase in Certain Building Heights in the B-3 Business District.

1560

1561 Mr. Archer - Good morning, Mr. O'Kelly.

1562

1563 Mr. O'Kelly - Good morning, Mr. Chairman, members of the Commission. Staff had  
1564 sent to you in your packet last week the latest draft of the proposed zoning ordinance  
1565 amendment. Ms. News is handing out a new draft, which is not substantially different. There  
1566 are changes in form recommended by the County Attorney. This really is a very simple  
1567 ordinance to authorize by provisional use permit an increase in height for entertainment  
1568 facilities in the B-3 Business District. The ordinance has been advertised for public hearing by  
1569 the Planning Commission at your next meeting on March 8, 2001. I'll be happy to answer any  
1570 questions.

1571

1572 Mr. Archer - Are there any questions for Mr. O'Kelly by the Planning Commission?

1573

1574 Mr. Kaechele - Where are the differences in the revised draft?

1575

1576 Mr. O'Kelly - There are just a few minor changes in the form of the ordinance  
1577 recommended by the County Attorney, Mr. Kaechele. There were a couple of changes to the  
1578 Code sections, section numbers and...

1579

1580 Mr. Kaechele - I don't see them yet.

1581

1582 Mr. O'Kelly - Number 3 was modified by the County Attorney, if you would refer to  
1583 the version dated February 19. And also No. 4 was eliminated.

1584

1585 Mr. Kaechele - All right. I see it.

1586

1587 Mr. O'Kelly - But there were no substantive changes to the wording.

1588

1589 Mr. Vanarsdall - What did you say about No. 4?

1590

1591 Mr. O'Kelly - The County Attorney recommended....

1592

1593 Mr. Vanarsdall - Oh, I see it.

1594

1595 Ms. Dwyer - It's still in there it's just not separately numbered.

1596

1597 Mr. O'Kelly - That's right.

1598

1599 Ms. Dwyer - So, in effect, there is no limit to height in the ordinance.

1600

1601 Mr. O'Kelly - The height limitation would be reviewed by the Board of Supervisors on  
1602 a case by case basis and that's correct they could approve any height for those types of

1603 entertainment facilities.

1604

1605 Ms. Dwyer - So, they could also, for instance, increase set back requirements, rear  
1606 yard requirements as part of the PUP, but none is specified in the ordinance itself with the  
1607 exception of 24-94.1.

1608

1609 Mr. O'Kelly - That's correct.

1610

1611 Mr. Vanarsdall - And that would be with a PUP?

1612

1613 Mr. O'Kelly - Correct.

1614

1615 Ms. Dwyer - And this could also apply to, it says to the State Fair, Race Tract or  
1616 something, if that were to come up.

1617

1618 Mr. O'Kelly - The way the ordinance is currently drafted, it would be for coliseums,  
1619 stadiums and race tracts, it would not include the State Fair.

1620

1621 Ms. Dwyer - But if the State Fair had a race tract or a stadium.

1622

1623 Mr. O'Kelly - Well, yes, if the State Fair remained at its current location, which is  
1624 zoned B-3 and M-1, that would be the case. But at the new location zoned A-1 the Board  
1625 would not be able to consider provisional use to increase the height at that location, not until it  
1626 is rezoned to B-3.

1627

1628 Mr. Archer - But in any instance, there is no free hand it all has to be done at the  
1629 approval of the Board.

1630

1631 Mr. O'Kelly - Yes, sir. After a recommendation by the Planning Commission.

1632

1633 Mr. Taylor - And it only applies, as written, in the B-3 district.

1634

1635 Mr. O'Kelly - Correct.

1636

1637 Mr. Archer - Are there any further questions? All right I guess we are ready for a  
1638 motion and the motion would be to recommend this to the Board, I believe.

1639

1640 Mr. O'Kelly - Mr. Archer, this was only a work session, the public hearing will be  
1641 next Thursday night, March 8, 2001. No motion is necessary at this time.

1642

1643 Mr. Archer - There is no motion necessary?

1644

1645 Mr. O'Kelly - Right.

1646

1647 Mr. Archer - Is there anybody here who would like to speak to this? Okay then, no

1648 further discussion, and no motion is necessary.

1649

1650 Mr. Marles - No, sir.

1651

1652 Mr. Archer - Thank you, Mr. O'Kelly.

1653

1654 Mr. O'Kelly - Thank you, Mr. Chairman.

1655

1656 Mr. Archer - All right, Mr. Secretary, our next item.

1657

1658 **PRESENTATION: Watershed Management Program**

1659

1660 Mr. Marles - Mr. Chairman, the next item is a presentation by Jeff Perry of the  
1661 Department of Public Works on a new Watershed management Program that DPW has been  
1662 working on.

1663

1664 Mr. Archer - Good morning, Mr. Perry.

1665

1666 Mr. Perry - I was hoping that I would get to make a few comments. This is the same  
1667 presentation that was made to the Board of Supervisors last night at a Work Session and it is a  
1668 program that we felt like we needed to come to the Planning Commission with because it is  
1669 going to affect some changes on the plans that you see. There will be some areas where we will  
1670 not have as many BMPs as we have had in the past, certain types of development. You will see  
1671 streams that didn't have buffers before that now have buffers, as a result of the watershed  
1672 program that I am going to present to you today. So, it really will affect the Planning  
1673 Commission and this will give you a little reason why, in some developments, you will no longer  
1674 see BMPs and in some developments you will see buffers where there had not been buffers in the  
1675 past, so, hopefully, this will, when we are done, will make sense to you. OK. About three years  
1676 ago at the request of the Manager's Office we were asked to reexamine our approach to storm  
1677 water quality and basically for three years we have been working with three agencies,  
1678 environmental agencies, The Department of Environmental Quality, The Department of  
1679 Conservation and Recreation, DCR, and The Chesapeake Bay Local Assistance Department. At  
1680 the same time, we have also been working with the development community. The local  
1681 Homebuilders set up a committee that we worked with. Really, as a result of all of these  
1682 meetings, we think we have come up with a win-win situation for both the development  
1683 community and the environment with regards to water quality, and this win-win is basically this  
1684 watershed approach that I am going to go over with you now.

1685

1686 Currently, the existing storm water quality program. On-site BMPs are required for most  
1687 developments and where we would not have a BMP would be in a development that would have  
1688 enough open space, enough common area, or there were enough yards where there was enough  
1689 open area where no BMP would be required, and that is usually where impervious area are less  
1690 than 16%. When I say impervious areas, I am talking about rooftops and roads and so forth.  
1691 Currently, there are approximately 400 on-site BMPs in Henrico County and a 100-foot buffer is  
1692 required along perennial in accordance with the Chesapeake Bay Act. Now, some of the positive  
1693 aspects of our existing approach: it does meet both the Chesapeake Bay and the MPDS  
1694 requirements. It has provided for needed 100-foot buffers along perennial streams in the County  
1695 in accordance with the Chesapeake Bay Act. It has provided added protection to the valuable  
1696 wetland system, and it has produced effective BMPs for large development sites, and this  
1697 (pointing to screen) is behind the Wal-Mart out on Route 1, and these BMPs can be very  
1698 effective. Unfortunately, some of the negative aspects of the existing program. It has resulted in  
1699 numerous small, often ineffective, BMPs and subdivisions are a special area that this can hurt,  
1700 (pointing to screen) and that is a riser pipe in the background, and I think anybody would  
1701 question how effective this BMP is during a storm event. This is another example, (pointing to  
1702 screen), there is St. James. I think what is important to note when you are dealing with

1703 subdivisions, people think of subdivisions BMPs as a BMP serving the entire subdivision, where  
1704 actually that rarely, if ever, occurs, and what I mean by that is, usually a subdivision has a  
1705 relatively low amount of impervious cover. Houses, roofs, roadways, driveways, when you  
1706 compare it, let's say to a commercial establishment that has large parking areas, large buildings,  
1707 so when you are dealing with low impervious cover, as you are in subdivisions, your removal  
1708 requirement, the amount of pollution that you actually have to remove is also quite small when  
1709 you compare it to, let's say, a commercial development. What that means is, for a subdivision  
1710 you can actually, in some cases, just capture the runoff from a cul-de-sac in six or seven homes,  
1711 treat the pollutants coming from that area, and meet your removal requirement for the entire  
1712 subdivision, because the requirement is so low. What that brings about it, it brings about small,  
1713 often ineffective BMPs, like the type you saw in the previous picture. And, as you can see in red,  
1714 this is the drainage area (pointing to screen) to a BMP, and you can see in this case, probably  
1715 three-quarters of the BMP actually, I mean three-quarters of the subdivision excuse me, actually  
1716 bypasses the BMP. It doesn't even drain to it. It does not need to drain to it, because it is not  
1717 needed for that removal requirement. All they need is the drainage in red (pointing to screen) to  
1718 go to a BMP to meet the removal requirement. So, when you hear of subdivision BMPs, it is a  
1719 little bit of a misnomer. It is really not the entire subdivision that gets served by a BMP, and that  
1720 is what keeps them small and often ineffective.

1721

1722 Mr. Vanarsdall - Are you saying, Jeff, that another one we are looking at is not needed?

1723

1724 Mr. Perry - Excuse me?

1725

1726 Mr. Vanarsdall - The three-quarters of the subdivision doesn't go to the BMP. That means  
1727 that no more is needed.

1728

1729 Mr. Perry - Right. To meet the removal requirement, all they needed is what drained  
1730 to that BMP, what was in red. (Pointing to screen) That drainage area right there would have  
1731 had enough roadway, you can see that it is a cul-de-sac there. There are several homes that  
1732 would have drained that way to the BMP, and just by serving that area, that would have met their  
1733 removal requirements for that subdivision and that tends to keep the BMPs very small.

1734

1735 Ms. Dwyer - The BMP in this case may have been effective insofar as the water that  
1736 was drained to it, but the problem is that most of the subdivision is not draining to this BMP and  
1737 so all of the pollutants generated in that part of the subdivision are not being captured. Is that the  
1738 case?

1739

1740 Mr. Perry - Yes, that is true, but even for the water that does drain to the BMP, since it  
1741 is such a small amount, these dry BMPs, there is a question of how effective they are, even for  
1742 the removal of the water that is with them. They are not, let's say, if we went back to that picture  
1743 of the BMP behind the Wal-Mart, we had that large water area, that big pond area, we had a lot  
1744 of wetland plans, they tend to be a lot more effective. As those pollutants come in, they hit the  
1745 water. The pollutants start to settle out. The plants seem to uptake them, take the pollutants, and  
1746 when you get into these little small, dry-type BMPs, like the one you saw between the two  
1747 houses, there is really a real question of even the water getting there how effective that really is

1748 reducing pollutants.

1749 Ms. Dwyer - In subdivisions the people tend to alter the landscaping and the...

1750

1751 Mr. Perry - And I will ask you this, going back to the previous slide, the one right  
1752 between the two homes, I would tend to think that those people probably fertilized that area right  
1753 there, since it is a part of their yard, and obviously fertilizing the BMP, it is probably not doing  
1754 quite the job it is intended to do, so there is a real question as to how effective they really are in  
1755 those types of situations.

1756

1757 Mr. Vanarsdall - Are you thinking that you are going to do away with the requirement? Is  
1758 that right?

1759

1760 Mr. Perry - We are looking at coming up with an alternative to BMPs for those  
1761 ineffective BMPs and I am going to get to that.

1762

1763 Mr. Vanarsdall - Well, in the beginning, you all had some reservations when it first  
1764 surfaced.

1765

1766 Mr. Perry - You are absolutely right, Mr. Vanarsdall. And we also have a negative  
1767 aspect with our existing approach when it comes to redevelopment areas. This particular  
1768 location is Broad Street and Skipwith, and what tends to happen with redevelopment areas is,  
1769 since the site, and what we had here, we had a Golden Skillet, even though that says Golden  
1770 Skateworld, that is a different site, and that is an adjacent business. It used to be a Golden Skillet  
1771 where that autoplex is. Now what happens in a redevelopment situation is, especially, let's say  
1772 along the corridor along Broad Street, you already have a development out there that is basically  
1773 impervious. Everything is a parking lot or buildings, pretty tight constraints. Someone comes  
1774 along and redevelops the site. They are really not adding much to this area, because it is already  
1775 all paved. They might be changing the building layout a little bit, they might be adding one or  
1776 two parking areas, but the requirements are that they still do have a storm water requirement.  
1777 Now, what happens, they might be changing the building layout a little bit. They might be adding  
1778 one or two parking areas, but the requirements are that they still do have a storm water  
1779 requirement. Now what happens is that storm water requirement is usually extremely low. For  
1780 this particular site, it was .36 pounds of phosphorus, not even a half a pound of phosphorus in a  
1781 watershed that is probably producing thousands of pounds along the Broad Street Corridor.  
1782 However, you still have the requirement. So, since it is a built out area, it is all parking and  
1783 buildings, he really can't build a basin. You can't tear up your parking and go out and put a  
1784 basin out there, so what they have to do, is what you see in red is a sand filter. You have to go  
1785 underground, under the pavement, to go ahead and build one of these vaults filled with sand that  
1786 storm water goes into and, excuse me, what happens is they build these. And they are very  
1787 expensive. This sand filter is probably \$40 to \$60 thousand dollars to remove .36 pounds of  
1788 phosphorus. Now, if you are trying to encourage redevelopment, certainly the person that is  
1789 looking to purchase this property and redevelop it, and finds out that the first thing he has got to  
1790 do is lay out \$60,000, that is not encouraging redevelopment, that is discouraging redevelopment.  
1791 And we talked to the agencies. They understand that. So, what is equally troublesome is that  
1792 this is the receiving channel to that site. When that site drains, this is where it goes. If you look

1793 at that stream channel, that stream channel is just eroding. Every year. That does not self heal.  
1794 Every year tons of sediment falls out of that bank. A tree falls and that sediment just rolls on  
1795 down into the James River. So, our question was: Let me see. Would I rather be spending my  
1796 money removing .36 pounds, or would I rather be down here fixing this channel, keeping the  
1797 sediment from moving on down to the James River. In addition to that, should a person  
1798 redeveloping this site; shouldn't he just pay his fare share? Why should we have that  
1799 redevelopment site paying \$60,000, if all he is contributing is .36 pounds? Why don't we, if we  
1800 really want to encourage redevelopment, let's not let them off Scot-free? Let's just make them  
1801 pay a fair share. Now, when you look at the sediment situation, that's a problem, but equally  
1802 look at other negative aspects of the program. The program also doesn't address previously  
1803 developed areas that experience no new development. The way our existing program is set up,  
1804 everything is geared toward new development. A proposed development comes in. We ask them  
1805 to treat the storm water runoff. Well, we have areas out there in the County, for instance, this  
1806 example right here (pointing to screen) that will never be fixed with that approach. I mean, if all  
1807 you are doing is focusing your program on new development, how do you solve old problems  
1808 that are continually degrading your streams? I mean, every year, again in this situation, you are  
1809 going to have sediment rolling down into that stream that is never going to self heal unless  
1810 someone comes in and corrects the problem. Now, when you look at what the State did, the  
1811 Department of Conservation and Recreation, they did a tributary strategy for the James River,  
1812 and what they found out was that the James does have wide spread impacts from poor water  
1813 clarity as a result of high suspected sediment level. Logically, the James strategy must address  
1814 the issue of sediment control in concert with a nutrient reduction effort. So, what they are saying  
1815 is, "Look, maybe we just shouldn't be focusing on the James River Water Shed. Maybe we  
1816 shouldn't be focusing all on nutrients. We need to start thinking about sediment levels." We are  
1817 saying, "Hey, we agree." Take that redevelopment site, for example, maybe we shouldn't be  
1818 worrying about .36 pounds of phosphorus. Maybe we should begin fixing our down stream  
1819 corridor and start balancing the sediment problem that is going in the James River, and not just  
1820 focusing just strictly on nutrients. All right.

1821

1822 Another negative aspect of the program is the opportunity to establish buffers, and we do have  
1823 some streams within the County where a buffer along the stream, that stream would clearly  
1824 identify with it, would be improved with the buffer. Now the problem we have under our current  
1825 system, we really have no way to go back and let's say, reestablish a forested buffer along that  
1826 stream. Under the existing program again, we are dealing with just new development, proposed  
1827 development. Also, regional BMPs: Right now all regional BMPs – this is Wellesley Lake – are  
1828 pretty much development driven. The County really doesn't get involved in regional BMPs as  
1829 well as off-line wetland systems, and this is one out at Wyndham. OK.

1830

1831 What our goals are: We want to maintain a positive aspect of the existing program. We want the  
1832 100-foot Chesapeake Bay buffer for perennial streams to stay in place. The large BMPs, Keith  
1833 White is here today. He did a study for us, and went back and looked at annual loads in the  
1834 County and found that 65% of the BMPs, the large BMPs handle 89% of the pollution loads. So,  
1835 the big BMPs are clearly effective. Now, we want to correct the deficiencies of the existing  
1836 program and we want to reduce the number of ineffective BMPs by providing more effective  
1837 alternatives, and likewise we found out that 35% of the BMPs, some of these small ineffective

1838 BMPs, are only removing 11% of the load in the County. So, we are spending an awful lot of  
1839 money, 35% of the BMPs, to tackle just 11% of the problem. What we would like to do is, we  
1840 want to come up with more effective alternatives. We just want to be smarter with our money.  
1841 Instead of building those ineffective BMPs, we want to go out and take care of some of those  
1842 existing problems that are creating these large sediment loads that are problems for the James  
1843 River.

1844

1845 We want to go out and do stream restoration project. We want to go out and restore buffers. We  
1846 want to go out and remove stream obstructions from channels. We want to remove illegal  
1847 discharges into the creeks. What we need to do is we need to set up this environmental fund, this  
1848 mechanism, where instead of building these ineffective BMPs in these redevelopment areas and  
1849 some of these subdivision areas, that people can contribute to an environmental fund and money  
1850 can go out and really take care of some of the more serious problems that exist out there. We are  
1851 actually going to increase the amount of stream buffers in the County. We feel like buffers along  
1852 streams are extremely important and so do many of the agencies. We are going to provide a  
1853 mechanism to improve water quality in areas where no development is occurring. We can go  
1854 back and fix problems. We want to base everything we do; we want to base it on sound  
1855 watershed management based, on stream assessment, the actual quality of the watershed. We  
1856 want to prioritize these projects, whether they be removal of stream obstructions or going in and  
1857 doing stream bank stabilization projects. We want to come up with a real hierarchy, if you will,  
1858 and we also want to be able to monitor our improvement. We want to be able to go back and  
1859 show that what we have done not only is equal to the 11% that we are no longer doing, but, in  
1860 fact, it is actually better that our approach is actually going to be more successful. So, that is very  
1861 important to us.

1862

1863 The first thing we needed to do, we had to identify and map our watersheds. There are about 70  
1864 watersheds, if you will, these sub-watersheds in the County. Then we went out and we actually  
1865 assessed the streams. We walked 440 miles of stream in Henrico County. While we were out  
1866 there, we looked at physical indicators, the biological indicators and we even looked at some of  
1867 the historical matter on which streams were impaired, and what we came up with is something  
1868 like this. This is just an example. (He is pointing to screen). This is a watershed flat branch, the  
1869 yellow area would be considered fair. There were scores, a certain range that indicated a fair  
1870 segment of stream, the green good, and the purple poor. What we would do is we would take  
1871 those scores and actually weight them and kind of give an overall habitat assessment score for  
1872 that watershed.

1873

1874 Now while we were out there we also wanted to identify all of the problems. So, while we were  
1875 out there we picked up things like exposed sanitation, sewer lines; we picked up things like pipe  
1876 outfalls that were possibly having illegal connections tied to them. Not only did we pick up  
1877 exposure problems associated with the stream bank, we also looked things like culverts and  
1878 pipes. We picked up things like dump sites. We also identified stream obstruction areas, and  
1879 when we were done, we had something that looked like this. These are all inventory points. We  
1880 have areas, the first one is identified as buffers, and that is where we could go back and score  
1881 buffers where no buffers no longer were along the side of the stream where opportunities existed  
1882 for us to go back and plant trees and reestablish buffers right along the edge of the stream that is



1883 so important to the quality of the stream.

1884

1885 We also picked up things like dump sites where erosion were, where stream obstructions  
1886 occurred. All of this information was compiled while we were out there assessing the stream.

1887 Here is a really good example of what the GIS tool that we used for the program and it is really a  
1888 phenomenal tool. Those half-moons that you see are all erosion problems that were found along  
1889 flat branch, and what we can do is, we can click on any one of those points and a picture will  
1890 come up, as you see there, of the erosion problem.

1891

1892 We took over 4000 pictures while we were out doing the assessment, and with this GIS tool we  
1893 can sit down and we can say, "Show me all the streams that have an erosion problem of -8 or  
1894 greater, which might be the more significant ones. And they all come up and show us and we  
1895 can click on every single picture, which is going to be great when it comes to prioritizing projects  
1896 and trying to identify where we need to spend the money, what effects we are going to have. Lets  
1897 say you have a poor stream that is above a fair stream, and you know that the fair segment that  
1898 the reason why it was only fair was it had heavy silt on the bottom of it. Well, if you look up and  
1899 you can see some real erosion problems within the stream above it, you can kind of hypothesize  
1900 that "Hey, if we fix that, not only are we going to help that segment out but we might affect the  
1901 segment below it, and turn that fair section into a good section." And we can click on the  
1902 pictures right there and see what the problem is, kind of estimate how much money that would  
1903 cost, and start to prioritize how we are going to go about improving our water shed.

1904

1905 OK, what we ended up doing was taking the inventory scores, all the points, all the problem  
1906 areas, and we combined them with that habitat assessment score, where we actually went out and  
1907 determined whether the actual quality of the stream was good, fair or poor, and then we came up  
1908 with an overall score. So, eventually, all of the watersheds in the County are going to be rated as  
1909 good, fair or poor, and we put them into a category, and the good streams are called Watershed  
1910 Preservation Areas and the fair are Enhancement Areas, and then the one on the bottom, Urban  
1911 Management Areas, those are the redevelopment corridors. I will go over those in just a second.  
1912 Now, this is just an idea. We do not have the final tabulation right now. The computer is  
1913 dealing with a lot of numbers. Each one of those segments is weighted. For instance, if you had  
1914 a score of 20 on a segment that was a mile long and then you had a score of 180 on a stream that  
1915 was six miles long, well, obviously, you just can't average those numbers. They just have to be  
1916 weighted over the distance, so those scores are all being put together, but I can tell you what we  
1917 are estimating right now, we are projecting that probably 10 to 15% of the streams will be good  
1918 and likewise probably 10 to 15% of the streams will be in the poor range, and 70 to 80% will be  
1919 in the fair range. Now, I will say that some of the watersheds out in the East End, we needed to  
1920 further subdivide them. For instance, let's take the White Oak. This is the White Oak Swamp  
1921 (pointing to screen) Watershed, and what you have here is, you had a watershed, after we looked  
1922 at some of the numbers it was apparent that we probably needed to divide it between the upper  
1923 and the lower. As you look to the west, you can see the watersheds are so much smaller, and  
1924 what you have here, for instance, in White Oak, in the upper portion you have a lot of  
1925 commercial development. You have the airport up in that watershed, so the streams themselves  
1926 were quite different as far as the scores and the amount of inventory points than, let's say, the  
1927 lower portion that has a lot more swamp, has the Elko Tract out there that has very good water

1928 quality with all of the buffers that are out in that area, and when we go to manage these  
1929 watersheds, we don't want to manage them all as one big watershed that is fair, we wanted to  
1930 manage them as separate watersheds with one having better water quality than the other.

1931 We also have this urban management area and these were the redevelopment areas, and these are  
1932 areas that are so built out and, again, you saw the pictures of the streams below them where if  
1933 someone were to come in they could automatically contribute to the environmental fund and they  
1934 would not build a BMP. That would be the prudent thing to do. We know that the requirements  
1935 are going to be very low in these areas and we know what the streams look like, and they will be  
1936 able to contribute into the environmental fund rather than build a BMP. Now, what is this going  
1937 to look like as far as our watersheds? What are we really going to take on? Well, first off, as far  
1938 as the stream buffers. Right now, the way this works, the Chesapeake Bay buffer, the  
1939 Chesapeake Bay streams, there are approximately 220 miles of streams that have buffers under  
1940 the Chesapeake Bay Act, and that is that brighter green right here. Now where that stops all the  
1941 way to where 100 acres of drainage begins we will be adding a 50 foot stream buffer to those  
1942 streams, and that is approximately 220 miles of streams in the County. So, what we will actually  
1943 be doing is doubling the amount of streams in the County that have buffers associated with them,  
1944 and this will be a 50-foot buffer. This won't be the 100-foot buffer of the Chesapeake Bay Act,  
1945 and this will be measured from the stream bank.

1946

1947 Ms. Dwyer - What do we call this?

1948

1949 Mr. Perry - It is going to be Stream Protection Area Buffer. It won't be an RPA. It  
1950 will be a SPA. But we will pretty much treat it the same as we do an RPA, where it has to  
1951 remain undisturbed and people basically have to stay out of it.

1952

1953 Ms. Dwyer - What kind of stream is this? How is the stream identified? A perennial  
1954 stream?

1955

1956 Mr. Perry - Actually it is by acreage. If it has got at least 100 acres of drainage, then it  
1957 will have a buffer associated with it.

1958

1959 Mr. Taylor - What type of activity would be appropriate within that buffer area? Would  
1960 you have trails or...

1961

1962 Mr. Perry - Exactly what is allowed in the Chesapeake Bay Act, passive recreation,  
1963 trails, things like that. The idea, too, behind this buffer is it is a 50-foot buffer, not a 100-foot,  
1964 but in the past I think people who built homes along some of these streams cleared their yards  
1965 right up to the bank of the creek. That is not unusual, and once you remove all of those trees and  
1966 all of the shrubs and all that vegetation, well the banks start to fail and those same people who  
1967 cleared right up to the edge of the stream are the same ones who call the County and say, "I have  
1968 a drainage problem back here. My stream bank is eroding. My backyard is falling in and I am  
1969 losing two or three feet of backyard every year. You need to come out here and correct the  
1970 problem." Well, obviously, there is a real environmental benefit from having a buffer as well as  
1971 preventing further drainage problems coming along that are associated with people being allowed  
1972 to clear right to the edge of a stream. So, it is kind of a dual benefit, if you will. I mean the

1973 importance of buffers is well known for streams.

1974

1975 Mr. Vanarsdall - Well, they will be well earmarked.

1976 Mr. Perry - We will treat them the same way we do, we will flag them and put signs up, just like we do Chesapeake Bay buffers?

1978

1979 Mr. Kaechele - Those already developed areas back there in the subdivisions, there is not much you can do about that now?

1981

1982 Mr. Perry - You are right, Mr. Kaechele. There will be proposed development coming in. Obviously, some of the money that we will be collecting with the fund, if we can get out in the watersheds and work with some of these Homeowners Associations and say, "Look, you know, your water quality back here is fair. You could really make this stream good if you go back and you let us go ahead and install a buffer back here." Let's say it is common area. We can go back and restore a buffer. We will go in and we will do some stream restoration projects, and we will get those homeowner down there or that farmer to go ahead and fence his cattle and keep out of the creek, and come up with kind of a game plan for these watersheds and work with some of these associations to go ahead and improve water quality. OK, and this is just an example of a stream (pointing to screen), that probably could be improved by having a forested buffer along it. Those streams, you know in the middle of summer get kind of hot without any kind of shade on them, and, obviously, effect the organisms that can live in these streams.

1994

1995 Mr. Taylor - The question I have is with regard to a stream like that, that could benefit from some reforestation, your program would actually replant that, either the Boy Scouts or some kind of a program that could buy some shrubs?

1998

1999 Mr. Perry - We've actually have, I am glad you asked that question. We have two options. One, if the buffer is required for new development, someone comes in, they are going to develop it and they are required to put a buffer. They are required to actually put in a forested buffer if one does not exist. Now, we are talking about planting sprigs. Now, what will happen is, they will actually be given a credit against the amount that they have to contribute to the fund because they are actually going to, when you think about it, we are going to be using the fund money to go back and put buffers where they don't exist. Let's say in an old section. You said the Boy Scouts or something like that. We'd go back, we'd be using that money anyway, we'd go back and restore it and we feel it is only fair that the developer does it, to give him credit against the amount of contribution he would have to put into the fund. Does that make sense?

2009

2010 Mr. Taylor - Yes, it does. Putting in 50 feet of forested buffer on both sides of this little creek for any developer gets to be a significant financial undertaking.

2012

2013 Mr. Perry - We have looked, we have run numbers and determined how much that would cost, and, again, we have it figured out where that amount of money, what he'd actually have to contribute for a – let's say an acre of trees – which would measure out 50 foot either side, that would actually be less the amount he'd have to contribute into the environmental fund.

2017

2018 Mr. Taylor - Now, for instance, I'm going to take you back to one you and I are both  
2019 intimately familiar with, the Care Matrix site. The question is, what is the definition of the word  
2020 stream is, and then that particular site, as you remember, when we had our meetings and all of  
2021 that, the question of what that really is in terms of a perennial stream, and what you can do as  
2022 various understandings. To you and I it was a stream that could have been left with a vegetated  
2023 buffer and then nature would do fine things, but the people who think it is of greater value than it  
2024 perhaps is, the concept of doing something like forestalling development or doing some major  
2025 project to renew the buffer of the stream gets to a point where the developer really can't do it,  
2026 and in that particular case, the neighbors wanted to preclude development of that site because of  
2027 what effect the water drainage would have. And, is there going to be a distinction now between,  
2028 let's say, a perennial stream of some significant value that we want to maintain, and just through  
2029 what channel?

2030

2031 Mr. Perry - There will be a distinction as far as there is now where a perennial stream  
2032 stops. We won't really associate a value with it. Where a perennial stream basically ends would  
2033 be where the Chesapeake Bay 100-foot buffer is required, and it can't be disturbed, and where  
2034 that ends we would pick up with this new program and a 50-foot buffer would go all the way to  
2035 100-acres of drainage, but I don't think that we are actually assessing a value of the stream to  
2036 decide whether a buffer is required or not. I think that could come somewhat ambiguous and we  
2037 just pretty much have to focus in, although I appreciate what you are saying. Certainly there are  
2038 some streams that I have seen that could be considered questionable, but we have to come up  
2039 with some type of threshold that is manageable, I guess.

2040

2041 Mr. Taylor - Now, that threshold or the limit to the threshold beyond, you know, where  
2042 the Chesapeake Bay provisions are effective, and then the County provisions, and that requires  
2043 100-foot of setback, then you would get to where the County requires 50-feet.

2044

2045 Mr. Perry - Under this program, yes.

2046

2047 Mr. Taylor - And then on further down where it is even a smaller stream?

2048

2049 Mr. Perry - Then it would just be standard, right.

2050

2051 Mr. Taylor - And we wouldn't worry about that? OK. Thank you.

2052

2053 Mr. Perry - In addition, in watersheds now, you are going to start to see tree  
2054 restoration projects, and Ms. Dwyer, this is one out in your area, Cabin Branch, that the County  
2055 undertook, a stream restoration project, and, again, this is something that will be funded through  
2056 the environmental fund now. Removal of stream obstruction. There are a lot of stream  
2057 obstructions out there.

2058

2059 Mr. Vanarsdall - I was wondering about that.

2060

2061 Mr. Perry - We have a lot of kind of storms, we have tree falls on those cases where  
2062 we saw those banks eroding. Eventually, they erode far enough where trees fall in.

2063

2064 Mr. Vanarsdall - You found that in the 440 miles?

2065

2066 Mr. Perry - We did that. We found plenty, and what happens is, the stream starts to  
2067 work its way around those obstructions and starts to cause erosion problems, and so those are  
2068 things we'd like to get in and start to move, to improve the quality of the watershed. On-site  
2069 BMPs are still going to be a big part of the program in watersheds. But, again, they will be  
2070 effective on-site BMPs. We still want to build the ones, the 65% that are handling 89% of the  
2071 load; those are the ones we want. Those are the ones that are doing the job.

2072

2073 Mr. Jernigan - Jeff, how will this program benefit redevelopment in our older commercial  
2074 corridors. I know you had a number of them listed. What is the practical impact going to be?  
2075 Will we not have to have, when a site is redeveloped or there is expansion on the site, you will  
2076 not have to impose BMPs, on-site BMPs requirements on those sites?

2077

2078 Mr. Perry - In the redevelopment corridor, again those 11 corridors, if you are  
2079 redeveloping in there, you will contribute directly to the fund. And, the reason for that again,  
2080 obviously, is that it is built out, and your removal requirement is always small and the stream that  
2081 all of that water goes from is in really bad shape. I mean, unfortunately, they are the ones who  
2082 get the, the Broad Street, and those are developments that were built many years ago before we  
2083 had things like retention basins and things like that, so, obviously, those streams seem to have  
2084 greater problems that need to be fixed.

2085

2086 Mr. Marlles - A couple of questions, going back to the buffer again, will that be applied  
2087 to the rear of a subdivision lot, a potential subdivision lot? How do you see that working?

2088

2089 Mr. Perry - Well, again, the 50-foot buffer will be based of the stream bank, and  
2090 whether that buffer is included as part of the lot, I would assume it will be. It will be part of the  
2091 lot and part of the lot that has to remain undisturbed, and what they'll do is, they'll probably  
2092 come from that point with the rear yard setback, so that actual useable backyard and that will  
2093 dictate where the actual buildable area begins. So...

2094

2095 Mr. Taylor - So, within that 50-foot, the Planning Commission could specify trails or  
2096 other features that would make it usable for the public but it wouldn't be private use?

2097

2098 Mr. Perry - Right. And if they put that 50-foot in the common area rather than private  
2099 development, you are exactly right. I think you'd see trails and things like that if they wanted to  
2100 use the creek as an amenity, I guess, for their development.

2101

2102 Mr. Vanarsdall - Jeff, I have a couple of questions and I think this would be a good time for  
2103 me to find out. As you know, we don't have anything to do with BMPs in the Planning  
2104 Commission. We don't have anything to do with them. I mean that is the way it is set up. I am  
2105 not complaining, but who makes the decision about what kind of BMPs are put where, and why  
2106 are some of them so nice looking and some are very ugly. They look like a bomb dropped and it  
2107 rained, and I never have understood who makes the decision. We don't. We try to get in on

2108 landscaping and everything like that, and there are some, I suppose, that you've had requests for  
2109 fences if it was near a child's daycare center. But I never have known that. I know there is one  
2110 at Libbie and Broad Street in front of Walgreen's that is about as pretty as any I ever saw. I don't  
2111 know how that happened. It has a berm in front of it, and it has plantings around it, so who  
2112 makes that...

2113

2114 Mr. Perry - I guess there are two separate questions there. The first being who makes  
2115 the decision. I guess right now the County actually puts out guidelines, if you will, saying that,  
2116 for instance, in a subdivision, BMP slopes should be 4 to 1 or flatter, which means the BMP is  
2117 going to be in a steep hole, which tends to be very flat, and somewhat pleasing to the eye, for an  
2118 example. And they need to be dry, where you don't have the complaints of water, standing two  
2119 foot of water. My child is going to fall in. It is a mosquito problem. So, there are certain  
2120 guidelines that the Department of Public Works puts out with those BMPs, with the  
2121 understanding that we are trying to eliminate the complaint, the nuisance problem that you all  
2122 hear and make them more pleasing. Now, from where it goes from there, I mean those are just  
2123 the basics, how someone actually makes that, let's say attractive as far as plantings go, some of  
2124 the other things, whether it is sodded or not, again, we require topsoil so you can get a good stand  
2125 of grass along the BMP. We are very sensitive to that, but, again, really it is the actual private  
2126 engineer that is working for the developer that can really make or break it. As many guidelines  
2127 as we can give and as many requirements as we can put on, you really can't dictate whether that  
2128 developer, let's say, finds a spot where it is really aesthetically pleasing. For instance, he might  
2129 have two or three different places in a subdivision he can locate a BMP. Again, it just serves a  
2130 cul-de-sac and some homes. Well, you could put one at this cul-de-sac and put one at this cul-  
2131 de-sac, well, certainly, at the end of one cul-de-sac it might fit in and the topo of the land might  
2132 look a little better, but that might not be the one that he chooses. He might choose the one, the  
2133 cul-de-sac that is a little bit closer to the homes, doesn't have that natural leaf, and it might not be  
2134 the same one we would like to pick, but to meet the requirement and still be built to a 4-1 slope  
2135 and he has fulfilled some of these other things and he has really met the requirement. We do  
2136 share some of the responsibility of putting in some of the basic requirements to try and make  
2137 them as pleasing as possible, but ultimately it is the private engineer who really can make them  
2138 attractive.

2139

2140 Mr. Vanarsdall - Thank you, but I have a question to Mr. Marlles. Mr. Marlles, does Leslie  
2141 or Jim get in on any of the landscaping of BMPs?

2142

2143 Mr. Marlles - I think staff does have input at times, particularly where we have sensitive  
2144 locations.

2145

2146 Mr. Vanarsdall - We must not have much. We must not have much input.

2147

2148 Mr. Taylor - Well, actually, BMPs came up this week with Mr. Kaechele and myself  
2149 with Short Pump Town Center, and I had made some observations of the BMPs in and around  
2150 Brookhollow. One of the problems that we have is that some of our engineers that put these in,  
2151 I'm not sure what their basic motives are, but some turn out to be very nicely landscaped,  
2152 particularly now that there are some along Broad Street in a climaxed area that are very nice, but

2153 there are some that are under designed but many, many of them are under maintained, and what  
2154 originally starts out to be design effectively, as Mr. Vanarsdall so eloquently put it, looks like a  
2155 bomb crater, and they stay that way, and they apparently my first question is, is there an after  
2156 construction inspection program, so we could see what the less diligent engineers might be  
2157 designing in terms of a BMP.

2158

2159 Mr. Perry - We inspect BMPs after they are constructed as far as things like are the  
2160 slopes actually 4 to 1. You know, if they are 2-1/2 to 1, then they have to go back and regrade  
2161 the BMP. Are they actually dry? I think right now our standard is that if someone tries to build a  
2162 dry BMP and, in fact, it is not dry, then they have to go back and regrade it and they hit springs  
2163 and they still remain, then we actually contact the Planning Commission, and through the  
2164 Planning Department have them go out and make sure they are comfortable with the fact this was  
2165 originally designed as a dry BMP. It is not going to be because they hit a spring. How do you  
2166 feel about this and does this need to come back to the Planning Commission or is this something  
2167 that you all can live with, so, yes, there is a diligent inspection program on our part to insure that  
2168 what is approved and what is on the plan is actually built in the field. Now as far as aesthetics  
2169 go, is it the right trees, it is landscaped properly, things like that. That is not really something  
2170 that is Public Works. We look at the actual physical construction to make sure it is functioning,  
2171 that the water is getting out of the BMP like it should, it was built in accordance with the plan,  
2172 items like that, and Mr. Whitten is here and Mr. Jackson both. They go out and they do that, and  
2173 we won't even release them unless we have vegetation growing on them, even on the bottom.  
2174 We get complaints all of the time. You are holding up our bond. We are just waiting for the  
2175 grass to grow, and we say, well, we've got to see the grass growing. I mean we can't release it  
2176 until we see it, so we inspect them, but, again, we don't inspect the aesthetics.

2177

2178 Mr. Kaechele - That is an area that is still evolving and needs further attention,  
2179 because I think the areas where they are prominently exposed, most of the developers are  
2180 conscious enough to want an attractive looking BMP as well. But, there are exceptions to that,  
2181 and it is, I think it is an area that may need to be further revised as to who has that responsibility.  
2182 But it is improving, but you can point to a lot of them that are very unattractive.

2183

2184 Mr. Perry - Again, and as far as who is responsible, possibly there could be a team  
2185 effort, Mr. Kaechele, to develop them, but, again, we don't get into the actual planting. We don't  
2186 require the planting and when I say we I mean Public Works. We don't actually come up with a  
2187 landscape plan. We don't approve the landscape plan, so we can't go out and accept something  
2188 for another department. I know that might not be what you want to hear, but we are not actually  
2189 involved so much in that process, so it might be a good thing that we go out there jointly when it  
2190 comes inspection time, but sometimes the plantings of BMPs might not come for a while after  
2191 the rough grading is all in and after that work. Sometimes it is actually the last thing that is done.

2192

2193 Mr. Taylor - That is perhaps one of the questions that Mr. Kaechele and I had. After  
2194 that is designed, after it is constructed, is there an inspection program to make sure they are in  
2195 conformance with the plan, and then further on, is there some motivation to require or provide or  
2196 enhance motivation of some of the builders to do something constructive to landscape,  
2197 constructive along the lines of landscaping and putting some kind of plans in there that are

2198 hydrophilic and will grow and prosper, and make sure there is a periodic inspection just to  
2199 maintain and make sure they are maintained in accordance with the design plan, because we  
2200 talked about one case the other day, and we were informed that, “Well, we planted, I guess,  
2201 marsh organisms or plants in there, but they died.” That is OK, but it goes back to the bomb  
2202 crater. If that is all you are left with is a bomb crater that has dead trees in it, it seems to me that  
2203 increasing the standards would be a reasonable thing to do and require that kind of planting, and  
2204 then having a periodic inspection program to make sure that it is maintained the way it was, let’s  
2205 say, we had a BMP landscaping plan. We could come back and take a look at the landscaping a  
2206 couple of years later as we do for buildings and say, “Well, we specified a certain number of  
2207 trees, and you have to replace them because the ones you have, have perished.”

2208

2209 Mr. Perry - If you are suggesting that we should have a BMP inspector, if you will,  
2210 there are over 500 BMPs in the County, that goes out and insures they are in good condition, and  
2211 if they are not, they notify the owner whether they be in subdivisions, I am all for that. I just  
2212 don’t know who would do that, and I don’t really know how to say this, but I guess,

2213

2214 Mr. Vanarsdall - Jeff, I didn’t mean to get off on this, but the word is accountability, and to  
2215 me, I gave an example of Walgreen’s at Libbie and Broad. Walgreen’s Drug Store Company  
2216 took it on themselves to make that BMP as pretty as the rest of their building, and they maintain  
2217 it. They just finished mulching it, I believe, so they have accepted that. So, it seems to me that it  
2218 wouldn’t be a problem, if a business put in one; they should be as responsible for that as they are  
2219 their parking lot and their lighting and the landscaping of the rest of the place.

2220

2221 Mr. Perry - I agree 100%.

2222

2223 Mr. Vanarsdall - So, the only thing that I wanted to know was how it ever got so  
2224 unbalanced. I heard one time somebody said that they wished when they started the Chesapeake  
2225 Bay Act they would have gone down to the Chesapeake Bay and had a huge hole or lake or  
2226 something down there, and let it all run, and I know that couldn’t be done.

2227

2228 Mr. Taylor - In deference to Mr. Vanarsdall’s comments, it would seem that if we put  
2229 the requirement on the developer to landscape the BMP as a part of the design, they don’t know  
2230 who would inspect that, whether Planning would inspect it or Public Works would inspect it, but  
2231 at least we could require some hydrophilic plants be provided as a part of the landscaping plan.

2232

2233 Mr. Vanarsdall - I will also say that I am not advocating changing what we are doing. The  
2234 County Manager’s Office handles BMPs and they let us know that and we know that and they are  
2235 not trying to get back into the BMP business, but it is very obvious to anyone, whether you are on  
2236 the Planning Commission or the Board or a citizen that somebody is not accountable for what  
2237 they look like.

2238

2239 Mr. Perry - Right, and the whole concept of having an inspection program for BMPs is  
2240 a solid one. Who is committed to actually providing that type of personnel, the service or whether  
2241 – I know just speaking from our department, that would be a very difficult thing to pick up with  
2242 existing staff. I mean, you are talking 500 BMPs.



2243

2244 Mr. Taylor - Well, that is the existing, but it is in the application process or the design  
2245 process if we were to specify standards for these BMPs.

2246

2247 Mr. Marlles - Excuse me. Mr. Chairman, I think we've really gotten off track of the  
2248 subject. It is obvious we could spend a lot of time talking about BMPs. I think Mr. Vanarsdall is  
2249 correct. Some of these issues or most of these issues are primarily within the purview of the  
2250 Department of Public Works, so there are certainly some questions regarding landscaping that are  
2251 within the jurisdiction of the Planning Staff and Commission, but I do think we are getting off-  
2252 track from what the purpose of the presentation is.

2253

2254 Mr. Vanarsdall - And I apologize too, but we have never had an opportunity to get off track.  
2255 And so that is the reason I derailed the engine.

2256

2257 Mr. Taylor - So, if we are off track, please excuse us. Our thoughts here would be to  
2258 get some kind of a mechanism that we could come up with as we do with our normal  
2259 landscaping.

2260

2261 Mr. O'Kelly - Mr. Taylor, could I take just a minute to comment on that, because I know  
2262 that even Mr. Vanarsdall means well, but not steal any of Jeff's thunder, he is doing an excellent  
2263 job, but I think most of the concerns that the Commission have with BMPs occurred prior to  
2264 1996 with the so-called craters that didn't get a lot of attention in terms of landscaping. Since  
2265 1996, Jeff and I and Jim Strauss were on a committee that came up with concept plans for  
2266 landscaping BMPs. These concept plans are included in the water quality manual and our  
2267 landscape architect since 1996 has looked at BMPs extensively and, in terms of those concept  
2268 plans, and made recommendations for landscaping, that is also inspected by our inspectors in the  
2269 Planning Office at the time they go out for Certificate of Occupancy. The concern, I think, that  
2270 you gentlemen have is with those BMPs that were constructed prior to the current concepts in the  
2271 water quality manual.

2272

2273 Mr. Taylor - Some of those, Mr. O'Kelly, is there somebody that goes and maintains  
2274 overview to insure that the conformance of the BMP with the required plans, is, in fact,  
2275 maintained, because Mr. Cassidy and I went over to a meeting the other day, and they said,  
2276 "Well, when they built the BMP behind Brookhollow it had some vegetation and it all died." So,  
2277 that is just...

2278

2279 Mr. O'Kelly - To answer that question, your standard conditions for plans of  
2280 development require the property to be maintained and we, like anything else, if we have got a  
2281 complaint on that, then we would notify the owner that they had to replant it.

2282

2283 Mr. Taylor - I think that the system is designed adequately now, but someplace in there,  
2284 there is some slippage in terms of some of them not complying and not being brought into  
2285 compliance, I guess is my point.

2286

2287 Mr. Perry - I think the one at Brookhollow that you are referring to hasn't been

2288 accepted. There are problems and we won't accept it until it is fixed, just to let you know. One  
2289 important part of the program, I think, is under this program I am presenting today is that  
2290 subdivision BMPs, a lot of the subdivision BMPs will no longer be constructed, that people will  
2291 be contributing into an environmental fund, and unless you are in a good watershed in the  
2292 County, and unless your subdivision is greater than 25% impervious, which are most of them are  
2293 less than 25% impervious, then you will be contributing to an environmental fund. Some of the  
2294 concerns you have with subdivision BMPs and the problems you hear from homeowners  
2295 associations, neighbors, a lot of that should go away, and hopefully that is one of our beauties of  
2296 this program, if you will, and that is why I am here before you today. Now, I understand you have  
2297 got some really valid concerns with, I mean, we would still be building some other BMPs and,  
2298 naturally, I think Mr. Vanarsdall brings up a good case. A lot of cases that we, commercial  
2299 development, tend to want to make them look good, because it is part of their building. It is part  
2300 of their area, so, not all the time, granted, but often they tend to look good, whereas a BMP in a  
2301 subdivision that is in a common area, let's say, sometimes tend to go unmaintained and they just  
2302 don't look attractive. Especially if it is just next to two homes and people up at the other end of  
2303 the subdivision might not be concerned about coming down and cutting the grass on something  
2304 that is not immediately next to them, so with that, with your permission, I would like to move  
2305 forward, unless you still want to...

2306

2307 Mr. Vanarsdall - I do apologize.

2308

2309 Mr. Perry - No, no. It was a helpful discussion and something I needed to hear.

2310

2311 Mr. Jernigan - I do have a question for you, but I don't want to get long and drawn out on  
2312 you. I know we are talking the residential side now, and we are going to have this fund. On the  
2313 commercial side, what is going to dictate as to, what is going to be the guideline to require if you  
2314 are going to have to have a BMP. At this point, right now, I believe if it is over 1500 square feet  
2315 on commercial, you have to have it. What is going to be the guideline to say whether you can  
2316 contribute the fund?

2317

2318 Mr. Perry - There are two thresholds. One, if your site is greater than 25% impervious,  
2319 OK. When you average the amount of rooftops, pavement, etc., when you average that over your  
2320 open space, if you come to 25%, if you are greater than 25% impervious, then you cannot  
2321 contribute to the fund. You have to build a BMP. What that means is you have got enough  
2322 pavement and you've got enough impervious area out there, and enough pollutants where you  
2323 need to treat them. They are going to tend to be larger BMPs; those are going to tend to be larger  
2324 commercial areas. If you are less than 25%, and, again, a lot of subdivisions we do have, I think  
2325 I saw a townhouse come in the other day that had a lot of floodplain, a lot of common area, had  
2326 enough open space that part of that townhouse where that impervious cover was actually less  
2327 than 25%. They would no longer build a BMP. They would contribute to the environmental  
2328 fund as long as they are not in a good watershed. OK. And what happened was the  
2329 environmental agencies were very much concerned that in a good watershed, where there is not a  
2330 lot to fix, they didn't want to not build BMPs, take fund money and go into another watershed,  
2331 fix problems in another watershed while the good watershed degraded. OK. So, a good  
2332 watershed, they said, you don't have much to fix. Even though you think they are ineffective

2333 BMPs, we still want them because we don't want that water quality to suffer at the expense of  
2334 someone contributing to the fund and going somewhere else and spending the money. OK. That  
2335 was something that the agencies were adamant about. We couldn't move forward with the  
2336 program. So, again, in a good watershed everybody builds BMPs; no contribution to the fund.  
2337 OK. If you are in a fair or poor, OK, fair is going to be 70 to 80% of the County, and poor is  
2338 going to be another 10 to 15% of the County, so you are talking about 85 to 90% of the County if  
2339 you are less than 25% impervious, you are going to be able to contribute to this environmental  
2340 fund. In addition, you have redevelopment corridors. Automatically, you move into a  
2341 commercial development, you contribute to the fund rather than build a BMP. So, and I have a  
2342 chart at the very end of the presentation that walks you through the old program and the new  
2343 program and what the differences are, depending on your impervious cover and I know  
2344 impervious cover is not something you deal with all the time, and it is kind of an unfamiliar term,  
2345 but, you know, when I think about it, 25% impervious cover tends to be, you have common area,  
2346 you have large lots. Those types of developments would tend to be 25% and less. When you  
2347 start getting into more commercial, now churches sometimes can come in at 25% or less. They  
2348 tend to have a lot of open space, playground areas, and things like that. They are also a group  
2349 that can come in at less than 25% and contribute to the fund. So, those are the kinds of  
2350 developments you are probably going to see now coming in with no BMP and actually  
2351 contributing to the fund.

2352

2353 Mr. Marlles - Jeff, in those older commercials corridors that you listed, don't we  
2354 essentially have greater than 25% impervious coverage in many of those older commercial  
2355 corridors?

2356

2357 Mr. Perry - Well, I mean basically those commercial corridors, the reason why they  
2358 were identified, basically they were built out. In some cases, they were probably – when you  
2359 really get into the old – before you all put restrictions and had open space requirements, and so  
2360 forth, some of them can be 90% impervious.

2361

2362 Mr. Marlles - For purposes of redevelopment, will this help them or it is not going to  
2363 make a difference?

2364

2365 Mr. Perry - Oh, in the redevelopment corridors, it will help them a great deal. Instead  
2366 of building sand filters underground, and having to remove again, .36 pounds and spending  
2367 \$60,000, basically, they will write a check for \$4,000, which is their fare share, and be done with  
2368 it.

2369

2370 Mr. Marlles - Even if the site is greater than 25%?

2371

2372 Mr. Perry - Even if you are in a redevelopment corridor, if you are in one of those  
2373 corridors, it is automatic. Automatic.

2374

2375 Mr. Taylor - Your equation for impervious would include things like roof surfaces as  
2376 well as roads?

2377

2378 Mr. Perry - Right. Driveways, sidewalks, rooftops, anything that is impervious,  
2379 anything, even graveled areas if they are parked on frequently, because they voids fill up and  
2380 water really runs off those areas.

2381

2382 Mr. Taylor - I have noticed where there is redevelopment, they are trying to provide  
2383 underground BMPs and everything really occurs at great cost, but I think it sometimes, from  
2384 what I have witnessed, it is not terribly effective either. So you have a double whammy almost.

2385

2386 Mr. Perry - Right. You are exactly right. OK. Again, getting back to the watersheds  
2387 we know we are still going to build effective on-site BMPs. We are going to look at the County  
2388 getting involved with regional BMPs as well as those large, off-line wetland systems, such as  
2389 this. The County owns a lot of areas that are floodplain areas that we could actually build some  
2390 these areas. That would be great for removing pollutants. Elimination of dump sites. We found  
2391 a lot of dump sites as we walked the streams. We will be contacting the property owners asking  
2392 them to clean their sites up, along these creeks where people have pushed refrigerators and  
2393 everything else over the side of the bank, and elimination of illicit connections. The first day we  
2394 were out we found this. That is toilet paper at the end of that pipe. The first day we found two  
2395 homes that had direct discharge from their house to the creek. Every time they flushed, my water  
2396 quality was degraded just a tad. These are things that the program will do. These are some of the  
2397 benefits. We will go in there; we've already stopped these two pipes. There were two pipes, two  
2398 neighbors, and the Health Department went in, and things, unless you take this approach, never  
2399 will be found unless you get out and walk 440 miles of stream. There are a lot of pipes out there  
2400 that we identified, very small pipes, 4-inch pipes, 6-inch pipes that, obviously, are not storm  
2401 sewer pipes. They could be coming from foundations. They could be coming from rooftops or  
2402 they could be coming from someone's washing machine. We've seen that before in the County.  
2403 They had a washing machine out in the garage and a direct discharge pipe to the creek. Again,  
2404 when you waive a balance of the BMP versus removing something like this, I know what I want  
2405 to do. I want to get rid of these problems, and, again, in the old system we really didn't get out  
2406 and take care of things like this. OK. Public awareness and education; I have already touched on  
2407 it. Getting out and meeting with people in some of these small watersheds once you subdivide  
2408 them. Getting them energized. It is hard to get people too hipped up on the Chesapeake Bay  
2409 when they live all the way up here in Henrico County. You know, hey, if you go out there and  
2410 you destroy your buffer, or you go out there and take care of the erosion problem you have, it is  
2411 going to help the Bay. That's a tough one, in my opinion. Now, if you tell them, you are really  
2412 going to improve the water quality in your watershed and we are all working together, and your  
2413 neighbors are doing this, and the County is going to come here and do this, and you kind of do  
2414 your part. We can really turn this watershed around. We can make it nice, where your kids can  
2415 go out and play and the dogs can go back to drinking the water without worrying about it. Those  
2416 are the kinds of things that we think could be really positive for this type of approach, getting to a  
2417 real watershed approach and start getting people to fix their own streams. If people fix their own  
2418 streams and the County gets in and fixes their own streams, the Bay is going to benefit. There is  
2419 no question about it. But you've got to kind of do it at home. OK. A major component of this  
2420 County's program is that in some cases the development community now will contribute to an  
2421 environmental fund in lieu of BMPs. So, we are going to have now a fund set up that people can  
2422 write a check for their fair share, and their fair share is \$8,000 a pound of phosphorus, so when a

2423 developer comes in, he will sit down and he will take his development and he will figure out the  
2424 amount of impervious area that he has, and he will figure out that he is at 22% impervious and  
2425 work the calculation and find out that he has, say four pounds to remove. If he is not in a good  
2426 watershed, and he is under 25% impervious, then he will write us a check for \$32,000 that will  
2427 go into the fund. He will no longer now build a BMP. Now, if he is along the creek, he will  
2428 have to establish that 50 foot buffer if he is not in the Chesapeake Bay area buffer where  
2429 obviously you'd do the 100-foot. He will also go ahead and, if it is not a, if it not forested  
2430 already, he will go ahead and plant trees back there within that 50-foot. We will give him credit  
2431 off of that \$32,000. Let's say that he plants, just a small section isn't forested, he might now  
2432 only need to pay \$22,000, because he went ahead and planted trees and we figured that amount  
2433 along. That is kind of how the system is going to work. What we will do with the money, we  
2434 will roll it into projects within the County and go back and start fixing some of our streams.

2435

2436 Mr. Marlles - When you have a stream going through an existing residential subdivision,  
2437 how would you go in and forest the buffer in that area? How will you handle the buffer?

2438

2439 Mr. Perry - If it is an existing, it would, really what we need to do if it is existing now,  
2440 we really need to contact the homeowner's association or the homeowner's themselves and say,  
2441 "Hey, look, this is what we'd like to do. Obviously in some locations we are going to be told the  
2442 people are not interested." However, there is 440 miles out there. There is a lot to do. We don't  
2443 think that we will have any problem spending money for a long time. Again, it is voluntary, but  
2444 you are going to see a lot of people, we've already got letters coming in to our file from people  
2445 who are asking us to come restore their stream, that their backyard is falling in. Now, if we end  
2446 up selecting one of their streams, and, again, it is going to be priority based, but one of the things  
2447 we would do after we restored their stream would be that we required them to go back and put in  
2448 a forested-type buffer where we can go back and hold those stream banks so they don't call again  
2449 in two years and say," You need to come back out here." So, there will be some ways to go  
2450 ahead and get people to go back and do that, if they want the benefit of the restoration process, so  
2451 certainly there will be times when people are not interested in us coming in and replanting an  
2452 area. We accept that. OK. Old program. New Program. Under the old program if you site again,  
2453 I mentioned very early in the presentation, right at the beginning, that less than 16%, that you  
2454 have enough open space on your property, where you are less than 16% impervious, no BMPs  
2455 will be required under the existing or old program, if you will, and, again, no BMPs would be  
2456 required under the new program.

2457

2458 Where the big change is less than 25%. Sites that have less than 25%, the old program, BMPs  
2459 were required. New program you will contribute to an environmental fund, and no BMPs except  
2460 if you are in a good watershed and we went over that. Greater than 25%, BMP in most cases,  
2461 and again, you start getting into the commercial sites, you start getting into over 25%.

2462

2463 Redevelopment corridor, something that does not exist under the current program. Under the  
2464 new program you will be contributing to the environmental fund if you are in those corridors. If  
2465 your site is less than an acre, OK, and, again, if you are not in a good watershed, you can  
2466 contribute to the fund, and there again, small one-acre sites, very, very hard to build a BMP, tend  
2467 to be underground and to treat very small areas, small pollutant requirement and they are a

2468 problem, and we are just going to have them contribute to the fund. We can make better use of  
2469 the money.

2470

2471 Now the 50-foot forested stream-protection buffer now is going to be required. Under the old  
2472 system, we don't have them under the current system. Now in the new program, it is going to be  
2473 a great environmental benefit, and basically now twice as many streams in the County will now  
2474 have buffers. As you can see, likewise, stream restoration, buffer restoration, stream  
2475 obstructions, all things that are under the existing program, we don't deal with. It is just not  
2476 applicable. Under the new program, we will take these projects on and we are going to really try  
2477 to take control of our watersheds and really get out and improve them. OK. We have  
2478 coordinated this program with all three environmental agencies and have received a very  
2479 favorable response, the Chesapeake Bay Local Assistance Department, Executive Director,  
2480 appeared before the General Assembly with us and spoke very highly of the program and said we  
2481 were models for the rest of the state, and we are going to be encouraging folks to do the same.  
2482 We have been asked by many of the agencies to make presentations throughout the state. We  
2483 have made up in Delaware at the agency's request, putting on this presentation that you have seen  
2484 before you today. We also have had various localities in the state of Virginia who have come to  
2485 visit, and are very, very interested in doing what we are doing. We will be meeting with them  
2486 here in the next couple of months.

2487

2488 The Chesapeake Bay Local Assistance Department, early on, gave us three areas of concern  
2489 which we think we met, but I will call your attention to the bottom one which is kind of near and  
2490 dear to my heart. What that really means right there is "concern that the program does not  
2491 become a political football" and when we start to prioritize streams and projects, that is truly  
2492 based on the benefit of the watershed and not who screams the loudest. We don't have citizens  
2493 out there saying, "Hey, look. My stream is eroding. I need you to come out and fix it. You need  
2494 to fix this now. I need to be top priority," while, in fact, they may not be a top priority. I mean,  
2495 obviously, we would like to get to all of them, but when you have 440 miles of stream, we are  
2496 going to be selecting projects for bang for the buck, where we can get the most environmental  
2497 benefit out of fixing some of these streams. And it might not be in someone's backyard that is  
2498 screaming in your ear, and I know that is kind of a sensitive area, but really for the program to be  
2499 successful and to meet the concerns of the agencies, this is really how it has got to be. It has got  
2500 to be what is best for the watershed, and that is what it is, it is a watershed program. So, we will,  
2501 what we agreed is, the agencies will be part of a committee that will meet a couple of times a  
2502 year. We will go down our priority list, and we will go over why we selected the project we did,  
2503 and we will work with them on it and show them where we have been making improvements,  
2504 and so forth.

2505

2506 Mr. Taylor - Jeff, what do you see on that last one question I have, who do you see  
2507 sitting on that committee? Will there be people from Planning?

2508

2509 Mr. Perry - We will probably have one from each agency possibly.

2510

2511 Mr. Taylor - When you say each agency, what do you mean?

2512

2513 Mr. Perry - That is the three agencies we coordinated this project with.  
2514

2515 Mr. Taylor - Within the County, who will be on that group? Public Works people?  
2516 Planning people? Landscape people?  
2517

2518 Mr. Perry - Possibly, I really haven't given that a whole lot of thought as far as who  
2519 will be in there, and, again, it is going to be more project oriented, drainage type projects  
2520 oriented. When I say that, stream restoration projects and so forth, so I am not sure how many  
2521 other departments will actually be involved. Most of the drainage type projects have been done  
2522 in Public Works.  
2523

2524 Mr. Taylor - Do you think now though your inventory of perennial streams is adequate?  
2525

2526 Mr. Perry - I am not sure I follow you.  
2527

2528 Mr. Taylor - From your inventory that the consultant did in your 400 miles. You have  
2529 got all of the streams that are, let's say are 12-months a year, 365 days flow of water?  
2530

2531 Mr. Perry - Oh, no. That would really have been represented by the Chesapeake Bay  
2532 streams, which were 220 miles. These additional 220 miles we went up are your intermittent  
2533 streams, all the way up to 100 acres of drainage.  
2534

2535 Mr. Taylor - Some of these may, in fact, be dry.  
2536

2537 Mr. Perry - Sometimes they will be, for instance the one I showed you on the slide, the  
2538 Cabin's Branch one that is in Ms. Dwyer's area, we actually constructed that. It was dry. Now  
2539 3/4s of the year it is flowing, and, again, that is what you want to do. You want to do them when  
2540 they are in the dry. They are easier to construct and lessen environmental damage when you start  
2541 doing that. From the development side, we had a committee, Homebuilders Association, and  
2542 obviously they are the ones that are contributing to the fund, and we had to sit down and explain  
2543 the program to them. Likewise, I think the General Assembly kind of opened our eyes a little bit  
2544 when both the executive director of the Chesapeake Bay Local Assistance Department got up and  
2545 spoke highly of the program, followed by the Homebuilders who got up and spoke highly of the  
2546 program. As a matter of fact, when we were down there discussing the bill that was in place, they  
2547 said, "Well, we are not concerned about the bill so much. We are interested in your program." I  
2548 think when you get both sides of the fence come up and say they are in favor of something, that,  
2549 hopefully, it will be a good program.  
2550

2551 Mr. Vanarsdall - You got their attention, you are saying.  
2552

2553 Mr. Perry - Yes, I believe we did. This is our last slide (pointing to screen). We have  
2554 a terrific GIS database tool. We presented it to the Board last night. Unfortunately, our  
2555 consultant needed to go back and couldn't be here today, but we do have tables for the  
2556 development community that basically tell them what to do. You know, if you are in this  
2557 watershed, when you contribute and don't contribute. This is what you have to do. We have a

2558 manual in draft form right now, a very comprehensive manual. Keith has been working on it day  
2559 and night, I think, and that, we are getting close with that, as well, and that will be presented and  
2560 hopefully adopted by the Board when we go ahead and get an ordinance change. So, with that, I  
2561 just want to let you all know to expect some changes in some plans. You are going to see some  
2562 plans come in, not just subdivision plans, but any plan less than 25%, not in a good watershed,  
2563 you will no longer see BMP. You are going to start to see some buffers in areas where you no  
2564 longer wouldn't. And, again, they won't be 100-foot, they will be 50-foot. There will be some  
2565 changes you will start to see and we just thought you'd probably need to be aware of why and,  
2566 hopefully, this will address any questions you might have in the future, as well.

2567

2568 Ms. Dwyer - I appreciate the review and I am just extremely impressed with the  
2569 program. I think if it takes the money that private people have to contribute for the cause of  
2570 cleaning up the Bay, which some may argue has been wasted in the past, and puts it directly in an  
2571 area where we can, in fact, effectively improve water quality.

2572

2573 Mr. Perry - That is a nice way to phrase that. I wish I had said that.

2574

2575 Ms. Dwyer - I just want to say bravo and I am not surprised.

2576

2577 Mr. Taylor - Was Jeremy there last night? Jeremy Redmond?

2578

2579 Mr. Perry - Yes.

2580

2581 Mr. Taylor - This is a great area for a story by him.

2582

2583 Mr. Perry - We hope. As a matter of fact, he contacted us, and we are going to give  
2584 him a hard copy of the presentation at the end of this meeting.

2585

2586 Mr. Taylor - I think you should do that, because that is very productive.

2587

2588 Mr. Vanarsdall - In lieu of other things.

2589

2590 Mr. Perry - Thank you for your time.

2591

2592 Mr. Archer - Mr. Perry, thank you so much for that good job.

2593

2594 Mr. Vanarsdall - A great job. We learned a lot. We appreciate that. What is next?

2595

2596 Mr. Marlles - Mr. Chairman, we've got approval of our minutes of January 24, 2001.

2597

2598 Mr. Vanarsdall - I have a change on Page 1, speaking of Jeremy. Line 33. You asked the  
2599 question, Mr. Chairman, is there anyone here from the press, and I said, "Jeremy must be  
2600 sleeping in this morning. The Board had the Fair last night." And, on Page 2, Line 52, "My wife  
2601 always tells me to save the paper." And while we are on that subject, Mr. Kaechele asked what  
2602 was it, and you said, "part of it is luggage tags" and I will be honest with you, I didn't know what



2603 the other part was. That is why all I did was hold it up and say, "Here it is."

2604

2605 Mr. Archer - I remember that.

2606

2607 Mr. Vanarsdall - Ms. Dwyer was partly to blame for that because just before we started the  
2608 meeting she showed me her little compact thing here and when I saw that thing, I said,  
2609 "Great day" and I couldn't get it open. So, for those of you who were in suspense, as I was, it  
2610 was to hold my cards, instead of this.

2611

2612 Mr. Archer - I want one of those, too, Ernie.

2613

2614 Mr. Vanarsdall - I am so ignorant that I enjoyed it.

2615

2616 Mr. Archer - I had a couple of corrections, but they are not worth mentioning, I don't  
2617 think. Any further corrections to the minutes? If not, can we have a motion for approval.

2618

2619 Mr. Taylor - I move approval of the minutes.

2620

2621 Mr. Vanarsdall - Second.

2622

2623 Mr. Archer - Minutes seconded and approved. And, Mr. Secretary, you have one more  
2624 item.

2625

2626 Mr. Marlles - Just one quick item, Mr. Chairman. Staff is in the process of preparing an  
2627 amendment to regulate private kennels within the residential areas of the County. I would like to  
2628 have a work session with the Commission on March 28 to present that, so we are asking the  
2629 Planning Commission to schedule a work session on March 28.

2630

2631 Mr. Archer - OK. Planning Commission, can we schedule a work session on March  
2632 28?

2633

2634 Mr. Vanarsdall - Can we bring our dog?

2635

2636 Mr. Archer - Bring your kennel, too.

2637

2638 Mr. Vanarsdall - Bring the kennel and the dog.

2639

2640 Mr. Archer - Is that agreeable? Starting at the regular time? First or last?

2641

2642 Mr. Marlles - It can be last. It is not going to take long.

2643

2644 Mr. Archer - Do it at the end of the agenda. March 28.

2645

2646 Mr. Vanarsdall - Are you going to send us a flyer?

2647

2648 Mr. Marlles - We will send you the wording and a reminder.  
2649  
2650 Mr. Archer - OK. Do I have a motion for adjournment?  
2651  
2652 Mr. Jernigan - I move we adjourn.  
2653  
2654 Ms. Dwyer - Second.  
2655 On a motion by Mr. Jernigan and seconded by Ms. Dwyer, the Planning Commission adjourned  
2656 its meeting for the February 28, 2001, at 11:30 a.m.  
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**C. W. Archer, C.P.C., Chairperson**  
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**John R. Marlles, AICP, Secretary**  
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